



Costa Mesa Sanitary District

... an Independent Special District

Board of Directors

Robert Ooten
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November 7, 2011

Mr. Patrick Alford
Planning Manager
City of Newport Beach
3300 Newport Blvd.
Newport Beach, CA 92658

Staff

Scott C. Carroll
General Manager

Re: Newport Banning Ranch
Response to Draft EIR from Costa Mesa Sanitary District

Dear Mr. Alford:

Joan Revak
Office Manager
Clerk of the District

On September 20, 2011 the Costa Mesa Sanitary District submitted to you our comments regarding the Draft EIR dated September 3, 2011 for the proposed Newport Banning Ranch development. Please accept this second letter as an amendment to our original comments.

Robin B. Hamers
District Engineer
(949) 631-1731

It has been brought to my attention that a letter addressed to the City of Newport Beach, dated April 7, 2009, from the Orange County Local Agency Formation Commission (LAFCO) recommended that the Draft EIR should identify and evaluate plans for the extension and delivery of local retail sewer and solid waste disposal service with the two agencies that provide said services in the area, which is the Costa Mesa Sanitary District (CMSD) and the City of Newport Beach. The Draft EIR does not identify and/or evaluate plans for the possibility of CMSD providing services in the project area.

Alan R. Burns
Legal Counsel

Marcus D. Davis
Treasurer

CMSD is recommending that the Draft EIR be resubmitted to include the consideration of CMSD annexation into the project area. CMSD is a special independent district formed in 1944 under the Sanitary District Act of 1923 to provide sewer and solid waste collection services. CMSD accounts for its revenue and expenses in enterprise funds that are finance through user fees which are collected on the property tax bill as special assessments. The revenues collected from the special assessments must be used specifically for the services CMSD was formed to provide.

Phone
(949) 645-8400
Fax
(949) 650-2253

Address
628 W. 19th Street
Costa Mesa, CA
92627-2716

Below is a brief summary of our services and some of the benefits annexation would have to the residents of Newport Banning Ranch.



Sewers

CMSD effectively and efficiently maintains 220 miles of sewer main, 4,650 manholes and 20 sewer pumping stations. The pump stations have redundant pumping equipment and advanced telemetry that continually reports to CMSD headquarters at 628 W. 19th Street. CMSD maintains its wastewater program by using a combination of contractors and in-house staff to assist with preventing sewer backups and protecting the environment while at the same time maintaining stable rates. CMSD has one of the lowest residential sewer rates and competitive commercial sewer rates in Orange County.

Due to the necessity of protecting and preserving coastal wetlands, such as the Upper Newport Bay Nature Preserve, our maintenance activities include a progressive and proactive approach to ensure a safe and reliable sewer collection system. We believe the following maintenance activities have helped CMSD become an industry leader to preventing sanitary sewer overflows (SSO).

- Sewer Main Preventative Maintenance: This is performed regularly by CMSD's in-house staff in areas known as "hot spots", which requires more than once a year cleaning because of tree roots, grease build up and/or pipe defects.
- Pump Station Preventative Maintenance: CMSD performs regular inspections and maintenance of our pump stations to ensure optimal performances that include, but not limited to examination of impellers for wear, changing the oil, checking the motor windings, replacing and/or repairing valves, and the general condition of the pumps.
- Basin Maintenance: This is performed by a contractor where one specific area of CMSD is first cleaned and then televised to see the structural condition of the sewer main. The cleaning cycles ranges from annually, biennial and triennial.
- Corrective Maintenance: This maintenance is performed to repair defects found throughout the sewer system that have the potential to cause a stoppage or failure. CMSD hires contractors to repair or rehabilitate these sewer lines.
- Closed Circuit Television (CCTV) Inspection Unit: This unit, which is performed by a contractor, allows CMSD to visually inspect sewer mains through the use of a camera that transmit video through fiber optic cable to the above ground vehicle.

The maintenance activities mentioned above have greatly improved our efforts to protecting the environment and complying with the State of California's Waste Discharge Requirements for Sanitary Sewer Systems Permit (WDR). However, what sets us apart from other wastewater agencies are the programs offered to CMSD residents along with the implementation of innovative sewer technology such as the following:

- Sewer Lateral Assistance Program: Residents can receive up to \$1,800 in reimbursement cost to repairing and/or maintaining their sewer lateral.
- Residential FOG Recycling Program: Residents can receive a free FOG funnel to dispose their unwanted cooking grease and then safely dispose the material at a FOG drop off site located at Orange Coast College. The FOG collected is then recycled into usable products such as bio-fuel, candles, wax and cosmetics.
- Sewer Technology: CMSD is using the latest “no-dig” technology to rehabilitate sewer pipes such as pipe bursting, fold and form, cured-in-place-pipe (CIPP), top hat, short lining as well as polyurethane lining for manholes. CMSD has also strategically placed smart covers throughout our service area to detect high wastewater and we are in the planning stages of installing permanent emergency stand-by pumps at our most critical pump stations.

Solid Waste

CMSD, through an exclusive franchise, provides solid waste and recycling collection services to over 21,000 households in Costa Mesa and in a portion of Newport Beach. We offer a unique commingling program where refuse and recycling materials are placed in the same container and then the recycling material is removed at a material recovery facility in Stanton before disposing the refuse at a landfill. CMSD has achieved a 54% diversion rate and has assisted the City of Costa Mesa meet its State required per capita disposal rate by achieving 6.1 Pounds per Day in 2010. In addition, CMSD solid waste rates are considered competitive in Orange County and our residents enjoy many special programs at no additional cost. These programs are listed below:

- Lockable containers to prevent scavenging;
- Composting workshops (earth machines are available to CMSD customers for only \$20);
- Door-to-Door household hazardous waste collection for seniors and disabled residents;
- Sharps and Pharmaceutical Drop Off Program;
- Bulk Item Collection Program. Resident receive three bulk item collections per year and can place up to ten items per collection;
- Christmas Tree Recycling Program;
- Tours of the material recovery facility and landfill;
- Subscribe to unwanted advertising mail;

In addition to these programs, CMSD has embarked on zero waste strategies to help protect the public health, build a sustainable economy, reduce resource depletion and to guide residents in changing their lifestyles and practices to emulate sustainable natural cycles. It's important to point out that zero waste is not about getting to zero, but rather it's about being on the path to zero and we believe these efforts can be made available for the project area to assist the City of Newport Beach with compliance of SB 1016 and

AB 341, which requires recycling programs be offered to commercial businesses and will eventually lead to a 75% diversion mandate. As mentioned in our original response, the EIR does not include methods to reducing 12.23 pounds of household refuse per day the area will generate as indicated in the analysis. CMSD's successful waste diversion programs and zero waste strategies can help in achieving source reduction for Newport Banning Ranch.

In conclusion, CMSD encourages you to resubmit the Draft EIR to consider the Costa Mesa Sanitary District's annexation to the project area, which can serve to promote zero waste strategies to complying with SB 1016 and AB 341 as well as serving the area with innovative wastewater technologies and solutions to protecting the environment. In addition, based on comments provided by Mesa Consolidated Water District letter, the Draft EIR appears to be deficient in that it does not include an alternative or a mitigation measure that would have evaluated the potential reduction of energy and related impact reductions associated with water service from 100% local resources. It is evident from Mesa Water's analysis that the project can be served from local groundwater water supplies that would: 1) reduce energy demand/consumption of the project; 2) the reduced energy consumption would reduce state and region-wide air quality and greenhouse gas emissions; 3) reduction in GHG would reduce potential significant cumulative impacts associated with global climate change identified in the Draft EIR. Use of local water supplies would also have the potential to reduce impacts to the Bay Delta associated with the use of imported water through the State Water Project. A thorough disclosure and analysis of impacts associated with alternative water supply sources is needed in the EIR.

Thank you again for the opportunity to provide these comments and I look forward to hearing from you soon.

Sincerely,



Scott Carroll
General Manager

Attachment: LAFCO Letter dated April 7, 2009

C: CMSD Board of Directors
City of Costa Mesa
Mesa Consolidated Water District
Orange County Sanitation District
Local Agency Formation Commission



April 7, 2009

CHAIR
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Sanitary District

JOHN WITHERS
Director
Irvine Ranch Water District

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Supervisor
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ALTERNATE
RHONDA MCCUNE
Representative of
General Public

ALTERNATE
CHARLEY WILSON
Director
Santa Margarita
Water District

JOYCE CROSTHWAITE
Executive Officer

Debby Linn, Contract Planner
City of Newport Beach
Planning Department
3300 Newport Boulevard
Newport Beach, California 92658

Subject: Notice of Preparation Draft Environmental Impact Report

Dear Ms. Linn,

The Orange County Local Agency Formation Commission (LAFCO) has reviewed the *Notice of Preparation of a Draft Environmental Impact Report* for the Newport Banning Ranch project. LAFCO appreciates this opportunity to review and comment on the NOP.

LAFCO was created pursuant to the Cortese-Knox Local Government Reorganization Act of 1985, now known as the Cortese-Knox-Hertzberg Local Government Reorganization Act as amended in 2000 ("Act"). (Govt. Code §56000 *et seq.*) Under the Act, LAFCO is required to make determinations regarding an annexation and to certify the environmental impact report of a Lead Agency (Govt. Code §56881). The Act also established the factors which LAFCO must consider in making its determinations, including any policies adopted by LAFCO to create planned, orderly and efficient patterns of development (Govt. Code §56668). Because of this role and pursuant to Section 21069 of the Public Resources Code, LAFCO is a responsible agency for the Banning Ranch project.

The Draft Environmental Impact Report ("DEIR") should address the impacts and any necessary mitigation, including but not limited to the annexation process. In particular, the DEIR should address the factors as identified in Government Code Section 56668. These factors include, but are not limited to, the following considerations:

- **Project Description**

Annexation: The “Project Summary” section of the NOP does not specifically discuss the future annexation of the project territory to the City of Newport Beach. The “Project Description” in the Draft EIR should clearly identify annexation of the unincorporated portions of the project area as part of the “whole of the project” requiring LAFCO review and approval. The Draft EIR should also discuss the timing of annexation relative to timing of the proposed development plans.

Other LAFCO Actions: In addition to annexation, the “Project Description” should adequately address all other related changes of organization affecting any public agencies in the project area that may result from the development of the proposed planned communities and annexation to the City of Newport Beach. These should include, but are not limited to the discussion of the concurrent annexation of the area to the Mesa Consolidated Water District and/or the Costa Mesa Sanitary District.

- **Public Service and Facilities**

Section 56653 of the Act requires that each application for a change of organization include “a plan for providing services within the affected territory.” Among other things, the plan for services must indicate “when those services can feasibly be extended to the affected territory.” (Govt. Code §56653(b)(3).) Although the focus of Subsection 56653(b)(3) is on the timing of the *initiation* of services, the point of this subsection, especially when considered with the remaining requirements of Section 56653, is on continuous, reliable services to the affected area. The EIR’s discussion of impacts in the area of public services should be made with reference to and consistent with the plan for services submitted under the Act, in particular, Section 56668, containing the criteria for approval of the annexation. (Similar discussion and references should be made in the analysis of Land Use/Planning and Population/Housing.)

The Public Services and Facilities discussion should also include a discussion of the ability of the City to provide services (Govt. Code §56668(j)). These services are discussed in detail below.

Water: The project area is currently not within the boundary of an agency that provides retail water services. The two agencies providing retail water services to surrounding areas are the City of Newport Beach and Mesa Consolidated Water District. The Draft EIR should identify and evaluate plans for the extension and delivery of retail water services to the project area.

Sewer: The project area is currently not within the boundary of an agency providing local retail sewer services. The two agencies providing local retail sewer services to surrounding

areas are the City of Newport Beach and the Costa Mesa Sanitary District. The Draft EIR should identify and evaluate plans for the extension and delivery of local retail sewer services to the project area. The Draft EIR should also evaluate the connection of local retail sewer services for the project to regional sewer facilities provided by the Orange County Sanitation District.

Waste Disposal: The project area is currently not within the boundary of an agency providing solid waste disposal services. The two agencies providing solid waste disposal services in the area are the Costa Mesa Sanitary District and the City of Newport Beach. The Draft EIR should identify and evaluate plans for the extension and delivery of solid waste disposal services to the project area.

Street Sweeping: The two agencies providing street sweeping services to surrounding areas are the City of Costa Mesa and the City of Newport Beach. The Draft EIR should identify and evaluate plans for the extension and delivery of street sweeping services to the project area.

Fire Protection and Emergency Response Services: The project area is currently not within the boundary of an agency providing fire protection and emergency response services. The two agencies responding to emergency calls in the surrounding areas are the City of Newport Beach and the City of Costa Mesa. The Draft EIR should identify and evaluate plans for the extension and delivery of fire protection and emergency response services to the project area.

- **Utilities**

This section or the Section of Public Services and Facilities should include a discussion of water supplies as required under Subsection 56668(k) of the Act, including a discussion of the project's consistency with relevant Urban Water Management Plans.

- **Water Quality**

The Draft EIR should address storm water permitting requirements, including (preparation of Stormwater Pollution Prevention Plan), change in surface imperviousness due to the Project, drainage basins, emergency response to spills, and general compliance with the regional stormwater permit.

Thank you for this opportunity to respond to the NOP. Please send one complete set of the DEIR to me at the address above. If you have any questions or concerns regarding this response, please contact me or Benjamin Legbandt, Policy Analyst, either by email at blegbandt@oclafco.org or by phone at (714) 834-2556.

Best Regards,

A handwritten signature in cursive script that reads "Joyce Crosthwaite". The signature is written in black ink and is positioned above the printed name and title.

Joyce Crosthwaite
Executive Officer