

## 4.17 UTILITIES AND SERVICE SYSTEMS

### 4.17.1 Introduction

This section evaluates potential impacts concerning utilities and service systems that could result from the Newport Beach General Plan Housing Implementation Program (Project), including future development on the housing sites facilitated by the 2021-2029 Housing Element. This analysis summarizes existing utilities and service systems conditions on the housing sites and the regulatory framework that would apply to future residential development. This section describes existing public services and identifies and addresses potential Project impacts related to the following services:

- Water
- Wastewater
- Storm Water
- Dry Utilities: Electricity, Natural Gas, and Telecommunication Facilities

### 4.17.2 Water Supply

#### Regulatory Setting

##### *Federal*

##### Clean Water Act

The Clean Water Act is the primary federal law that protects the nation's waters, including lakes, rivers, aquifers, and coastal areas. Section 401 of the Clean Water Act requires that any applicant for a federal permit to conduct any activity, including the construction or operation of a facility that may result in the discharge of any pollutant, obtain state certification. Section 303 of the Clean Water Act requires states to identify surface waters that have been impaired. Under Section 303(d), states, territories, and authorized tribes are required to develop a list of water quality segments that do not meet water quality standards, even after point sources of pollution have installed the minimum required levels of pollution control technology.

##### Safe Drinking Water Act

The United States Environmental Protection Agency (U.S. EPA) administers the Safe Drinking Water Act, the primary federal law that regulates drinking water quality and establishes standards to protect public health and safety. The State Department of Health Services implements the Safe Drinking Water Act and oversees public water system quality statewide. The Department of Health Services establishes legal drinking water standards for contaminants that could threaten public health.

##### *State*

##### Urban Water Management Plan Act

In 1983, the Urban Water Management Planning Act (UWMP Act) was established by Assembly Bill 797, and passage of this law recognized that water is a limited resource and that efficient water use and conservation would be actively pursued throughout the State of California. The UWMP Act requires that water suppliers providing water for municipal purposes either directly or indirectly to more than 3,000 customers, or supplying more than 3,000 acre-feet of water annually, prepare and submit an Urban Water Management Plan (UWMP) to the California Department of Water Resources every five years.

The various key new additions as a result of the most recent water regulations are:

- **Water Shortage Contingency Plan (WSCP)** – WSCP helps a Supplier to better prepare for drought conditions and provides the steps and water use efficiency measures to be taken in times of water shortage conditions. WSCP now has more prescriptive elements, including an analysis of water supply reliability; the water use efficiency measures for each of the six standard water shortage levels, that correspond to water shortage percentages ranging from 0 – 10 percent to greater than 50 percent; an estimate of potential to close supply gap for each measure; protocols and procedures to communicate identified actions for any current or predicted water shortage conditions; procedures for an annual water supply and demand assessment; monitoring and reporting requirements to determine customer compliance; reevaluation and improvement procedures for evaluating the WSCP.
- **Drought Risk Assessment** – The Suppliers are now required to compare their total water use and supply projections and conduct a reliability assessment of all their sources for a consecutive five-year drought period beginning 2021.
- **Five Consecutive Dry-Year Water Reliability Assessment** – The three-year multiple dry year reliability assessment in previous UWMPs has now been extended from three to five consecutive dry years to include a more comprehensive assessment of the reliability of the water sources to improve preparedness of Suppliers for extended drought conditions.
- **Seismic Risk** – The UWMP now includes a seismic risk assessment of the water supply infrastructure and a plan to mitigate any seismic risks on the water supply assets.
- **Groundwater Supplies Coordination** – The UWMP should be in accordance with the Sustainable Groundwater Management Act of 2014 and consistent with the Groundwater Sustainability Plans, wherever applicable.
- **Lay Description** – To provide a better understanding of the UWMP to the general public, a lay description of the UWMP is included, especially summarizing the Supplier’s detailed water service reliability assessment and the planned management steps and actions to mitigate any possible shortage scenarios.

The latest City of Newport Beach UWMP was adopted by the City Council on June 8, 2021. Other water purveyors in the City including Irvine Ranch Water District and Mesa Water District have also prepared UWMP which were adopted in June 2021.

### **Senate Bill 610 and Senate Bill 221**

Senate Bill (SB) 610 (Section 21151.9 of the Public Resources Code (PRC) and Section 10910 et seq. of the Water Code) requires the preparation of “water supply assessments” for large developments. These are defined as projects of 500 or more residential units; 500,000 square feet of retail commercial space; or 250,000 square feet of office commercial space. These assessments, prepared by public water systems responsible for service, address whether adequate existing or projected water supplies are available to serve proposed projects, in addition to urban and agricultural demands and other anticipated development in the service area in which the project is located.

The water supply assessment shall be included in any environmental document prepared for the project. Where a water supply assessment concludes that insufficient supplies are available, it must describe steps that would be required to obtain the necessary supply. The content requirements for the assessment

include identification of the existing and future water suppliers and quantification of water demand and supply by source in five-year increments over a 20-year projection. This information must be provided for average normal, single-dry, and multiple-dry years. The absence of an adequate current water supply does not preclude project approval, but does require a lead agency to address a water supply shortfall in its project approval findings.

Additionally, SB 610 requires new information to be included as part of an UWMP if groundwater is identified as a source of water available to the supplier. Information must include a description of all water supply projects and programs that may be undertaken to meet total projected water use. SB 610 prohibits eligibility for funds from specified bond acts until the plan is submitted to the State. SB 221 requires written verification that there is sufficient water supply available for applicable new residential subdivisions. The verification must be provided before commencement of construction.

### State Efficiency Standards

California Code of Regulations (CCR) Title 24 contains the California Building Code, including the California Plumbing Code (Part 5), which promotes water conservation. CCR Title 20 addresses Public Utilities and Energy conservation. In addition, the following California regulations require water-efficient plumbing fixtures in structures:

- CCR Title 20 Section 1604(g) establishes efficiency standards that give the maximum flow rate of all new showerheads, lavatory faucets, sink faucets, and tub spout diverters.
- CCR Title 20 Section 1606 prohibits the sale of fixtures that do not comply with established efficiency regulations.
- CCR Title 24 Section 25352(l) and (j) address pipe insulation requirements, which can reduce water used before hot water reaches equipment or fixtures. Insulation of water-heating systems is also required.
- Health and Safety Code Section 17921.3 requires low-flush toilets and urinals in virtually all buildings.

### Assembly Bill 1668 and Senate Bill 606

Assembly Bill 1668 and SB 606 establish guidelines for efficient water use and a framework for implementation and oversight of the new standards, which were required to be in place by 2022. The two bills strengthen the State's water resiliency in the face of future droughts with provisions that include:

- Establishing water use objectives and long-term standards for efficient water use that apply to urban retail water suppliers; and indoor residential water use, outdoor residential water use, commercial, industrial and institutional irrigation with dedicated meters, water loss, and other unique local uses.
- Providing incentives for water suppliers to recycle water.
- Identifying small water suppliers and rural communities that may be at risk of drought and water shortage vulnerability and provide recommendations for drought planning. Requiring both urban and agricultural water suppliers to set annual water budgets and prepare for drought.

## **Senate Bill 1087: Sewer and Water Service Priority for Housing Affordable to Lower-Income Households (2006)**

This statute requires local governments to provide a copy of the updated Housing Element to water and sewer providers immediately after adoption. Water and sewer providers must grant priority for service allocation to proposed development that includes housing units affordable to lower-income households. Additionally, UWMPs are required to include projected water use for future lower-income households.

### *Local and Regional*

#### **City of Newport Beach Urban Water Management Plan**

The City's 2020 UWMP was prepared in accordance and compliance with the Urban Water Management Planning Act (Water Code §§10610 through 10656) and includes the conservation measures, programs, and policies required by Water Code Section 0608.36. The 2020 UWMP provides an assessment of the present and future water supply sources and demands within the City's service area. It presents an update to the 2015 UWMP on City's water resource needs, water use efficiency programs, water reliability assessment and strategies to mitigate water shortage conditions. It presents a new 2020 Water Shortage Contingency Plan (WSCP) designed to prepare for and respond to water shortages. This 2020 UWMP contains all elements to meet compliance of the new requirements of the Act as amended since 2015.

#### **Newport Beach Water Shortage Contingency Plan**

The 2020 Water Shortage Contingency Plan (WSCP) is a strategic planning document designed to prepare for and respond to water shortages. The WSCP complies with Water Code Section 10632, which requires that every urban water supplier shall prepare and adopt a WSCP as part of its UWMP. This level of detailed planning and preparation is intended to help maintain reliable supplies and reduce the impacts of supply interruptions.

The WSCP is the City's operating manual that is used to prevent catastrophic service disruptions through proactive management. A water shortage, when water supply available is insufficient to meet the normally expected customer water use at a given point in time, may occur due to a number of reasons, such as drought, climate change, and catastrophic events. This plan provides a structured guide for the City to deal with water shortages, incorporating prescriptive information and standardized action levels, along with implementation actions in the event of a catastrophic supply interruption. This way, if and when shortage conditions arise, the City's governing body, its staff, and the public can easily identify and efficiently implement pre-determined steps to manage a water shortage. A well-structured WSCP allows real-time water supply availability assessment and structured steps designed to respond to actual conditions, to allow for efficient management of any shortage with predictability and accountability.

The WSCP also describes the City's procedures for conducting an Annual Water Supply and Demand Assessment that is required by Water Code Section 10632.1 and is submitted to the California Department of Water Resources on or before July 1 of each year, or within 14 days of receiving final allocations from the State Water Project, whichever is later. The City's 2020 WSCP is an appendix to its 2020 UWMP, however, this WSCP is created separately from the City's 2020 UWMP and can be amended, as needed, without amending the UWMP. Furthermore, the Water Code does not prohibit a supplier from taking actions not specified in its WSCP, if needed, without having to formally amend its UWMP or WSCP.

### **Irvine Ranch Water District Water Urban Water Management Plan**

The Irvine Ranch Water District (IRWD) adopted its 2020 UWMP on June 28, 2021. The 2020 UWMP is an update to IRWD's 2015 UWMP and incorporates new and revised requirements in compliance with the Water Code. IRWD's 2020 UWMP includes an assessment of its water service reliability to ensure that adequate water supplies are available to meet existing and future demands. It presents an assessment of IRWD's water service reliability, describes and evaluates sources of water supply, efficient uses of water, demand management measures, recycled water opportunities, and other relevant information and programs through year 2040. In addition to the water reliability assessments, the plan includes a seismic risk and mitigation assessment, an energy intensity analysis, an evaluation of frequent and severe periods of droughts (as described in the Drought Risk Assessment) and the preparation and adoption of IRWD's WSCP. The 2020 UWMP was developed in coordination with the cities and county served by IRWD as well as the regional wholesale water suppliers.

### **Irvine Ranch Water District Water Shortage Contingency Plan**

The first IRWD WSCP was adopted in 1987 to provide guidance on implementing actions to reduce water demands in the event of a water shortage. IRWD's 2018 WSCP provided procedures for responding to various levels of supply shortages. The use of local supplies, storage and other supply augmentation measures can mitigate shortages, and be used as necessary and appropriate during declared shortage levels. The remaining shortage levels, after use of local emergency supplies, can be addressed by employing a range of demand management measures that can vary depending on the level and duration of the shortage condition. The 2018 WSCP defined a list of voluntary measures, non-rate response measures, and potential rate response measures for each level of shortage. While these measures are to be applied incrementally, IRWD's 2018 WSCP built in a level of flexibility to adopt additional measures to ensure the appropriate level of demand reduction.

The 2020 WSCP update was prepared to incorporate new legislated requirements including supply reliability processes, annual water supply and demand assessment procedures, a seismic hazard assessment, and additional prescriptive elements. IRWD maintains the flexibility to amend the WSCP periodically and independently of the UWMP.

### **Mesa Water District Urban Water Management Plan**

Mesa Water District (Mesa Water) adopted its 2020 UWMP on June 3, 2021. Mesa Water is a retail water supplier that provides water to its residents and other customers using local groundwater from the Orange County Groundwater Basin (OC Basin), recycled water from the Orange County Water District (OCWD), and imported potable water from its regional wholesaler, Municipal Water District of Orange County as an emergency backup. Mesa Water, as one of the Municipal Water District of Orange County's 28 member agencies, prepared its 2020 UWMP in collaboration with Municipal Water District of Orange County, Metropolitan Water District of Southern California, OCWD, and other key agencies.

The 2020 UWMP provides an assessment of the present and future water supply sources and demands within Mesa Water's service area. It presents an update to the 2015 UWMP on Mesa Water's water resource needs, water use efficiency programs, water reliability assessment and strategies to mitigate water shortage conditions. It also contains the 2020 WSCP to prepare for and respond to water shortages.

## Mesa Water District Water Shortage Contingency Plan

The Mesa Water's WSCP is used to prevent catastrophic service disruptions through proactive management. The plan provides a structured guide for Mesa Water to deal with water shortages, incorporating prescriptive information and standardized action levels, along with implementation actions in the event of a catastrophic supply interruption.

## City of Newport Beach General Plan

The *City of Newport Beach General Plan 2006 Update* (General Plan) includes goals and policies related to water supply and reliability. The following General Plan Land Use Element goals and policies that have been adopted by the City for the purpose of avoiding or mitigating an environmental effect are applicable to future development projects associated with the proposed Project.

### Land Use Element

- Goal LU 2:** **A living, active, and diverse environment that complements all lifestyles and enhances neighborhoods, without compromising the valued resources that make Newport Beach unique. It contains a diversity of uses that support the needs of residents, sustain and enhance the economy, provide job opportunities, serve visitors that enjoy the City's diverse recreational amenities, and protect its important environmental setting, resources, and quality of life.**
- Policy LU 2.8:** **Adequate Infrastructure.** Accommodate the types, densities, and mix of land uses that can be adequately supported by transportation and utility infrastructure (water, sewer, storm drainage, energy, and so on) and public services (schools, parks, libraries, seniors, youth, police, fire, and so on).
- Goal LU 3:** **A development pattern that retains and complements the City's residential neighborhoods, commercial and industrial districts, open spaces, and natural environment.**
- Policy LU 3.2:** **Growth and Change.** Enhance existing neighborhoods, districts, and corridors, allowing for re-use and infill with uses that are complementary in type, form, scale, and character. Changes in use and/or density/intensity should be considered only in those areas that are economically underperforming, are necessary to accommodate Newport Beach's share of projected regional population growth, improve the relationship, and reduce commuting distance between home and jobs, or enhance the values that distinguish Newport Beach as a special place to live for its residents. The scale of growth and new development shall be coordinated with the provision of adequate infrastructure and public services, including standards for acceptable traffic level of service.
- Goal LU 6.1:** **A diversity of governmental service, institutional, educational, cultural, social, religious, and medical facilities that are available for and enhance the quality of life for residents and are located and designed to complement Newport Beach's neighborhoods.**
- Policy LU 6.1.2:** **Siting of New Development.** Allow for the development of new public and institutional facilities within the City provided that the use and development facilities

are compatible with adjoining land uses, environmentally suitable, and can be supported by transportation and utility infrastructure.

**Goal LU 6.4:** **Banning Ranch. If acquisition for open space is not successful, a high-quality residential community with supporting uses that provides revenue to restore and protect wetlands and important habitats.**

**Policy LU 6.4.10: Sustainable Development Practices.** Require that any development of Banning Ranch achieve high levels of environmental sustainability that reduce pollution and consumption of energy, water, and natural resources to be accomplished through land use patterns and densities, site planning, building location and design, transportation and utility infrastructure design, and other techniques. Among the strategies that should be considered are the concentration of development, reduction of vehicle trips, use of alternative transportation modes, maximized walkability, use of recycled materials, capture and re-use of storm water on-site, water conserving fixtures and landscapes, architectural elements that reduce heat gain and loss, and preservation of wetlands and other habitats.

#### Natural Resources Element

The following General Plan Natural Resources Element<sup>1</sup> goals and policies that have been adopted by the City for the purpose of avoiding or mitigating an environmental effect are applicable to future development projects associated with the proposed Project.

**Goal NR 1: Minimized water consumption through conservation methods and other techniques.**

**Policy NR 1.1 Water Conservation in New Development.** Enforce water conservation measures that limit water usage, prohibit activities that waste water or cause runoff, and require the use of water-efficient landscaping and irrigation in conjunction with new construction projects.

**Policy NR 1.2 Use of Water Conserving Devices.** Establish and actively promote use of water conserving devices and practices in both new construction and major alterations and additions to existing buildings. This can include the use of rainwater capture, storage, and reuse facilities.

#### Newport Beach Municipal Code<sup>2</sup>

**Chapter 14.16 Water Conservation and Water Supply Shortage Program.** This chapter establishes a water conservation and supply shortage program. The water conservation and supply program aims to complete the following: reduce water consumption within the City, enable water supply planning, ensure reasonable and beneficial use of water, complement the City's water quality regulations and urban runoff reduction efforts, minimize the effect and hardship of water shortages, and implement the City's Water Shortage Contingency Plan. The chapter establishes permanent water conservation requirements and water supply shortage response actions during times of a declared water shortage.

<sup>1</sup> City of Newport Beach (2006). *City of Newport Beach General Plan – Land Use Element*. [https://www.newportbeachca.gov/PLN/General\\_Plan/04\\_Ch3\\_LandUse\\_web.pdf](https://www.newportbeachca.gov/PLN/General_Plan/04_Ch3_LandUse_web.pdf). Accessed Dec. 5, 2023.

<sup>2</sup> City of Newport Beach. *City of Newport Beach Municipal Code*. <https://www.codepublishing.com/CA/NewportBeach/>. Accessed Dec. 6, 2023.

**Chapter 14.17 Water-Efficient Landscaping.** This chapter establishes reasonable procedures and standards for the design, installation, and maintenance of water-efficient landscapes in conjunction with new construction projects within the City to promote the conservation and efficient use of water in the City and prevent the waste of available water resources.

### Existing Conditions: Water

Water service is provided by the City of Newport Beach, IRWD, the Mesa Water.<sup>3</sup>

**Newport Beach Utilities Department.** The Newport Beach Utilities Department is responsible for the operation and maintenance of the City's water, wastewater, and storm drain systems. The City's Public Works Department is responsible for engineering services including, capital project delivery, bay water quality and environmental services, and transportation and development services. These two departments work together to plan for the City's water supply and distribution system improvements through master planning and Capital Improvement Program efforts.

The City's water service area covers approximately 11 square miles of the City and the remaining areas, which are predominately located in the northern and eastern portions of the City, are served by IRWD and Mesa Water.<sup>4</sup> The City obtains its water from a wellfield with a total capacity of 10,900 gallons per minute (gpm), 15 recycled water connections, 6 inter-agency emergency interconnections, and manages about 300-mile water mains system with approximately 26,700 service connections.

**Irvine Ranch Water District.** IRWD is Orange County's largest retail water district, providing water and sewer service to homes and businesses throughout the City of Irvine and portions of the cities of Tustin, Newport Beach, Costa Mesa, Orange, and Lake Forest and unincorporated Orange County. IRWD serves a 181-square mile area with an estimated service population of 600,000 through 460 miles of pipelines and over 126,000 public water system municipal connections. IRWD supplies water through a mixture of imported water, surface water, groundwater, and reclaimed water as well as providing sewer service. Newport Beach accounts for approximately 6 percent of IRWD's total service area boundaries, which generally includes the Newport Coast area; land west of Newport Back Bay to the City's border with Costa Mesa; and land in the northern portion of the City (land bordered by MacArthur Boulevard/Campus Drive/Jamboree Road; and land south of SR-73 and generally north of Bonita Canyon Road at MacArthur Boulevard and Bison Avenue at Jamboree Road).

**Mesa Water District.** Mesa Water provides water service to 110,000 residents in an 18-square-mile service area that includes most of the City of Costa Mesa, a portion of Newport Beach, and John Wayne Airport. Mesa Water's main source of water supply (94 percent) comes from groundwater, extracted from the Orange County Basin. Recycled water makes up the remaining water supply source at six percent. Mesa Water operates seven wells, a nanofiltration facility, two reservoirs with total storage of 29 million gallons, three metered water connections, and 16 emergency connections. Mesa Water manages 328-mile water mains system with approximately 25,032 service connections. Newport Beach accounts for approximately 2 percent of Mesa Water District's total service area boundaries, which includes a portion of the west side of the southwest side of the City.

<sup>3</sup> City of Newport Beach. (2021). 2020 Urban Water Management Plan. [https://wuedata.water.ca.gov/getfile?filename=/public%2Fuwmp\\_attachments%2F6146238029%2FNewport%20Beach%202020%20UWM%20FINAL-2021.06.23.pdf](https://wuedata.water.ca.gov/getfile?filename=/public%2Fuwmp_attachments%2F6146238029%2FNewport%20Beach%202020%20UWM%20FINAL-2021.06.23.pdf). Accessed December 7, 2023.

<sup>4</sup> *Ibid*, Figure 3-2: City of Newport Beach Water Service Area.



## *Water Supply and Facilities*

### City of Newport Beach

Most of the City's water supply is groundwater from the Orange County Basin; imported and recycled water supplement the rest of the City's water supply portfolio. In 2019-2020, the City's water supplies were made up of 68 percent groundwater, 28.5 percent imported water, and 3.5 percent recycled water. By 2045, the water supply portfolio is projected to shift to 85 percent groundwater, 14.5 percent imported water, and 3.5 percent recycled water.

**Reservoirs.** The City has three reservoirs: Big Canyon Reservoir, Spyglass Hill Reservoir, and the 16<sup>th</sup> Street Reservoir. The Big Canyon Reservoir is located at 3300 Pacific View Drive in Corona del Mar and is the largest City owned reservoir with a capacity of 600 acre feet (AF) or 195 million gallons. The Big Canyon Reservoir has the ability to supply water to the entire City of Newport Beach service area. The reservoir is primarily used as a storage reservoir and supplies the higher pressure zones. Spyglass Reservoir is a concrete reservoir located under the playground park at the end of Muir Beach Circle and has a capacity of 1.5 AF or 488,776 gallons that supplies the surrounding community. The 16<sup>th</sup> Street Reservoir is an underground concrete reservoir located in the City's Utilities Yard at 949 West 16<sup>th</sup> Street. It has a capacity of 3 AF or 977,553 gallons that supplies water to the 16<sup>th</sup> Street pump station.

**Groundwater Facilities.** The City receives approximately 68 percent of its water supply from groundwater from the Orange County Basin. Groundwater is conveyed from the wellfield in the City of Fountain Valley to the City via a 30- to 36-inch pipeline that discharges into the 16<sup>th</sup> Street Reservoir. From the reservoir, the water is pumped into the City's distribution system and into Big Canyon Reservoir.

**Imported Water Supplies.** The City supplements its local groundwater with imported water purchased from Metropolitan Water District of Southern California (Metropolitan Water District) through Municipal Water District of Orange County as a wholesaler. Most of Metropolitan Water District's imported water supply is provided through the State Water Project and Colorado River Aqueduct and is treated at the Diemer and Weymouth plants. All of the water supplied by the City is sold to its retail customers (residential and commercial). The City maintains its own retail distribution system and delivers potable water through its water system which consists of approximately 299 miles of pipelines ranging in size from 4 to 30 inches. The City has an extensive distribution system, which includes five pressure zones and six connections along the Orange County Feeder and the East Orange County Feeder No. 2. The total available capacity is 104 cubic feet per second (cfs) which equals approximately 67 million gallons per day (mgd). The City has five pump stations that deliver water to the upper zones, and backup generation facilities ensure that the City can still deliver water to all zones during a rolling blackout.

**Recycled Water Facilities.** The City owns and operates recycled water pump stations for Big Canyon Country Club and the Newport Beach Country Club. Including these 2 sites, there are currently 15 recycled water connections that supply 5 different customers. Recycled water is purchased from the Orange County Water District (OCWD) and sold to the City's customers.

**Water Transmission System.** Water is delivered to the City's customers from the Groundwater Transmission Main, and from diversions off of the Orange County Feeder and the East Orange County Feeder No. 2. The transmission system consists of pipelines, booster pump stations, and storage reservoirs and tanks and the current capacity of the City's potable water supply is 104 cfs.

**Emergency Interconnections.** For emergency water shortage or outage conditions, the City has six inter-agency emergency interconnections with IRWD and seven with Mesa Water.

### Irvine Ranch Water District

Most of IRWD's water supply comes from local groundwater wells in the Orange County Groundwater Basin; imported and recycled water supplement the rest of the IRWD's water supply portfolio. In 2019-2020, the IRWD's water supplies were 48 percent groundwater, 16 percent imported water, 8 percent surface water, and 28 percent recycled water. By 2045, the water supply portfolio is projected to shift to 30 percent groundwater, 52 percent imported water, 2 percent surface water, and 24 percent recycled water.

**Surface Water.** IRWD's local surface water sources are the drainage tributary areas to the Irvine Lake and Harding Canyon Reservoir. On average, approximately 4,000 acre-feet per year (AFY) of local surface water is captured by Irvine Lake for IRWD's use. Water supplies from the Harding Canyon River Reservoir via the Manning Water Treatment Plant are often limited due to dry weather conditions within the drainage area.

**Groundwater Facilities.** IRWD receives approximately 48 percent of its water supply from local groundwater wells in the Orange County Basin and the Irvine and Lake-Forest sub basins. Groundwater is pumped and conveyed from the wellfields which connect directly to IRWD's potable distribution system.

**Imported Water Supplies.** IRWD supplements its local groundwater with imported water purchased and supplied by Metropolitan Water District through Municipal Water District of Orange County. IRWD receives imported potable water supplies from the State Water Project and the Colorado River and is treated at the Diemer and Weymouth plants. IRWD receives imported non-potable water supplies from the Colorado River treated at the Baker Water Treatment Plant. After the water reached the treatment plant, it is conveyed to various IRWD turnout connections then to IRWD's potable water distribution system. IRWD delivers potable water through its water system which consists of approximately 561 miles of pipelines.

**Recycled Water Facilities.** IRWD has an extensive sewage collection system and collects and treats nearly all sewage generated in the IRWD's service area. IRWD treats water at the Michelson Water Recycling Plant and the Los Alisos Water Recycling Plant. A small percentage of sewage is collected and treated by the Orange County Sanitation District or Santa Margarita Water District. Recycled water is used within the service area for non-potable purposes to offset potable water demands. IRWD also operates four recycled water seasonal storage reservoirs which store excess recycled water during the winter months when irrigation demands are low for later use in the peak summer months. On average, IRWD delivers about 28 million gallons of recycled water per day to 6,000 customers.

**Water Banking.** IRWD has developed a fully operational water banking program which maintains supplemental water supplies that IRWD can rely upon in the event of long-term drought, supply interruptions and other water shortage events.

### Mesa Water District

Mesa Water meets its demand through a combination of local groundwater and recycled water. In 2019-2020, the Mesa Water supplies were 94 percent groundwater and 6 percent recycled water. By 2045, the water supply portfolio is projected to slightly shift to 95 percent groundwater and 5 percent recycled water.

Mesa Water has approximately 328.4 miles of water mains with approximately 25,032 service connections. The water district operates 7 wells, which includes 2 future wells (under construction), a nanofiltration facility, 2 reservoirs with a total storage of 29 million gallons (MG), 3 metered imported water connections, and 16 emergency interconnections.

**Groundwater Facilities.** Mesa Water’s wells pump clear water from the main production aquifer of the OC Basin and two wells that pump amber-tinted water located below the main production aquifer. The amber-tinted water wells are treated at the Mesa Water Reliability Facility before being pumped into the distribution system.

**Recycled Water Facilities.** Mesa Water does not own or operate wastewater treatment facilities or the wastewater collection system. The Costa Mesa Sanitary District provides wastewater collection within Mesa Water’s service area and conveys it to Orange County Sanitation District for treatment and disposal.

**Emergency Interconnections.** Mesa Water has four emergency interconnections with the City of Santa Ana, and seven emergency interconnections with the City of Newport Beach, and five emergency interconnections with IRWD.

*Water Use*

City of Newport Beach

**Existing and Projected Demand.** Water use within the City’s service area has been relatively stable with an annual average of 15,413 AF. Potable and non-potable water use accounted for an average of 97 percent and 3 percent of total City water use, respectively. In Fiscal Year (FY) 2019-20, the City’s water use was 14,492 AF of potable water (groundwater and imported) and 513 AF of direct recycled water for landscape irrigation. In FY 2019-20, the City’s potable water use profile was 58.9 percent residential use, 18.2 percent commercial/institutional/industrial uses, and 18.1 percent large landscape/irrigation, with non-revenue water and other uses of 4.8 percent. Water demand is projected to increase 5.2 percent from 2025 through 2045. The projected water use for 2045 is 15,103 AF for potable water and 542 AF for recycled water. The passive savings are anticipated to continue for the next 25 years and are considered in the water use projections.

Population growth assumed in the UWMP forecasts population growth in the Newport Beach service area to increase to 4.3 percent between 2020 to 2045. **Table 4.17-1: City of Newport Beach Projected Water Demand** shows the City’s forecasted water demand for the next 25 years. While single-unit and multi-unit residential water demand is projected to decrease due to water use efficiency measures, use by commercial/industrial/institutional is projected to increase. However, the 2020 UWMP does not account for the 6<sup>th</sup> Cycle RHNA.

<b>Table 4.17-1: City of Newport Beach Projected Water Demand<sup>1</sup></b>					
	<b>2025</b>	<b>2030</b>	<b>2035</b>	<b>2040</b>	<b>2045</b>
Water Demand <sup>1</sup>	15,005	14,866	15,371	15,682	15,645
Note: These estimates were made prior to the update to the City’s General Plan Housing Element (6th Cycle) Source: City of Newport Beach. (May 2021). 2020 Urban Water Management Plan Final Draft, Table 4-3: Retail: Use for potable and Non-Potable Water - Projected. 1 “Water” includes potable water, raw water, other non-potable water, and recycled water demand.					

**Water Supply Reliability.** The City’s 2020 UWMP assesses the City’s reliability to provide water services to its customers for a normal water year, a single dry water year, and a drought lasting five consecutive water years. **Table 4.17-2: City of Newport Beach Projected Water Supply** identifies the City’s water supply with a conservative demand increase of six percent each year for five consecutive years. The UWMP concludes that the City is capable of meeting all customers’ demands from 2025 through 2045, with significant reserves held by Metropolitan Water District of Southern California and conservation.

	2025	2030	2035	2040	2045
Groundwater	12,175	12,605	12,729	12,869	12,838
Imported Water	2,149	2,224	2,246	2,271	2,265
Recycled Water	542	542	542	542	542
<b>Total</b>	<b>14,866</b>	<b>15,371</b>	<b>15,517</b>	<b>15,682</b>	<b>15,645</b>

Notes:  
 1 These estimates were made prior to the update to the City’s General Plan Housing Element (6th Cycle)  
 Source: City of Newport Beach. (May 2021). 2020 Urban Water Management Plan Final Draft, Table 6-2: Retail: Water Supplies – Projected.

**Irvine Ranch Water District**

**Existing and Projected Water Demand.** In FY 2019-20, potable and non-potable water use accounted for an average of 94 percent and 6 percent of the IRWD service area’s total water use, respectively. In FY 2019-20, IRWD’s water use was 52,771 AF of potable water and 3,603 AF of non-potable water. In FY 2019-20, IRWD’s potable water use profile was 60.4 percent residential use, 25.2 percent commercial/institutional/industrial uses, and 14.4 percent large landscape/irrigation/other uses. Water demand is projected to increase 25.6 percent from 2025 through 2040. The projected water use for 2040 is 87,637 AF for potable water and 30,846 AF for non-potable water.

Population growth assumed in the UWMP projects population growth in the IRWD service area to increase to approximately 16 percent between 2020 to 2045. **Table 4.17-3: IRWD Projected Water Demand** shows a projection of IRWD’s water demand for the next 20 years. However, IRWD’s UWMP does not account for the 6<sup>th</sup> Cycle RHNA for municipalities served by IRWD. Newport Beach accounts for approximately 6 percent of IRWD’s total service area.

	2020	2025	2030	2035	2040
Water Demand	85,520	96,557	103,993	111,429	118,483

Notes:  
 1 These estimates were made prior to the update to the City’s General Plan Housing Element (6th Cycle)  
 2 It should be noted that this table reflects the demand of the entire IRWD service area, and not just the portions that are located within the City of Newport Beach. Newport Beach is approximately 6 percent of IRWD’s service area.  
 Source: Irvine Ranch Water District. (June 2021). 2020 Urban Water Management Plan, Table 4-3 A: Retail: Total Gross Water Use (Potable) and Table 4-3 B Retail: Total Gross Water Use (Non-Potable).

**Water Supply Reliability.** IRWD’s 2020 UWMP assesses the reliability to provide water services to its customers for a normal water year, a single dry water year, and a drought lasting five consecutive water years. **Table 4.17-4: IRWD Projected Water Supply** identifies the City’s water for the next 20 years. The UWMP concludes that IRWD is capable of meeting all customers’ demands from 2025 through 2040.

**Table 4.17-4: IRWD Projected Water Supply<sup>1, 2</sup>**

Water Source	2025	2030	2035	2040
Purchased or Imported Water	68,374	68,374	68,374	68,374
Surface Water	3,048	3,048	3,048	3,048
Groundwater	65,293	65,293	65,293	65,293
Recycled Water	42,012	42,012	42,012	42,012
Total	178,727	178,727	178,727	178,727

Notes:  
 1. These estimates were made prior to the update to the City’s General Plan Housing Element (6th Cycle)  
 2. It should be noted that this table reflects the supply for the entire IRWD service area, and not just the portions that are located within the City of Newport Beach.  
 Source: Irvine Ranch Water District. (June 2021). 2020 Urban Water Management Plan, Table 6-9 Water Supplies - Projected

**Mesa Water District**

**Existing and Projected Water Demand.** Water use within the Mesa Water’s service area has been relatively stable in the past decade with an annual average of 18,129 AF. In this period, potable and non-potable water use accounted for an average of 94 percent and recycled water accounted for approximately 6 percent of total Mesa Water use. In FY 2019-20, Mesa Water’s water use was 16,118 AF of potable, raw, and non-potable water and 959 AF of recycled water. In FY2019-20, Mesa Water’s potable water use profile was comprised of 60.9 percent residential use, 24.1 percent commercial, industrial, and institutional use, and 9.6 percent large landscape/irrigation, with non-revenue water and other uses comprising about 5.3 percent. Water demand is projected to increase 20.8 percent from 2025 through 2045. The projected water use for 2045 is 19,751 AF for potable water and 1,100 AF for recycled water. The passive savings are anticipated to continue for the next 25 years and are considered in the water use projections.

Population growth assumed in the UWMP projects population growth in the Mesa Water service area to increase to 33.5 percent between 2020 to 2045. **Table 4.17-5: Mesa Water Projected Water Demand** shows a projection of the water district’s water demand for the next 25 years. However, Mesa Water’s UWMP does not account for the 6<sup>th</sup> Cycle RHNA for municipalities served by Mesa Water. Newport Beach accounts for approximately 2 percent of Mesa Water District’s total service area.

**Table 4.17-5: Mesa Water Projected Water Demand<sup>1, 2</sup>**

	2025	2030	2035	2040	2045
Water Demand	17,454	19,109	20,101	20,476	20,851

Notes:  
 1. These estimates were made prior to the update to the City’s General Plan Housing Element (6th Cycle)  
 2. It should be noted that this table reflects the demand for the entire Mesa Water service area, and not just the portions that are located within the City of Newport Beach.  
 Source: Mesa Water District. (June 2021). 2020 Urban Water Management Plan Final, Table 4-4: Retail: Total Gross Water Use (Potable and Non-Potable)

**Water Supply Reliability.** Mesa Water’s 2020 UWMP assesses the City’s reliability to provide water services to its customers for a normal water year, a single dry water year, and a drought lasting five consecutive water years. **Table 4.17-6: Mesa Water Projected Water Supply** identifies Mesa Water’s water supply with a conservative demand increase of six percent each year for five consecutive years. The UWMP concludes that Mesa Water is capable of meeting all customers’ demands from 2025 through

2045, with significant reserves held by Metropolitan Water District of Southern California and conservation.

**Table 4.17-6: Mesa Water Projected Water Supply<sup>1, 2</sup>**

	2025	2030	2035	2040	2045
Groundwater	16,354	18,009	19,001	19,376	19,751
Recycled Water	1,100	1,100	1,100	1,100	1,100
Total	17,454	19,109	20,101	20,476	20,851

Notes:  
 1. These estimates were made prior to the update to the City’s General Plan Housing Element (6th Cycle)  
 2. It should be noted that this table reflects the demand for the entire Mesa Water service area, and not just the portions that are located within the City of Newport Beach.  
 Source: Source: Mesa Water District. (June 2021). 2020 Urban Water Management Plan Final, Table 6-9: Retail: Water Supplies - Projected

### Thresholds of Significance: Water

The City uses the thresholds of significance specified in *State CEQA Guidelines, Appendix G*. Impacts concerning water would be significant if Project implementation would:

- Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects.
- Have insufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years.

### Project Impacts and Mitigation: Water

<b>Threshold 4.17-1:</b>	<b>Would the Project require or result in the relocation or construction of new or expanded water facilities, the construction of which could cause significant environmental effects?</b>
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The proposed Project would not directly construct new housing, but would facilitate the development of residential units by adopting implementing actions associated with the 2021-2029 Housing Element. Future housing development facilitated by the Project and the resulting population growth of approximately 21,811 persons (see **Section 4.12: Population and Housing**) would incrementally increase the demand for utility and service systems. Of the 247 housing sites, 227 housing sites are currently developed and are provided with water service by the City, IRWD, or Mesa Water. Of the 20 undeveloped housing sites, 19 sites are in the Banning Ranch Focus Area and 1 site is in the Coyote Canyon Focus Area. As noted in **Section 3.0: Project Description**, the Banning Ranch Focus Area is included in the 2021–2029 Housing Element’s sites inventory but is not assumed in order to accommodate the City’s 6<sup>th</sup> Cycle RHNA allocation. Banning Ranch is considered as additional dwelling unit opportunity in addition to those that accommodate the RHNA.

The majority of housing sites are within urbanized and developed areas, where there is existing water infrastructure. Therefore, it is anticipated that future housing development facilitated by the Project would connect to existing nearby domestic water infrastructure of the respective water purveyors with a limited need for relocation or construction of new or expanded water infrastructure. Construction could

require excavation, removal of aging and/or undersized water lines, and installation of the new lines located within existing paved streets and public rights-of-way. Such infrastructure improvements are limited to short-term construction effects that cease upon completion of the improvements. All future housing projects would be subject to the City's Development Plan review process including site-specific evaluation of the respective water districts' existing water system capacity to serve the development.

Additionally, if any future development facilitated by the Project contains 500 or more residential units, SB 610 requires the preparation of a Water Supply Assessment. Where it is determined that new or expanded water infrastructure is required, the potential effects of these improvements would need to be addressed as a part of the site-specific Development Plan review process.

As noted in the General Plan EIR, if improvements to the existing water system are required or additional facilities are needed, the property developer would be required to pay its fair share of the cost of all or portions of the needed improvements.

Future development would be subject to General Plan policies that require adequate public services and infrastructure be provided as new development occurs. For example, compliance with Land Use Element Policies LU 2.8 and LU 3.2 require that land uses can be adequately supported by public services, transportation, and utility infrastructure. All future housing development facilitated by the Project would be subject to the City's development review process, which may include review pursuant to CEQA, and would be assessed on a case-by-case basis for potential effects concerning the secondary effects of population growth, including but not limited to the need for infrastructure improvements. Projects would need to demonstrate that adequate water infrastructure is available or can be provided for new housing and continue to be provided for existing land uses. Although future development may require the construction or relocation of water supply infrastructure, potential impacts would be addressed as a part of the individual projects and it is anticipated that impacts would be less than significant.

**Impact Summary:**      **Less Than Significant Impact.** It is anticipated that water infrastructure to serve future housing site projects can be provided without causing significant impacts.

<b>Threshold 4.17-2:</b>	<b>Would the Project have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?</b>
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As previously mentioned, the proposed Project would not directly construct new housing, but would facilitate the development of residential units by adopting implementing actions associated with the 2021-2029 Housing Element. The resulting population growth of approximately 21,811 persons (see **Section 4.12: Population and Housing**) could incrementally increase the demand for water. Of the 247 housing sites, 227 housing sites are currently developed and are provided with water service by the City, IRWD, or Mesa Water. Of the 20 undeveloped housing sites, 19 sites are in the Banning Ranch Focus Area and 1 site is in the Coyote Canyon Focus Area.

As addressed in this Program EIR, the impact analysis is conservative because it accounts for additional housing units as a buffer to address future "no net loss" to preclude the need to identify replacement sites during 6th Cycle implementation. Therefore, this Program EIR conservatively analyzes a total development capacity of 9,914 units including future development capacity of up to 9,649 units on 247 housing sites, 25 units associated with pipeline projects, and 240 accessory dwelling units (ADUs). Further,

this EIR analysis does not consider any loss of existing on the ground development which may be displaced to accommodate 9,914 housing units; no net change is assumed.

Future housing development facilitated by the Project would be subject to the City's development review process and required to adhere to all federal, State, and local requirements during construction and operation for ensuring that sufficient water supplies are available. Future development that contains 500 or more residential units are required to prepare a Water Supply Assessment, per SB 610. Future housing development would also be subject to Title 24 CBC requirements such as smart water fixtures which would reduce water demand. Future housing development would also be subject to Municipal Code Chapter 14.16 (Water Conservation and Water Supply Shortage Program), which establishes permanent water conservation requirements to reduce water consumption and implements the City's Water Shortage Contingency Plan, and Municipal Chapter 14.17 (Water-efficient Landscaping), which requires water efficient landscaping consistent with SB 1383 and EO B-29-15. Finally, future housing development would be required to present will-serve letters or submit a Utility Service Application to the City substantiating that adequate water supplies would be available. It is also important to note that future housing development would occur incrementally, based on market conditions and other factors, such that it is not expected that water supplies are not overburdened by substantially increased demands at any single point in time.

The 2020 UWMP's for the City, IRWD, and Mesa Water identify sufficient water supplies during normal, single-dry, and multiple-dry year scenarios from 2025 through 2045 for both imported and groundwater supplies. However, it is noted that the UWMPs for the respective water districts do not account for the 6<sup>th</sup> Cycle RHNA for the municipalities they serve. It is important to note, that although the 6<sup>th</sup> Cycle RHNA was not accounted for in the UWMPs, water efficiency measures and continued conservation, new building standards, and a conversion of potentially high demand uses to lower demand uses has allowed water districts to adequately serve their respective users in their service areas. However, because the UWMPs did not account for the 6<sup>th</sup> Cycle RHNA, documentation is not available to substantiate that there will be sufficient water supplies available to serve future development facilitated by the Project and reasonably foreseeable future development during normal, dry and multiple dry years. Despite compliance with federal, State, and local requirements, the water demands from future development facilitated by the Project would result in a significant and unavoidable impact concerning water supply based on consistency with the UWMPs.

**Impact Summary:**      **Significant and Unavoidable Impact.** Implementation of future housing projects could adversely impact water supply reliability because the UWMPs do not account for the 6<sup>th</sup> Cycle RHNA allocations for the municipalities served by the three water districts.



### 4.17.3 Wastewater<sup>5</sup>

#### Regulatory Setting

##### *Federal*

##### Clean Water Act.

See 4.17.2.

##### *State*

##### Clean Water Act

The Clean Water Act (33 United States Code §§Section 1251 et seq.) is the primary federal law that protects the nation's waters, including lakes, rivers, aquifers, and coastal areas. The statute employs a variety of regulatory and non-regulatory tools to sharply reduce direct pollutants discharges into waterways, finance municipal wastewater treatment facilities, and manage polluted runoff. These tools are employed to achieve the broader goal of restoring and maintaining the chemical, physical, and biological integrity of the nation's waters so that they can support "the protection and propagation of fish, shellfish, and wildlife and recreation in and on the water."

Section 401 of the Clean Water Act requires that any applicant for a federal permit to conduct any activity, including the construction or operation of a facility that may result in the discharge of any pollutant, obtain State certification. Section 303 of the Clean Water Act requires states to identify surface waters that have been impaired. Under Section 303(d), states, territories, and authorized tribes are required to develop a list of water quality segments that do not meet water quality standards, even after point sources of pollution have installed the minimum required levels of pollution control technology.

##### State Water Resources Control Board

The State Water Resources Control Board (SWRCB) preserves, enhances, and restores the quality of California's water resources and ensures proper allocation and efficient use for the benefit of present and future generations. Wastewater generators must obtain a permit to discharge their wastewater. Pursuant to the federal Clean Water Act and California's Porter-Cologne Water Quality Control Act, the SWRCB regulates wastewater discharges to surface waters through the National Pollution Discharge Elimination System (NPDES) program. Some wastewater discharges are exempt from federal NPDES requirements, but California law may still apply. Under California law, the SWRCB requires waste discharge requirements for some discharges, in addition to those subject to NPDES permits. Permits contain specific requirements that limit the pollutants in discharges. They also require dischargers to monitor their wastewater to ensure that it meets all requirements. Wastewater dischargers must maintain their treatment facilities, and treatment plant operators must be certified. The SWRCB routinely inspects treatment facilities and strictly enforces permit requirements.

##### Sanitary Sewer Management Plan

The SWRCB adopted Wastewater Discharge Requirements Order 2006-0003-DWQ on May 2, 2006. This order mandates all federal and State agencies, municipalities, counties, districts, and other public entities ("enrollees") that own or operate sanitary sewer systems greater than one mile in length that collect

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<sup>5</sup> City of Newport Beach (2006). *Newport Beach General Plan Update Draft EIR – Utilities and Service Systems*. [https://newportbeachca.gov/PLN/General\\_Plan/GP\\_EIR/Volume\\_1/19\\_Sec4.14\\_Utilities\\_and\\_Service\\_Systems.pdf](https://newportbeachca.gov/PLN/General_Plan/GP_EIR/Volume_1/19_Sec4.14_Utilities_and_Service_Systems.pdf). Accessed Dec. 2023.

and/or convey untreated or partially treated sewer to a publicly owned treatment works facility in California to comply with the terms of the order. Order 2006-0003-DWQ also requires each enrollee to develop and implement a system-specific sewer management plan to facilitate proper funding and management of sanitary sewer systems. Sewer system management plans must include provisions to provide proper and efficient management, operation, and maintenance of sanitary sewer systems, while taking into consideration risk management and cost/benefit analysis. Additionally, a sewer system management plan must contain a spill response plan that establishes standard procedures for immediate response to a sewer system overflow in a manner designed to minimize water quality impacts and potential nuisance conditions.

### **Sewer System Management Plan**

The State Water Resources Control Board requires wastewater collection providers to report sanitary sewer overflows and to prepare and implement Sewer System Management Plans (SSMP). The SSMP policy requires dischargers to provide adequate capacity in the sewer collection system, take feasible steps to stop sewer overflows, identify and prioritize system deficiencies, and develop a plan for disposal of grease, among other requirements. In addition, wastewater providers must report sanitary sewer overflows to the Santa Ana Regional Water Quality Control Board (RWQCB), keep internal records of these overflows, and produce an annual report on overflows. Newport Beach's Utilities Department prepared a SSMP in September 2019, in compliance with the State Water Resources Control Board.

### **Wastewater Discharge Requirements Order 2006-0003-DWQ**

On May 2, 2006, the SWRCB adopted Wastewater Discharge Requirements Order 2006-0003-DWQ. This order mandated all federal and State agencies, municipalities, counties, districts, and other public entities ("enrollees") that own or operate sanitary sewer systems greater than one mile in length that collect and/or convey untreated or partially treated sewer to a publicly owned treatment works facility in California to comply with the terms of the order. Order 2006-0003-DWQ also stated that, to facilitate proper funding and management of sanitary sewer systems, each enrollee must develop and implement a system-specific sewer management plan. To be effective, sewer system management plans must include provisions to provide proper and efficient management, operation, and maintenance of sanitary sewer systems, while taking into consideration risk management and cost/benefit analysis. Additionally, a sewer system management plan must contain a spill response plan that establishes standard procedures for immediate response to a sewer system overflow in a manner designed to minimize water quality impacts and potential nuisance conditions.

### ***Regional and Local***

#### **Orange County Sanitary District Reclamation Plants NPDES Permit**

Wastewater discharge requirements for Orange County Sanitary District (OC San) Reclamation Plants No. 1 and No. 2 are detailed in Order No. R8-2012-0035 issued in 2012. The permit includes the conditions needed to meet minimum applicable technology-based requirements. The permit includes limitations more stringent than applicable federal technology-based requirements where necessary to achieve the required water quality standards.

#### **Orange County Sanitation District Capital Facilities Charges**

The OC San Capital Facilities Charge (Ordinance No. 40) is imposed when a property newly connects to the OC San system or a previously connected property expands its use. Revenue generated from the

charge is used for the acquisition, construction, and reconstruction of OC San’s wastewater collection, treatment, and disposal facilities; to repay principal and interest on debt instruments; or to repay federal or State loans for the construction and reconstruction of sewage facilities, together with costs of administration and provisions for necessary reserves.

### Orange County Sanitation District Ordinance Nos. 25 and 48

OC San Ordinance 25 sets forth some prohibitions on activities by food service establishments to minimize discharges of fat, oils, and grease to sewers. OC San Ordinance 48 sets limits on wastewater that is discharged to sewers and conveyed to OC San wastewater treatment plants. The ordinance limits concentrations of certain substances, including metals, some hazardous materials such as pesticides, and oil and grease (petroleum derived).

**City of Newport Beach Sewer System Management Plan.** The Sewer System Management Plan (Sept. 2019) provides a plan and schedule to properly manage, operate, and maintain all parts of the City’s sanitary sewer system. By planning ahead and ensuring all parts are maintained, the City is able to minimize risk of sanitary sewer overflows and mitigate any that may occur. The plan also outlines the emergency response program, operation and maintenance, overflow emergency response plan, and design and performance provisions.

### City of Newport Beach General Plan

The General Plan includes goals and policies to conserve and maintain the City’s often unseen, infrastructure systems and energy that support the City’s community, providing valuable services that enhance the health, safety, welfare, and economic viability of the community. The following General Plan Land Use Element and Natural Resources Element<sup>6</sup> goals and policies that have been adopted by the City for the purpose of avoiding or mitigating an environmental effect are applicable to future development projects associated with the proposed Project.

#### Land Use Element

Policies 2.8, 3.2, and 6.4.10 are applicable.

#### Natural Resources Element<sup>7</sup>

**Goal NR 3:**           **Enhancement and protection of water quality of all natural water bodies, including coastal waters, creeks, bays, harbors, and wetlands.**

**Policy NR 3.4:**       **Storm Sewer System Permit.** Require all development to comply with the regulations under the City’s municipal separate storm sewer system permit under the National Pollutant Discharge Elimination System.

**Policy NR 3.11**       **Site Design and Source Control.** Include site design and source control Best Management Practices (BMPs) in all developments. When the combination of site design and source control BMPs are not sufficient to protect water quality as required by the National Pollutant Discharge Elimination System (NPDES), structural treatment BMPs will be implemented along with site design and source control measures.

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<sup>6</sup> City of Newport Beach (2006). *City of Newport Beach General Plan – Land Use Element*. [https://www.newportbeachca.gov/PLN/General\\_Plan/04\\_Ch3\\_LandUse\\_web.pdf](https://www.newportbeachca.gov/PLN/General_Plan/04_Ch3_LandUse_web.pdf). Accessed December 5, 2023.

<sup>7</sup> City of Newport Beach (2006). *City of Newport Beach General Plan – Natural Resources Element*. [https://www.newportbeachca.gov/PLN/General\\_Plan/11\\_Ch10\\_NaturalResources\\_web.pdf](https://www.newportbeachca.gov/PLN/General_Plan/11_Ch10_NaturalResources_web.pdf). Accessed December 5, 2023.

**Policy NR 3.15 Street Drainage Systems.** Require all street drainage systems and other physical improvements created by the City, or developers of new subdivisions, to be designed, constructed, and maintained to minimize adverse impacts on water quality. Investigate the possibility of treating or diverting street drainage to minimize impacts to water bodies.

### *Municipal Code*

**Chapter 14.36 Water Quality.** The Clean Water Act mandates that municipalities separate storm water runoff and sanitary sewer systems and authorizes State Water Resources Control Boards and its local regulatory agencies to control non-point source discharges into California waterways. The Santa Ana and San Diego RWQCBs have issued Waste Discharge Requirements, herein referred to as the National Pollution Discharge Elimination System Permit or “NPDES Permits”, governing storm water runoff for the County of Orange. The City of Newport Beach is participating as a “Co-permittee” under the NPDES Permits in the development and adoption of an ordinance to accomplish the requirements of the Clean Water Act. This chapter ensures the participation of Newport Beach in the improvement of water quality and complies with federal requirements for the control of urban pollutants to storm water runoff, which enters the network of storm drains throughout Orange County.

### Existing Conditions: Wastewater

Wastewater service within the City is provided by the City, Irvine Ranch Water District (IRWD), and Costa Mesa Sanitary District. Similar to the boundaries of the City’s potable water system, the City provides sewer service to most of Newport Beach, for a total service area of approximately 13.5 square miles.<sup>8</sup> IRWD provides service to the southeastern portion of Newport Beach, for a service area within the City of approximately nine square miles.<sup>9</sup> CMSD provides service to small portions of the City’s western boundary, for a service area within the City of less than one-half square mile.<sup>10</sup>

### *City of Newport Beach*

#### Treatment System

Wastewater from the City’s sewer system is treated by the Orange County Sanitation District (OC San), which processes over 200 million gallons of collected wastewater daily. The OC San is responsible for safely collecting, treating, and disposing the wastewater generated by 2.6 million people living in a 470-square-mile area of central and northwest Orange County. The two sewage water treatment plants operated by the OSCD include Treatment Plant No. 2 in Huntington Beach, and Reclamation Plant No. 1 in Fountain Valley. A majority of the City’s sewage flow is pumped to Plant No. 2, while flows from the portion of the City north of SR-73 are pumped to Plant No. 1. Plant No. 1 has a treatment capacity of 320 million gallons per day (mgd) and treats an average of 120 mgd. Treatment Plant No. 2 has a capacity of 312 mgd and treats an average of 59 mgd.<sup>11</sup>

OC San releases a portion of its treated wastewater into the ocean through a 10-foot diameter offshore pipeline that extends 5 miles from shore and about 200 feet below the ocean surface. Additionally, the

<sup>8</sup> Ibid, Figure 4.14-2: Water Infrastructure and Service Areas.

<sup>9</sup> IRWD’s total service area encompasses 133 square miles, with the service area in the City of Newport beach accounting for approximately 6 percent of IRWD’s total service area boundaries.

<sup>10</sup> CMSD’s total service area encompasses 19 square miles, with the service area in the City of Newport beach accounting for approximately 2 percent of IRWD’s total service area boundaries.

<sup>11</sup> OCSAN, Regional Sewer Service. <https://www.ocsan.gov/services/regional-sewer-service>. Accessed January 2024.

Groundwater Replenishment System is the world's largest water purification system for indirect potable reuse. The system, which is a joint partnership between the Orange County Water District (OCWD) and OC San, takes highly treated wastewater that would have previously been discharged into the Pacific Ocean and purifies it using a three-step advanced treatment process consisting of microfiltration, reverse osmosis and ultraviolet light with hydrogen peroxide. The process produces approximately 130 million gallons per day high-quality water that meets all State and federal drinking water standards.<sup>12</sup>

### Collection System

The collection system for the City of Newport Beach consists of over 200 miles of gravity and force flow sewer mains, varying in size from 2 to 42 inches in diameter. Residential and commercial wastewater collected by the City's wastewater collection system is transported, using a system of 20 pump stations, for treatment to the OC San. In addition, OC San trunk sewers and force mains also receive sewage flows from Newport Beach sewers at many locations throughout the City. The OC San trunk sewers, which vary in size from 18 to 42 inches in diameter, substantially reduce the size and number of sewers needed to be built and operated by the City. The OC San also operates seven pump stations in Newport Beach.

#### *Irvine Ranch Water District*

### Treatment and Collection System

The existing collection system for the IRWD sewer system consists of gravity and force flow sewer mains. The wastewater collected by the IRWD collection system from the City is delivered via a system of pump stations for treatment. The Michelson Water Recycling Plant converts an average of 28 million gallons of sewage each day into recycled water. The water is used for landscape irrigation, industrial uses and toilet flushing. The plant was built in 1961 and is IRWD's primary source of recycled water. A major plant expansion was completed in 2014.

#### *Costa Mesa Sanitary District*

### Treatment and Collection System

The existing collection system for the Costa Mesa Sanitary District sewer system consists of sewer mains, manholes, laterals, pumping stations and pressurized sewer lines (force mains). Costa Mesa Sanitary District sewer lines are tributary to the OC San treatment plants, and similar to the City, wastewater from the CMSD system is treated by the OC San. See the above referenced discussion for additional information regarding the OC San treatment system.

### Thresholds of Significance: Wastewater

The City uses the thresholds of significance specified in *State CEQA Guidelines, Appendix G*. Impacts concerning wastewater would be significant if Project implementation would:

- Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects.
- Result in a determination by the wastewater treatment provider which serves or may serve the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments.

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<sup>12</sup> Orange County Water District. <https://www.ocwd.com/gwrs/>. Accessed January 2024.

## Project Impacts and Mitigation: Wastewater

<b>Threshold 4.17-3:</b>	<b>Would the Project require or result in the relocation or construction of new or expanded wastewater treatment facilities, the construction of which could cause significant environmental effects? And</b>
<b>Threshold 4.17-4:</b>	<b>Would the Project result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?</b>

The City, Costa Mesa Sanitary District, and IRWD provide wastewater services to the City. Similar to the boundaries of the City's potable water system, the City provides sewer service to most of Newport Beach, IRWD provides service to the southeastern portion of Newport Beach, and Costa Mesa Sanitary District provides service to small portions of the City's western boundary.

Future housing development facilitated by the Project would incrementally increase wastewater generation in the City. As previously mentioned, the proposed Project would not directly construct new housing, but would facilitate the development of residential units by adopting implementing actions associated with the 2021-2029 Housing Element. The resulting population growth of approximately 21,811 persons (see **Section 4.12: Population and Housing**) could incrementally increase the demand for wastewater service. Of the 247 housing sites, 227 housing sites are currently developed and are provided with wastewater service by the City, Costa Mesa Sanitary District, and IRWD. Of the 20 undeveloped housing sites, 19 sites are in the Banning Ranch Focus Area and 1 site is in the Coyote Canyon Focus Area. As noted in **Section 3.0: Project Description**, the Banning Ranch Focus Area is included in the 2021–2029 Housing Element's sites inventory but is not assumed in order to accommodate the City's 6<sup>th</sup> Cycle RHNA allocation. Banning Ranch is considered as additional dwelling unit opportunity beyond that needed to accommodate the RHNA.

As addressed in this Program EIR, the impact analysis is conservative because it accounts for additional housing units as a buffer to address future "no net loss" to preclude the need to identify replacement sites during 6<sup>th</sup> Cycle implementation. Therefore, this Program EIR conservatively analyzes a total development capacity of 9,914 units including future development capacity of up to 9,649 units on 247 housing sites, 25 units associated with pipeline projects, and 240 ADUs. Further, this EIR analysis does not consider any loss of existing on the ground development which may be displaced to accommodate 9,914 housing units; no net change is assumed.

The majority of housing sites are within urbanized and developed areas, where there is existing wastewater infrastructure. Therefore, it is anticipated that future housing development facilitated by the Project would connect to existing nearby sewer infrastructure of the respective districts with a limited need for relocation or construction of new or expanded infrastructure. Infrastructure improvements would likely require only a limited need for expansion or replacement of individual sewer line segments to meet increased residential wastewater demand. Construction of new sewer pipes or mains or replacement of existing facilities could require excavation, removal of older mains, removal of existing manholes, and installation of the new manholes and lines located within existing paved roads and public rights-of-way. Such infrastructure improvements are limited to short-term construction effects that cease upon completion of the improvement.

All future housing projects would be subject to the City's development review process including site-specific evaluation of the respective sanitation districts' existing infrastructure and treatment capacity to serve the development. Projects would be assessed on a case-by-case basis for potential effects concerning the secondary effects of population growth, including but not limited to the need for infrastructure improvements. Projects would need to demonstrate that adequate sewer infrastructure and treatment capacity is available or can be provided for new housing and continue to be provided for existing land uses. The City levies connection fees for new or expanded sewer connections, including those to new development. These connection fees help fund the costs associated with providing wastewater facility capacity to both new users requiring new connections, as well as existing users requiring additional capacity.

Projects would be required to adhere to all federal, State, and local requirements related to wastewater treatment during construction and operations, including the Municipal Code Chapter 21.35 (Water Quality Control), Municipal Code Chapter 14.36 (Water Quality), and the Construction Permit. General Plan policies require that adequate public services and infrastructure be provided as new development occurs. For example, compliance with Land Use Element Policies LU 2.8 and LU 3.2 require that land uses can be adequately supported by public services, transportation, and utility infrastructure. Future development facilitated by the Project would be subject to General Plan Policy NR 5.1 and NR 5.3 which require the renovation of all older sewer pump stations and the installation of new plumbing according to most recent standards, and implementation of the Sewer System Management Plan and Sewer Master Plan.

Additionally, all future housing development would be required to be designed, constructed, and operated in accordance with the respective service providers including OC San Ordinance Nos. 40 and 48, and all wastewater discharges into OC San facilities would be required to comply with the discharge standards set forth to protect the public sewage system and Waters of the United States.

Although future development may require the construction or relocation of sewer infrastructure, potential impacts would be addressed as a part of the individual projects and it is anticipated that impacts would be less than significant.

**Impact Summary:**      **Less than Significant Impact.** Following compliance with the regulatory and General Plan policy requirements, the Project would result in a less than significant impact concerning its potential to cause environmental effects from the relocation or construction of new or expanded wastewater treatment or facilities.

#### 4.17.4 Storm Water Facilities

##### Regulatory Setting

###### *Federal*

###### Clean Water Act

The Federal Water Pollution Control Act of 1972, more commonly known as the Clean Water Act, regulates the discharge of pollutants into watersheds throughout the nation. Under the Clean Water Act, the U.S. EPA implements pollution control programs and sets wastewater treatment standards.

## National Pollution Discharge Elimination System

Section 402 of the Clean Water Act established the National Pollution Discharge Elimination System (NPDES) to regulate the discharge of pollutants from point sources. The U.S. Environmental Protection Agency (U.S. EPA) has authorized California to administer its NPDES permitting program. The NPDES permitting program prohibits the unauthorized discharge of pollutants from a point source (e.g., pipe, ditch, well) to waters of the United States. The permitting program addresses municipal, commercial, and industrial wastewater discharges and discharges from large animal feeding operations. Permittees must verify compliance with permit requirements by monitoring their effluent, maintaining records, and filing periodic reports. The program is administered at the local level by the RWQCBs. In California, the federal requirements are administered by the State Water Resources Control Board (SWRCB), and individual NPDES permits are issued by the California Regional Water Quality Control Boards (RWQCBs).

### *State*

#### Porter-Cologne Water Quality Control Act

California's Porter-Cologne Water Quality Control Act of 1970 (Porter-Cologne Act) grants the State Water Resource Control Board (SWRCB) and the RWQCBs power to protect surface water and groundwater quality and is the primary vehicle for implementing California's responsibilities under the federal Clean Water Act. The SWRCB is divided into nine regions, each overseen by a RWQCB. The SWRCB is responsible for protecting California's surface waters and groundwater supplies.

Each RWQCB must formulate and adopt a Water Quality Control Plan (Basin Plan) for its region. The Basin Plan must conform to the policies set forth in the Porter-Cologne Act and established by the SWRCB in its State Water Policy. The Basin Plan establishes beneficial uses for surface and groundwater in the region, and sets forth narrative and numeric water quality standards to protect those beneficial uses. Basin plans are updated every three years and provide the basis of determining waste discharge requirements, taking enforcement actions, and evaluating clean water grant proposals. The Porter-Cologne Act also states that an RWQCB may include water discharge prohibitions applicable to particular conditions, areas, or types of waste within its regional plan. The Porter-Cologne Act is also responsible for implementing Clean Water Act Sections 401 and 402 and 303(d) to SWRCB and RWQCBs.

#### Water Quality Orders (SWRCB).

The SWRCB has adopted an NPDES General Permit for construction activities, known as the Construction General Permit (Construction General Permit). The current Construction General Permit (Order No. 2009-0009-DWQ, amended by 2010-0014-DWQ and 2012-006-DWQ) became effective on July 1, 2010. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP) in conjunction with construction activities. The State SWPPP must contain a site map(s) which shows the construction site perimeter, existing and proposed buildings, lots, roadways, storm water collection and discharge points, general topography both before and after construction, and drainage patterns across the project. The SWPPP must list Best Management Practices (BMPs) that the discharger would use to protect storm water runoff and the placement of said BMPs. Additionally, the SWPPP must contain a Construction Site Monitoring Program to demonstrate that the site is in compliance with the Construction General Permit. Depending on the construction site risk level, the CSMP includes varying levels of visual monitoring and water quality sampling and analysis.

- The Construction General Permit also includes the following requirements and evaluation criteria:



- Rainfall Erosivity Waiver: This option allows a small construction site (>1 and <5 acres) to self-certify if the rainfall erosivity value (R value) for the site's given location and time frame compute to be less than or equal to 5.
- Technology-Based Numeric Action Levels: The Construction General Permit includes NALs (numeric action levels) for pH and turbidity.
- Risk-Based Permitting Approach: The Construction General Permit establishes three levels of risk possible for a construction site. Risk is calculated in two parts: Project Sediment Risk, and Receiving Water Risk.
- Effluent Monitoring and Reporting: The Construction General Permit requires effluent monitoring and reporting for pH and turbidity in storm water discharges. The purpose of this monitoring is to determine whether NALs and effluent limits for active treatment systems are exceeded.
- Receiving Water Monitoring and Reporting: The Construction General Permit requires some Risk Level 3 dischargers with direct discharges to surface waters to conduct receiving water monitoring whenever their effluent exceeds specified receiving water monitoring triggers.
- Rain Event Action Plan: The Construction General Permit requires certain sites to develop and implement a Rain Event Action Plan (REAP) that must be designed to protect all exposed portions of the site within 48 hours prior to any likely precipitation event.
- Annual Reporting: The Construction General Permit requires all projects that are enrolled for more than one continuous three-month period to submit information and annually certify that their site is in compliance with these requirements. The primary purpose of this requirement is to provide information needed for overall program evaluation and public information.
- Certification/Training Requirements for Key Project Personnel: The Construction General Permit requires that key personnel (e.g., State Water Project preparers, inspectors, etc.) have specific training or certifications to ensure their level of knowledge and skills are adequate to ensure their ability to design and evaluate project specifications in compliance with Construction General Permit requirements.

### *Regional and Local*

#### **Orange County Stormwater Program: Drainage Area Management Plan (DAMP)**

Section 402(p) of the Clean Water Act, as amended by the Water Quality Act of 1987, requires that municipal NPDES Permits include requirements (1) to essentially prohibit non-storm water discharges into municipal storm sewers and (2) to control the discharge of pollutants from municipal storm drains to the maximum extent practicable. In response to this requirement, the Orange County Drainage Area Management Plan (DAMP) was developed in 1993, which has been updated several times in response to requirements associated with NPDES permit renewals. The City of Newport Beach is a member of the Orange County Stormwater Program, which coordinates all cities and the county government to regulate and control storm water and urban runoff into all Orange County waterways, and ultimately, into the Pacific Ocean. The Orange County Stormwater Program administers the current NPDES MS4 Permit and the DAMP for the County of Orange and the 34 incorporated cities within the region. The DAMP was prepared to meet the requirements of the stormwater permit by describing the overall storm water

management strategies planned by the County to protect the beneficial uses of the receiving waters in the Santa Ana drainage area.

The main objectives of the Orange County DAMP are to fulfill the Permittees' commitment to present a plan that satisfies NPDES permit requirements and to evaluate the impacts of urban storm water discharges on receiving waters. Orange County DAMP elements include (1) the establishment of public outreach and educational programs, management strategies, and inter-agency coordination; (2) continuing participation in the Regional Research/Monitoring program that is being conducted with the neighboring counties, the Southern California Coastal Waters Research Project (SCCWRP), and three Southern California Regional Boards; (3) the establishment of Best Management Practices (BMPs) aimed at managing project-induced hydrologic effects; and (4) the improvement of water quality throughout the region.

#### **General Waste Discharge Requirements for Discharges to Surface Waters Which Pose an Insignificant (de minimus) Threat to Water Quality (Dewatering Permit)**

The Santa Ana RWQCB issued Order No. R8-2003-0061 and Amendments to NPDES Permit No. CAG998001 (Dewatering Permit) to regulate the discharge of dewatering wastes from construction, subterranean seepage, and other similar types of discharges considered to have "de minimus" impacts on water quality within the jurisdictions covered by the County permit. This permit was updated in March 2009 (by Order No. R8-2009-0003, NPDES NP. CAG998001) and applies to projects in Newport Beach. To obtain coverage under this permit, an applicant must submit a Notice of Intent and data establishing the chemical characteristics of the dewatering discharge. A standard monitoring and reporting program is included as part of the permit. For dewatering activities that are not covered by the Construction General Permit, Waste Discharge Requirements, and an individual NPDES permit must be obtained from the applicable RWQCB.

#### **City of Newport Beach General Plan**

General Plan Land Use Policies LU 2.8, LU 3.2, and LU 6.4.10 and Natural Resources Policies NR 3.4 and NR 3.15 are applicable.

#### **Newport Beach Municipal Code**

**Section 19.28.080.** Section 19.28.080 (Storm Drains) of the City's Municipal Code requires developers to design and construct all drainage facilities necessary for the removal of surface water from the site (e.g., open/closed channels, catch basins, manholes, junction structures), and to protect off-site properties from a project's water runoff. The storm drain system must be designed in accordance with the standards of the Orange County Flood Division. A drainage fee is also charged to fund improvements to the City's drainage facilities.

**Chapter 21.35 Water Quality Control.** Developments that require a coastal development permit or have the potential for adverse water quality or hydrologic impacts to coastal waters, in most cases, require a construction-phase plan (Construction Pollution Prevention Plan) and post-development plan (Post-Development Runoff Plan or Water Quality and Hydrology Plan). The Construction Pollution Prevention Plan should describe the temporary best management practices (BMPs) that the development will implement to minimize erosion and sedimentation during construction, and to minimize pollution runoff and coastal waters by construction chemicals and materials. The Post-Development Runoff Plan should

describe the runoff management site design strategies, pollutant source control BMPs, and other measures the development will implement to protect coastal waters after the development is completed.

### Existing Conditions: Storm Water<sup>13</sup>

The City provides storm drain service in Newport Beach. The Orange County Resources and Development Management Department maintains the regional drainage facilities in the City, including the Santa Ana River and San Diego Creek. The existing storm drain system owned and operated by the City consists of pipelines, catch basins, manholes, tide valves, open channels and retention basins located throughout the system. Pipelines range from 3 to 120 inches in diameter. Storm water drainage facilities are further described in **Section 4.9: Hydrology and Water Quality**.

### Thresholds of Significance: Storm Water

The City uses the thresholds of significance specified in *State CEQA Guidelines, Appendix G*. Impacts concerning water would be significant if Project implementation would:

- Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects.

### Project Impacts and Mitigation: Storm Water

<b>Threshold 4.17-5:</b>	<b>Would the Project require or result in the relocation or construction of new or expanded storm water drainage facilities, the construction of which could cause significant environmental effects?</b>
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Of the 247 housing sites, 227 housing sites are currently developed and are provided with storm water drainage facilities. Of the 20 undeveloped housing sites, 19 sites are in the Banning Ranch Focus Area and 1 site is in the Coyote Canyon Focus Area. As noted in **Section 3.0: Project Description**, the Banning Ranch Focus Area is included in the 2021–2029 Housing Element’s sites inventory but is not assumed in order to accommodate the City’s 6<sup>th</sup> Cycle RHNA allocation. Banning Ranch is considered as additional dwelling unit opportunity in addition to those that accommodate the RHNA.

All storm water infrastructure from future development facilitated by the Project, including on-site and off-site improvements, would connect to the City’s existing storm water infrastructure. Banning Ranch and Coyote Canyon would require the construction of new storm water infrastructure. All future development would be subject to the Orange County Drainage Area Management Plan which requires new developments to create and implement a Water Quality Management Plan (WQMP), which would ensure pollutant discharges are reduced to the maximum extent practicable and do not exceed existing storm drainage capacities. Projects are required to reduce discharge of storm water into urban runoff from the operational phase by managing site runoff volumes and flow rates through application of appropriate best management practices (BMPs) and be designed in accordance with the NPDES requirements.

<sup>13</sup> City of Newport Beach (2006). *Newport Beach General Plan Update Draft EIR – Hydrology and Water Quality*. [https://newportbeachca.gov/PLN/General\\_Plan/GP\\_EIR/Volume\\_1/12\\_Sec4.7\\_Hydrology.pdf](https://newportbeachca.gov/PLN/General_Plan/GP_EIR/Volume_1/12_Sec4.7_Hydrology.pdf). Accessed December 2023.

As a part of the site-specific development review process through the City, applicants would be required to demonstrate that drainage facilities would also be designed in accordance with Municipal Code Section 19.28.080, set forth in **SC UTIL-1**, which requires developers to design and construct all drainage facilities necessary for the removal of surface water from the site, and to protect off-site properties from a project's water runoff. Therefore, stormwater runoff expected at buildout of the proposed Project would not exceed existing storm drainage capacities and would not require the construction or expansion of stormwater facilities, the construction of which would cause significant environmental effects.

**Impact Summary:** **Less than Significant Impact.** Following compliance with the regulatory requirements and SC UTIL-1, the Project would result in a less than significant impact concerning its potential to cause environmental effects from the relocation or construction of new or expanded storm water improvements.

#### 4.17.5 Dry Utilities: Electricity, Natural Gas, Telecommunications

##### Regulatory Setting

###### *Federal*

##### National Energy Conservation Policy Act

The National Energy Conservation Policy Act serves as the underlying authority for federal energy management goals and requirements. Signed into law in 1978, it has been regularly updated and amended by subsequent laws and regulations. This act is the foundation of most federal energy requirements.

##### Energy Policy Act of 2005

The Energy Policy Act of 2005 sets equipment energy efficiency standards and seeks to reduce reliance on non-renewable energy resources and provide incentives to reduce current demand on these resources. For example, under the Act, consumers and businesses can receive federal tax credits for purchasing fuel-efficient appliances and products, including hybrid vehicles; constructing energy-efficient buildings; and improving commercial buildings' energy efficiency. Additionally, tax credits are available for installing qualified fuel cells, stationary micro-turbine power plants, and solar power equipment.

###### *Regional and Local*

##### City of Newport Beach General Plan

General Plan Land Use Element Policies 2.8, 3.2, and 6.4.10 are applicable.

##### Newport Beach Municipal Code

**Chapter 20.49 Wireless Telecommunications Facilities.** This chapter provides the installation, modification, operation, and maintenance of wireless telecommunication facilities on public and private property consistent with State and federal law. Telecommunication facilities must ensure public safety, minimize the visual effects of telecom facilities on public streetscapes, protect public views, and otherwise avoid and mitigate the visual impacts of telecom facilities on the community.

### *City of Newport Beach Local Coastal Program: Implementation Plan*<sup>14</sup>

The Implementation Plan is Title 21 of the Newport Beach Municipal Code, and contains the following chapters relevant to telecommunication systems:

**Chapter 21.49 Wireless Telecommunications Facilities.** This chapter provides the installation, modification, operation, and maintenance of wireless telecommunication facilities on public and private property in coastal areas consistent with State and federal law. Telecommunication facilities must ensure public safety, minimize the visual effects of telecom facilities on public streetscapes, protect public views, and otherwise avoid and mitigate the visual impacts of telecom facilities on the community.

### Existing Conditions: Dry Utilities

#### *Electricity*

Southern California Edison Company (SCE) is the primary distribution provider for electricity in the City.<sup>15</sup> SCE is a regulated electrical utility and maintains electrical facilities and infrastructure within the City and surrounding areas. SCE facilities and infrastructure are used to provide service to the City under the applicable rules and tariffs approved by the California Public Utilities Commission (CPUC), which is responsible for ensuring that California utilities' customers have safe and reliable utility service. SCE provides service in accordance with Tariff Rule 2 as authorized by the CPUC. In addition to the specific rule requirements, each service request is individually designed taking into consideration factors that include but are not limited to: the customer's projected electrical load, location of the customer's metering point, requested service voltage, reliability needs, proximity and delivery capacity of SCE's near-by facilities, potential for load expansions and future development of the SCE system.<sup>16</sup>

#### *Natural Gas*

The City is served by Southern California Gas Company (SoCalGas). SoCalGas services approximately 21 million people in a 20,000-square mile service territory.<sup>17</sup> SoCalGas has four storage fields – Aliso Canyon, Honor Rancho, La Goleta, and Playa del Rey – with a combined storage capacity of approximately 134 billion cubic feet.<sup>18</sup> According to the California Energy Commission (CEC), natural gas demand in the SoCalGas service area was 572 million therms in 2022 (most recent data).<sup>19</sup>

SoCalGas projects that total demand for natural gas will decline at an annual average rate of 1.1 percent per year through 2035.<sup>20</sup> The decline in demand is due to modest economic growth, California Public Utilities Commission mandated energy efficiency standards and programs, tighter standards created by

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<sup>14</sup> City of Newport Beach (2016). *Local Coastal Program Implementation Plan*. <https://www.codepublishing.com/CA/NewportBeach/html/NewportBeach21/NewportBeach21.html>. Accessed December 2023.

<sup>15</sup> Southern California Edison. (2019). Southern California Edison's Service Area. [https://download.newsroom.edison.com/create\\_memory\\_file/?f\\_id=5cc32d492cfac24d21aecf4c&content\\_verified=True](https://download.newsroom.edison.com/create_memory_file/?f_id=5cc32d492cfac24d21aecf4c&content_verified=True). Accessed December 2023.

<sup>16</sup> Southern California Edison. (ND). Expansion and New Facilities. <https://www.sce.com/business/consulting-services/expansion>. Accessed December 2023.

<sup>17</sup> SoCalGas. (ND). Company Profile. <https://www.socalgas.com/about-us/company-profile>. Accessed December 2023.

<sup>18</sup> SoCalGas. (ND). Storage Facility Safety. <https://www.socalgas.com/stay-safe/pipeline-and-storage-safety/storage-facility-safety>. Accessed December 2023.

<sup>19</sup> California Energy Commission. (2022). *Gas Consumption by Southern California Gas*. <http://ecdms.energy.ca.gov/gasbycounty.aspx>. Accessed December 2023.

<sup>20</sup> California Gas and Electric Utilities (2022). *California Gas Report 2022, Page 5*. [https://www.socalgas.com/sites/default/files/Joint\\_Utility\\_Biennial\\_Comprehensive\\_California\\_Gas\\_Report\\_2022.pdf](https://www.socalgas.com/sites/default/files/Joint_Utility_Biennial_Comprehensive_California_Gas_Report_2022.pdf) Accessed December 2023

revised Title 24 Codes and Standards, renewable electricity goals, the decline in commercial and industrial demand, and conservation savings linked to Advanced Metering Infrastructure.

### *Telecommunications*

Telecommunications are provided by Spectrum, Cox, and Google Fiber. Local telecommunications companies operate and maintain transmission and distribution infrastructure which currently serves the City.

### Thresholds of Significance: Dry Utilities

The City uses the thresholds of significance specified in *State CEQA Guidelines, Appendix G*. Impacts concerning water would be significant if Project implementation would:

- Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects.

### Project Impacts and Mitigation: Dry Utilities

**Threshold 4.17-6: Would the Project require or result in the relocation or construction of new or expanded electric power, natural gas, or telecommunication facilities, the construction of which could cause significant environmental effects?**

All housing sites except 20 sites (19 within the Banning Ranch Focus Area and 1 within the Coyote Canyon Focus Area) are currently developed with infrastructure in place to serve the existing land uses. Housing sites that are located in or near developed areas would connect to existing electric power provided by SCE, natural gas provided by SoCalGas, and telecommunications facilities provided by a variety of service providers. Future development would be subject to compliance with Title 24 energy efficiency standards. Additionally, any expansion of natural gas service necessitated by implementation of the proposed Project would be in accordance with SoCalGas's policies and extension rules on file with the California Public Utilities Commission at the time contractual agreements are made.

As described in **Section 4.5: Energy**, the project-related net annual electricity consumption represents approximately 0.04 percent of SCE's projected sales in 2030; therefore, it is anticipated that SCE would have sufficient capacity to the Project's electricity demand. Similarly, the Project's natural gas consumption represents approximately less than 0.01 percent of the forecasted natural gas consumption in the SoCalGas planning area annually. It is anticipated that SoCalGas would have sufficient capacity to serve the Project's natural gas demands. Therefore, because electricity and natural gas demands can be met by the current service providers, it is assumed that the Project would only require connections to existing facilities near future developments.

Future housing development in Banning Ranch and Coyote Canyon would require the construction of new dry utility infrastructure to connect to existing facilities. As noted in **Section 3.0: Project Description**, the Banning Ranch Focus Area is included in the 2021–2029 Housing Element's sites inventory but is not assumed in order to accommodate the City's 2021–2029 RHNA growth need. Banning Ranch is considered as additional dwelling unit opportunity in addition to those that accommodate the RHNA. Any future residential development in Banning Ranch and Coyote Canyon would be subject to the City's development review process, and required to adhere to all federal, State, and local requirements for avoiding and

minimizing impacts related to the relocation or construction of new or expanded electricity, natural gas, and telecommunication facilities. Future development of the housing sites evaluated in this Program EIR are located in an urban environment. The provision of electrical, natural gas, and telecommunication services would not result in foresee significant impacts.

**Impact Summary:**      **Less than Significant Impact.** Following compliance with the regulatory requirements, the Project would result in a less than significant impact concerning its potential to cause environmental effects from the relocation or construction of new or expanded dry utilities.

#### 4.17.6    Solid Waste

##### Regulatory Setting

###### *State*

##### Integrated Solid Waste Management Act

In September 1989, the California Integrated Solid Waste Management Act (also known as AB 939) was passed. AB 939 required each city in the State to divert at least 25 percent of its solid waste from landfill disposal through source reduction, recycling, and composting by the end of 1995. By 2000, cities were required to divert at least 50 percent of their waste stream from landfills. AB 939 further required each city to conduct a solid waste generation study and prepare an annual source reduction and recycling plan to describe how it will reach its goals.

##### Assembly Bill 341

AB 341, approved in October 2011, is intended to reduce greenhouse gas emissions by diverting commercial solid waste to recycling efforts and to expand the opportunity for additional recycling services and recycling manufacturing facilities in the State. It is the State's goal that not less than 75 percent of solid waste generated be source reduced, recycled, or composted by the year 2020. This law requires commercial businesses and public entities that generate four or more cubic yards of commercial solid waste per week or is a multi-unit residential dwelling with five or more units to arrange for recycling services.

Each local jurisdiction is required to inform businesses about the recycling requirement and to keep track of the level of recycling within the business community. In addition, each jurisdiction is required to report to CalRecycle, the State agency that oversees recycling and solid waste, on progress in the business community.

##### Assembly Bill 1826

In October 2014, Governor Brown signed AB 1826, Chesbro (Chapter 727, Statutes of 2014), which requires businesses to recycle their organic waste on and after April 1, 2016, depending on the amount of waste they generate per week. Organic waste means food waste, green waste, landscape and pruning waste, nonhazardous wood waste, and food-soiled paper waste that is mixed in with food waste. For businesses that generate eight or more cy of organic waste per week, this requirement began April 1, 2016, while those that generate four cy of organic waste per week must have an organic waste recycling program in place beginning January 1, 2017. This law also requires that on and after January 1, 2016, local jurisdictions across the State to implement an organic waste recycling program to divert organic waste generated by businesses, including multi-unit residential dwellings that consist of five or more units.

Mandatory recycling of commercial organics would be phased in over time, and an exemption process is available for rural counties.

### Senate Bill 1383

Senate Bill 1383 (Lara, Chapter 395, Statutes of 2016) passed in 2016 as part of California's larger strategy to combat climate change. This law is the largest and most prescriptive waste management legislative update in California since AB 939. As it pertains to municipal solid waste management, SB 1383 establishes targets to achieve a 50 percent reduction in the level of the statewide disposal of organic waste from the 2014 level by 2020 and a 75 percent reduction by 2025. The law establishes an additional target that not less than 20 percent of currently disposed edible food is recovered for human consumption by 2025. The regulations are effective January 1, 2022 and require jurisdictions to provide programs and enforcement necessary to ensure all residents and businesses recycle organics. Under this law, organics includes food and food-soiled paper waste, landscape cuttings, cardboard, paper, and non-treated wood waste. Certain businesses that make, package, prepare and/or sell food must donate edible food that would otherwise be disposed to food banks for redistribution to people in need.

### *Local*

#### Newport Beach Municipal Code

**Title 6 Health and Sanitation.** This title of the Newport Beach Municipal Code (Municipal Code) establishes appropriate measures to protect the health, safety, and welfare of citizens of Newport Beach. Municipal Code Chapter 6.04, Garbage, Refuse and Cuttings, contains regulations for collection, storage, and transportation of solid waste and divertible materials generated within the City. Municipal Code Chapter 6.06, State Mandated Municipal Solid Waste Diversion Programs, provides the minimum standards for the collection, storage and transport of solid waste, food scraps, green waste, wood, and other materials generated within the City and the diversion of recyclable materials<sup>21</sup> from the landfill.

**Section 12.63.030 Franchise to Operate Required.** Municipal Code Section 12.63.030 requires businesses that provide commercial solid waste handling services in City limits to obtain a franchise in order to operate. The ordinance states that because State law requires the City to substantially reduce the amount of solid waste it sends to landfills, and the City is required to report to the State the amount of materials diverted from landfills in compliance with State law, the City must be able to regulate the collection of solid waste from residential and commercial premises through the requirements of a franchise.

**Section 20.30.120 Solid Waste and Recyclable Materials Storage.** This section provides the standards for the provision of solid waste and recyclable materials storage areas in compliance with the California Solid Waste Reuse and Recycling Access Act (PRC §42900) and Municipal Code Chapters 6.04 and 6.06. All existing and new development projects that require building permits must provide adequate enclosed areas with solid roofs for collecting and loading solid waste and recyclable materials.

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<sup>21</sup> Recyclable materials include food scraps, green waste, wood, and other recyclable materials.



## Existing Conditions: Solid Waste

The City has an exclusive franchise agreement with CR&R Environmental Services (CR&R) for solid waste services, including refuse, recycling, and green waste. Residential trash, recycling, and green waste is collected weekly. Curbside bulky items and hazardous waste can be collected upon agreement.<sup>22</sup>

The Orange County Waste & Recycling Department (OCWR) presently owns and operates three active landfills, including: Frank R. Bowerman Landfill in Irvine; Olinda Alpha Landfill in Brea; and Prima Deshecha Landfill in San Juan Capistrano.<sup>23</sup> Frank R Bowerman Landfill is a Class III landfill with a remaining capacity of 205,000,000 cubic yards and a maximum permitted throughput of 11,500 tons per day.<sup>24</sup> Olinda Landfill is a Class III landfill with a remaining capacity of 17,500,000 cubic yards and a maximum permitted throughput of 8,000 tons per day.<sup>25</sup> Olinda Landfill is a Class III landfill with a remaining capacity of 17,500,000 cubic yards and a maximum permitted throughput of 8,000 tons per day.<sup>26</sup> Prima Deshecha Landfill is a Class III landfill with a remaining capacity of 128,800,000 cubic yards and a maximum permitted throughput of 4,000 tons per day.<sup>27</sup>

## Thresholds of Significance: Solid Waste

The City uses the thresholds of significance specified in *State CEQA Guidelines, Appendix G*. Impacts concerning solid waste would be significant if Project implementation would:

- Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals.
- Conflict with federal, State, and local management and reduction statutes and regulations related to solid waste.

## Project Impacts and Mitigation: Solid Waste

<b>Threshold 4.17-7:</b>	<b>Would the Project generate solid waste in excess of State and local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals? And</b>
<b>Threshold 4.17-8:</b>	<b>Would the Project comply with federal, State, and local management and reduction statutes and regulations related to solid waste?</b>

Future housing development facilitated by the Project would incrementally increase solid waste generation in the City. The City contracts for waste collection services; the service purveyor would be responsible for solid waste collection and hauling during both construction and operational phases of any future development projects. Solid waste generated during construction activities typically includes

<sup>22</sup> City of Newport Beach. *Trash and Recycling*. <https://www.newportbeachca.gov/government/departments/public-works/municipal-operations/trash-recycling>. Accessed December 8, 2023.

<sup>23</sup> OC Waste & Recycling. *Landfills*. <https://www.oclandfills.com/landfills>.

<sup>24</sup> California Department of Resources Recycling and Recovery (CalRecycle). (ND). *SWIS Facility/Site Details, Franks R. Bowerman Sanitary LF (30-AB-0360)*. <https://www2.calrecycle.ca.gov/SolidWaste/SiteActivity/Details/2767?siteID=2103>. Accessed December 8, 2023.

<sup>25</sup> California Department of Resources Recycling and Recovery (CalRecycle). (ND). *SWIS Facility/Site Details, Olinda Alpha Landfill (30-AB-0035)*. <https://www2.calrecycle.ca.gov/SolidWaste/SiteActivity/Details/2757?siteID=2093>. Accessed December 8, 2023.

<sup>26</sup> California Department of Resources Recycling and Recovery (CalRecycle). (ND). *SWIS Facility/Site Details, Prima Deshecha Landfill*. <https://www2.calrecycle.ca.gov/SolidWaste/SiteActivity/Details/2757?siteID=2093>. Accessed December 8, 2023.

<sup>27</sup> California Department of Resources Recycling and Recovery (CalRecycle). (ND). *SWIS Facility/Site Details, Olinda Alpha Landfill (30-AB-0035)*. <https://www2.calrecycle.ca.gov/SolidWaste/SiteActivity/Details/2757?siteID=2093>. Accessed December 8, 2023.

demolition of existing on-site structures, vegetation clearing, and grading would generate solid waste. Such waste would be source separated on-site for reuse, recycling, or proper disposal. Bins for the various construction material waste types would typically be provided on site by CR&R, who would also transport waste materials to the proper facilities for disposal. For future operations, CR&R would offer a variety of trash collection and recycling services. It is anticipated that solid waste from future housing development facilitated by the Project would be disposed of at the landfill nearest the City: Frank R. Bowerman Landfill in the City of Irvine.

As previously addressed, AB 341 requires cities and counties to implement recycling programs, reduce refuse at the source, and compost waste to achieve the established 75 percent diversion of solid waste from landfills. In addition, the City is also required to monitor activities to identify those sending their organic material to the landfill and direct them towards proper organics diversion options pursuant to AB 1826. To achieve this target, Municipal Code Section 6.06 (State Mandated Municipal Solid Waste Diversion Programs) provides minimum standards for the safe and sanitary collection, storage, and transportation of solid waste, food scraps, green waste, wood, and recyclable materials generated within the City and the diversion of these types of solid waste from the landfill. Future housing development under the Project would be required to recycle corrugated cardboard, plastic beverage bottles, glass jars and bottles, white goods (appliances), and tin and bi-metal cans. Additionally, containers would be provided for recyclables, and recyclables would be separated from other trash and segregated by type for proper collection and disposal. Such measures would reduce the amount of solid waste disposed of at the Frank R. Bowerman Landfill.

Future housing development facilitated by the Project would be subject to the City's development review process and be required to adhere to all federal, State, and local requirements for solid waste reduction and recycling. In addition, all future housing development would be required to comply with the Green Building Code, which implements design and construction measures that act to reduce construction-related waste through material conservation measures and other construction-related efficiency measures. Municipal Code Section 20.30.120 (Solid Waste and Recyclable Materials Storage) requires all new development projects requiring a building permit to provide adequate, enclosed areas with solid roofs for collecting and loading solid waste and recycling materials.

Therefore, Project implementation would not generate solid waste in excess of State or local standards, or in excess of local infrastructure's capacity or conflict with statutes and regulations related to solid waste. Impacts would be less than significant and no mitigation is required.

**Impact Summary:**      **Less than Significant Impact.** Solid waste services can be provided to the Project without significantly impacting existing and planned development within the City and County.

#### 4.17.7 Cumulative Impacts

The Project's anticipated impacts of future development on the housing sites facilitated by the Project, in conjunction with cumulative development in the City, would increase housing development in a largely developed area and could result in impacts to utilities and service systems. Potential impacts are site-specific and would require evaluation on a case-by-case basis at the project level when future development on the housing sites is proposed in accordance with the Project. Each cumulative project would require separate review, which would address potential effects to utilities and service systems, and identify necessary improvements, where appropriate.

Consequently, future housing development on the housing sites facilitated by the Project would not result in significant environmental impacts from the exceeding existing utility and system capacities, exceeding wastewater treatment capacities, interfering with solid waste reduction goals, or existing solid waste statutes or regulations. The Project would not cause a cumulatively considerable impact on utilities and service systems, and no mitigation is required.

Cumulative impacts to the water supply are considered on a city-wide and regional basis as the service districts for IRWD and Mesa Water span multiple jurisdictions: Irvine, Tustin, Lake Forest, Newport Beach, Orange, Costa Mesa, and unincorporated areas of Orange County. As concluded above, despite compliance with federal, State, and local requirements, it cannot be demonstrated that future housing development facilitated by the Project would have sufficient water supplies available to serve the Project and reasonably foreseeable future development during normal, dry and multiple dry years because the water districts' URWPs do not account for the respective jurisdictions' 6<sup>th</sup> Cycle RHNA allocation. Therefore, the Project's contribution to cumulative impacts concerning water supplies to serve future development would be considered cumulatively considerable.

#### 4.17.8 Mitigation Program

##### General Plan Policies

See **Section 4.17.2: Regulatory Setting** for complete policy text.

- Policy LU 2.8
- Policy LU 3.2
- Policy LU 6.1.2
- Policy LU 6.4.10
- Policy NR 3.4
- Policy NR 3.11
- Policy NR 3.15

##### Standard Conditions

**SC UTIL-1** The project shall be required to comply with the City of Newport Beach Municipal Code Chapter 14.16 related to water conservation and supply level regulations in effect during the construction and operation of the project, and Municipal Code Chapter 14.17 with respect to water-efficient landscaping.

**SC UTIL-2** The project shall be required to comply with Section 19.28.080 (Storm Drains) of the City's Municipal Code which requires developers to design and construct all drainage facilities necessary for the removal of surface water from the site (e.g., open/closed channels, catch basins, manholes, junction structures), and to protect off-site properties from a project's water runoff. The storm drain system must be designed in accordance with the standards of the Orange County Flood Division. A drainage fee is also charged to fund improvements to the City's drainage facilities.

**SC UTIL-3** The Applicant shall prepare and obtain approval of a Construction and Demolition Waste Management Plan (CDWMD) for the project. The CWMP shall list the types and weights or volumes of solid waste materials expected to be generated from construction. The CDWMD shall include options to divert from landfill disposal, nonhazardous materials for reuse or recycling by a minimum of 65 percent of total weight or volume.

## Mitigation Measures

No feasible mitigation for water supply is available to reduce impacts to less than significant.

### 4.17.9 Level of Significance After Mitigation

Because the UWMP's for the City, IRWD, and Mesa Water did not account for the population growth associated with the Project, it cannot be determined if there will be sufficient water supplies available to serve future development facilitated by the Project and reasonably foreseeable future development during normal, dry and multiple dry years. Despite compliance with federal, State, and local requirements, the water demands from future development facilitated by the Project would result in a significant and unavoidable impact concerning water supply. All other impacts would be less than significant.

### 4.17.10 References

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