

1.0 INTRODUCTION

1.1 PURPOSE AND LEGAL AUTHORITY

In accordance with Title 14, Chapter 3 of the California Code of Regulations (also known as the *State of California Environmental Quality Act [CEQA] Guidelines [CEQA Guidelines]*) Section 15121, the purpose of this Environmental Impact Report (EIR) is to serve as an informational document that:

"...will inform public agencies, decision-makers and the public generally of significant environmental effects of the project, identify ways to minimize significant effects, and describe reasonable alternatives to the project..."

The Project Proponent and Lead Agency under the CEQA is:

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1.2 PROJECT BACKGROUND

The Triunfo Sanitation District (TSD or District) owns and operates the Oak Park Water Service (OPWS) which operates and maintains the potable water distribution system in the Oak Park Community. The system consists of six pressure zones. Previous studies for OPWS (1996 Oak Park Water Service Operations Plan and 1998 Reliability Study) prepared by Boyle Engineering identified the need for replacement of some of the system facilities including water storage improvements to enhance the reliability of the system. Most of the recommended improvements have been implemented.

Replacing the 41-year old, 1-million gallon Conifer Tank is the most important remaining reliability improvement. The existing Conifer tank is sited on an old landslide and, therefore, lacks a foundation suitable for seismic upgrade. Also, a larger reservoir would bring total water storage in the District closer to locally adopted standards.

The replacement tank is required to provide fire flow, supply interruption storage, and daily demand leveling storage for the Conifer Zone within the OPWS service area. The Conifer Zone requires fire flow storage of 720,000 gallons. Average demand in the Conifer Zone is 800,000 gallons per day. Without the new and larger tank, there are times when Oak Park would be completely out of water (including fire fighting water) less than 20 hours after an unexpected interruption of supply from the Calleguas Municipal Water District.

In 2004 and 2005 the District conducted CEQA review for the originally proposed Conifer Tank Replacement Project which addressed an aboveground tank at the A8 site located off of Doubletree road in Oak Park. An Initial Study was prepared in May 2005 and a NOP was prepared and distributed pursuant to the requirements of CEQA. A public scoping meeting was held on June 13, 2005, during which substantial public interest in the project and controversy particularly relating to aesthetic and recreational impacts was expressed. After the scoping meeting, the TSD Board of Directors directed staff to address additional alternatives and restart the CEQA process.

1.3 SCOPE AND CONTENT

Pursuant to CEQA, an Initial Study was conducted for the project as revised to include four tank alternatives and five related pipeline alternatives. The Initial Study determined that the project would result in significant impacts. Therefore, pursuant to Section 15064 of the *CEQA Guidelines*, an EIR is required in order to provide the highest appropriate level of environmental analysis and to ensure maximum disclosure to the decision-makers and the public.

A Notice of Preparation (NOP) of an EIR for the proposed project was distributed by certified mail to interested parties (including responsible and trustee agencies) and the State of California Governor's Office of Planning and Research State Clearinghouse and Planning Unit (State Clearinghouse) by the District on May 10, 2007, posted on the District's web site and filed with the Ventura County Clerk of the Board. The NOP was also forwarded by the State Clearinghouse to various State agencies that may potentially have an interest in the project on May 18, 2007. The State Clearinghouse number, 2005051158, which was assigned to the project originally in 2005 has been retained.

The District held a scoping meeting as recommended in the CEQA Guidelines Section 15083 regarding early public consultation on Monday May, 21, 2007 at 6:30 PM at the Oak Park Community Center. Notice of the meeting was provided in the Acorn (a local news paper) on May 10, 2007 and the Ventura County Star (also a news paper) on May 6, 2007. The District web site mentioned the meeting for several weeks in advance, under meeting agendas (beginning April 23, 2007), and for a couple weeks in advance within the web site-posted NOP. The NOP as well as the entire Initial Study was posted on the District's web site from February 26, 2007. The District also posted both the A7 and A8 sites with 4 feet by 8 feet displays identifying the site, and presenting the NOP text and visual simulations of the project on May 1, 2007. The onsite postings were in association with story poles that were placed at the alternative project sites, on May 9, 2007 showing the circumference and height of the proposed aboveground tank alternatives that were addressed in the Initial Study.

The Initial Study determined that all identified impacts were either less than significant or could be reduced to less than significant with the implementation of mitigation measures/revisions to the project with the exception of aesthetic and recreational impacts for project alternatives A7A and A8A. Impacts were determined to be significant and unavoidable for these issue areas and these alternatives. Therefore, these two alternatives are not considered preferred alternatives. In the event that the decision-makers selected to approve

either of these project alternatives, a Statement of Overriding Considerations supported by substantial evidence in the record would be required pursuant to Section 15093 of the *CEQA Guidelines*.

Pursuant to Section 15063 (c) (3) of the *CEQA Guidelines*, an Initial Study can be used to focus an EIR on the environmental effects determined to be significant. Therefore, in view of the findings of the Initial Study as identified above, the body of the EIR has been focused on the project alternatives A7B and A8B and specifically the issues of aesthetics and recreation which, as stated previously, are the issue areas of primary concern. Other environmental issues brought up during the scoping process have been addressed, where appropriate, through modifications to the Initial Study which is included as Appendix A to this EIR. Modifications to the Initial Study are shown with underline for new text and strikeout for deleted text (example).

An alternatives analysis is included in this EIR and has been prepared in accordance with Section 15126 (f) of the *CEQA Guidelines*. The alternatives analysis considers a reasonable range of alternatives to the project, or the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the potentially significant effects of the project and evaluate the comparative merits of the alternatives.

All of the required information, identified by the *State CEQA Guidelines*, Article 9, as necessary for inclusion in an EIR, has been incorporated in this EIR as identified in the table of contents.

1.4 LEAD, RESPONSIBLE AND TRUSTEE AGENCIES

The *State CEQA Guidelines* define "lead", "responsible", and "trustee" agencies. The TSD is the lead agency for the purposes of CEQA compliance for this project as it has primary discretion to approve the project.

The term "responsible agency" applies to state, local and regional agencies other than the "lead agency" that have discretionary approval over the project. No other agencies are known to have discretionary approval authority over the project other than the lead agency. Section 3.5 of this EIR describes other ministerial approvals associated with the proposed project. Rancho Simi Recreation and Park District has been added to the list of agencies with ministerial approval.

A "trustee agency" refers to a state agency having jurisdiction by law over a resource affected by the project. The only trustee agency for the project is the California Department of Fish and Game.

1.5 PUBLIC PARTICIPATION

As stated in Section 15002 of the *CEQA Guidelines*, the basic purposes of CEQA are to:

- a) Inform governmental decision-makers and the public about the potential, significant environmental effects of proposed activities.
- b) Identify the ways that environmental damage can be avoided or significantly reduced;
- c) Prevent significant, avoidable damage to the environment by requiring changes in projects through the use of alternatives or mitigation measures when the governmental agency finds the changes to be feasible; and
- d) Disclose to the public the reasons why a governmental agency approved the project in the manner the agency chose, if significant environmental effects are involved.

As indicated above, particularly by items a and d, the CEQA process is one that is intended to inform the public. In meeting this goal, the District has implemented the following measures as outlined previously:

- Published a public notice for a scoping meeting and Notice of Preparation (NOP) to prepare a Draft EIR.
- Sent the NOP, by certified mail, to the State Clearinghouse, and agencies, organizations and individuals known or anticipated to have an interest in the project.
- Filed the NOP at the Ventura County Clerk of the Board of Supervisors.
- Posted the NOP and Initial Study on the District web site.
- Posted NOP and other project information at alternative sites A7 and A8.
- Conducted a public scoping meeting to inform the public about the elements of the proposed project and solicit input from the public with respect to environmental issues of concern that should be addressed in this environmental document.

The NOP and written responses to the NOP are provided in the Appendix to this report.

Additional opportunities for public participation will be provided through the Draft EIR review process. TSD will conduct a public meeting to take comments on the DEIR during the public review period. The Final EIR will include responses to all oral and written comments received. The public will also have the opportunity to attend and comment at the public TSD Board meeting when certification of the EIR is being considered and when project approval is being considered. (These two actions may occur sequentially at the same public hearing.)