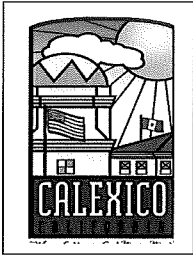


**AGENDA  
ITEM**

**16**



# AGENDA STAFF REPORT

**DATE:** November 7, 2018

**TO:** Mayor and City Council

**APPROVED BY:** Dávid B. Dale, City Manager *DD*

**PREPARED BY:** Miguel Figueroa, Assistant City Manager *M/F*  
Carlos Campos, City Attorney

**SUBJECT:** Adopt a Resolution of the City Council of the City of Calexico, California, to Act as the Lead Agency for CEQA Process for the New River Improvement Project

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## RECOMMENDED ACTION

City Council approve a resolution to act as the lead agency for CEQA process for the water quality infrastructure improvements for Phase 1 of the New River Improvement Project (NRIP).

## BACKGROUND

The New River is a cross-border, transboundary river that flows from Mexicali, Mexico, into the City of Calexico and on to the Salton Sea. The New River is severely polluted primarily from discharges of wastes from domestic, agricultural and industrial sources in Mexico. The New River's problems are both cumulative and severe.

New River pollution threatens public health, prevents supporting healthy ecosystems for wildlife and other biological resources in the New River. Water quality objectives are not being met in the United States' section of the New River because trash: (a) is discharged to the New River and tributaries in Mexico, (b) crosses the International Boundary, and (c) impacts beneficial uses of the New River in the United States. Trash adversely affects fish and wildlife communities and also causes secondary water quality impacts that may extend to the New River's terminus at the Salton Sea.

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In January 2016, Region 7 of the Colorado River Basin Regional Water Quality Control Board presented an updated NRIP with an approach that reduced the cost of the water quality infrastructure improvements by removing the planned disinfection facility and utilizing wetlands to clean the water. The NRIP updates were presented to the CMBRC and sent to the California Legislature in February 2016.

## **DISCUSSION**

Assembly Bill 1079 authored by Assemblyman Victor M. Perez requires the California-Mexico Border Relations Council ("CMBRC") to create a strategic plan to study, monitor, remediate and enhance the New River's water quality to protect human health.

Pursuant to provisions in Assembly Bill 1079, the Chair of the Council appointed the New River Technical Advisory Committee ("TAC") to oversee the development of the Plan and ensure community involvement. The TAC began work in the summer of 2010 and continued with multiple internal and stakeholder interactions through fall of 2011. The New River Improvement Project Strategic Plan ("NRIP") was submitted by the New River Improvement Technical Advisory Committee in December 2011 and presented to the California Mexico Border Relations Council, as well as sent to the Legislature.

In January 2016, the Colorado River Basin Regional Water Quality Control Board of Region 7 presented an updated New River Improvement Project with an approach that reduced the cost of the Project from approximately \$80 million to \$20 million by removing the planned disinfection facility and utilizing wetlands to clean the water. The updated Project includes three elements: 1) a trash screen, 2) a pipe for re-routing water, and 3) a pump back system as more specifically described in Exhibit A attached to the MOU.

Senate Bill (SB) 859 (2016) then appropriated \$1.4 million of funding being held in the Waste Discharge Permit Fund to the SWRCB to provide grants or contracts for the development of planning, environmental, and design documents in furtherance of projects for eliminating public health and safety risks from wastewater, and agricultural and other drainage of urbanized areas for tributaries to the Salton Sea. This funding may be used toward planning, design and environmental documents for the water quality infrastructure ("Phase 1") of the New River Improvement Project.

Pursuant to SB 859, the SWRCB and the Colorado River Basin Regional Water Quality Control Board prepared a "Request for Qualifications" for Phase 1 of the NRIP. The contract for Phase 1 of the NRIP was awarded to Michael Baker International, effective from March 14, 2018 to October 31, 2018, and included the delivery of a complete set of engineering plans as well as the Draft Initial Study and a draft Mitigated Negative Declaration required for the environmental permitting process.

## **ENVIRONMENTAL DETERMINATION**

No impact.

**FISCAL IMPACT**

None.

**COORDINATED WITH**

City Manager.

**ATTACHMENT(S)**

1. Resolution No. 2018-\_\_\_\_\_ - Resolution of the City Council of the City of Calexico to act as the lead agency for CEQA Process for the New River Improvement Project.

**RESOLUTION NO. 2018-\_\_\_\_\_**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALEXICO TO ACT AS THE LEAD AGENCY FOR CEQA PROCESS FOR THE NEW RIVER IMPROVEMENT PROJECT**

WHEREAS, the New River is a cross-border, transboundary river that flows from Mexicali, Mexico, into the City of Calexico and on to the Salton Sea. The New River is severely polluted primarily from discharges of wastes from domestic, agricultural and industrial sources in Mexico. The New River's problems are both cumulative and severe.

WHEREAS, New River pollution threatens public health and prevents supporting healthy ecosystems for wildlife and other biological resources in the New River.

WHEREAS, New River pollution hinders economic development in the City of Calexico.

WHEREAS, California Assembly Bill 1079 (2009), authored by Assemblymember Victor M. Perez, required the California-Mexico Border Relations Council ("CMBRC") to create a strategic plan to study, monitor, remediate and enhance the New River's water quality to protect human health. Pursuant to provisions in Assembly Bill 1079, the Chair of the CMBRC appointed the New River Technical Advisory Committee ("TAC") to oversee the development of the strategic plan and ensure community involvement. The TAC began work in the summer of 2010 and continued with multiple internal and stakeholder interactions through fall of 2011. The New River Improvement Project Strategic Plan ("NRIP") was submitted by the New River Improvement TAC in December 2011 and presented to the CMBRC, as well as sent to the California Legislature.

WHEREAS, in January 2016, Region 7 of the Colorado River Basin Regional Water Quality Control Board presented an updated NRIP with an approach that reduced the cost of the water quality infrastructure improvements by removing the planned disinfection facility and utilizing wetlands to clean the water. The NRIP updates were presented to the CMBRC and sent to the California Legislature in February 2016.

WHEREAS, the Project includes three elements: a trash screen, a pipe for re-routing water and a pump back system as more specifically described in Exhibit A attached hereto and incorporated herein by reference.

WHEREAS, the Project will provide a health and safety benefit to the residents of the City of Calexico and the affected regional communities.

WHEREAS, California Senate Bill 859 (2016) appropriated \$1.4 million of funding being held in the Waste Discharge Permit Fund to the California State Water Resources Control Board ("SWRCB") to provide grants or contracts for the development of planning, environmental, and design documents in furtherance of projects for eliminating public health and safety risks from wastewater, and agricultural and other drainage of urbanized areas for tributaries to the Salton Sea.

WHEREAS, pursuant to SB 859 (2016), the SWRCB and the Colorado River Basin Regional Water Quality Control Board prepared a "Request for Qualifications" for the planning, design and environmental documents for the water quality infrastructure ("Phase 1") of the NRIP.

WHEREAS, the contract for Phase 1 of the NRIP was awarded to Michael Baker International, effective from March 14, 2018 to October 31, 2018, and included the delivery of a complete set of engineering plans as well as the Draft Initial Study and a draft Mitigated Negative Declaration required for the environmental permitting process.

WHEREAS, the California Environmental Quality Act (CEQA) process must be completed prior to the permitting and subsequent construction of the Project.

NOW, THEREFFORE, BE IT RESOLVED that the City Council of the City of Calexico hereby:

1. Agrees to act as the Lead Agency for the CEQA process for the Project.

**PASSED, APPROVED and ADOPTED** this 7th day of November, 2018, by the City Council of the City of Calexico.

\_\_\_\_\_  
Lewis Pacheco, City Mayor

**ATTEST:**

\_\_\_\_\_  
Gabriela T. Garcia, City Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Carlos Campos, City Attorney

Resolution No. 2018-\_\_\_\_\_

State of California )  
County of Imperial ) ss.  
City of Calexico )

I, Gabriela T. Garcia, Deputy City Clerk of the City of Calexico do hereby certify the above Resolution No. 2018-\_\_\_\_\_ was approved at a regular City Council meeting held on the 7<sup>th</sup> day of November, by the following vote to-wit:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

\_\_\_\_\_  
Gabriela T. Garcia, City Clerk

**EXHIBIT A**  
**Project Description**

<b>Project</b>	<b>Location</b>
Trash Screen	Calexico, immediately downstream of US-Mexico Border
New River Conveyance System	Calexico, from the Border to approximately City of Calexico Wastewater Treatment Plant
Pump-back system for Treated Wastewater from Calexico Wastewater Treatment Plant	City of Calexico Wastewater Treatment Plant booster pump, plus piping back to the Border