

3-19-09

RESOLUTION NO. 09-06

RESOLUTION OF THE BOARD OF DIRECTORS OF MOULTON NIGUEL WATER DISTRICT ADOPTING AND CERTIFYING DISTRICT'S SEWER SYSTEM MANAGEMENT PLAN (SSMP)

WHEREAS, pursuant to California Water District Law, Section 34000 *et seq.* of the California Water Code, the Moulton Niguel Water District ("District") has the authority to own and operate sewer systems and to adopt rules and regulations for the management of sewer systems;

WHEREAS, sanitary sewer overflows ("SSOs"), caused by discharges of wastewater containing high levels of Fats, Oils and Grease ("FOG"), tree roots, and other debris and pollutants, may cause temporary exceedances of applicable water quality objectives, pose a threat to the public health, adversely affect aquatic life, and impair the public recreational use and aesthetic enjoyment of surface waters;

WHEREAS, State Water Resources Control Board Order No. 2006-0003-DWQ, *Statewide General Waste Discharge Requirements for Sanitary Sewer Systems*, as revised by Order No. WQ 2008-0002-EXEC ("State WDR Order") establishes the primary State regulatory mechanism for sanitary sewer systems and the prevention of SSOs, and includes the general requirement for **Sewer System Management Plans (SSMPs)** to provide a plan and schedule to properly manage, operate, and maintain all parts of sanitary sewer systems, including a SSO emergency response plan;

WHEREAS, a specific element of the SSMPs requires a FOG Control Program to monitor and control SSOs that could result from FOG discharge, and the District completed a FOG Control Program approved by the Board of Directors of the District by adoption of Resolution No. 08-41 on November 20, 2008;

WHEREAS, the District Operations Staff, assisted by other District Divisions, has prepared the "Moulton Niguel Water District Sewer System Management Plan" ("District SSMP") pursuant to the State WDR Order, which includes the District's FOG Control Program and terms for the implementation of the plans and programs set forth in the District SSMP;

WHEREAS, the District SSMP has been presented to the Board of Directors for its review at a duly noticed public meeting held on this date;

WHEREAS, District Operations Staff confirms that the District SSMP including the subparts and elements, as well as the implementation of those terms, are in compliance with the requirements of the State WDR Order and are in accordance with the time frames identified in the schedules set forth in the State WDR Order; and

WHEREAS, the adoption and certification of the District's SSMP is exempt under the California Environmental Quality Act (CEQA) pursuant to (i) Section 15308 of the CEQA Guidelines that provide a categorical exemption for actions taken by a regulatory agency as authorized by state or local ordinance to assure the maintenance, restoration, enhancement or protection of the environment; and (ii) Section 15301 of the CEQA Guidelines to the extent that it applies to existing sanitary sewer collection systems of the District that constitute "existing facilities" as that term is used in Section 15301, and Section 15302, to the extent that it results in the repair or replacement of existing sewer system facilities of the District involving negligible or no expansion of capacity.

NOW, THEREFORE, the Board of Directors of the Moulton Niguel Water District does hereby **RESOLVE, DETERMINE and ORDER** as follows:

Section 1. The Recitals and the facts set forth in the Recitals are incorporated in this Section 1 by this reference.

Section 2. The Board of Directors approves and adopts the District SSMP, including the implementation provisions set forth in the District SSMP, and based on information from the District Operations Staff, certifies that the District SSMP and the subparts and elements, as well as the implementation of those terms, are in compliance with the requirements of the State WDR Order, and are also in accordance with the time frames identified in the schedule set forth in the State WDR Order.

Section 3. The Board of Directors finds the adoption of the District SSMP is a categorically exempt project under CEQA based on the following facts and findings: (1) the District SSMP applies to sanitary sewer collection systems of the District that constitute "existing facilities" of the District, or may require the installation of minor sewer system facilities which will constitute either minor alterations to existing facilities, or result in repair or replacement of existing facilities involving negligible or no expansion of sewer capacity; and (2) the District SSMP requires the implementation of management and operation programs and plans to enhance and protect the environment by limiting the occurrence of SSOs in the District, which pose a threat to public health, may cause temporary exceedances of applicable water quality objectives, adversely affect aquatic life and impair the public recreational use and aesthetic enjoyment of surface waters. The Board of Directors authorizes and directs the Secretary of the District in consultation with the Director of Operations and legal counsel to file a Notice of Exemption with the County of Orange in accordance with State CEQA Guidelines and District procedures.

Section 4. The Director of Operations is hereby directed to take all further actions required under the State WDR Order to complete the certification of compliance of the District SSMP, the implementation programs and plans, and the time schedule, as set forth in **Section 2** above.

Section 5. The provisions of this Resolution shall be effective immediately upon adoption.

ADOPTED, SIGNED and APPROVED this 19th day of March, 2009.

MOULTON NIGUEL WATER DISTRICT



President

MOULTON NIGUEL WATER DISTRICT
and of the Board of Directors thereof




Secretary

MOULTON NIGUEL WATER DISTRICT
and of the Board of Directors thereof

APPROVED AS TO FORM:

BOWIE, ARNESON, WILES & GIANNONE
Legal Counsel - Moulton Niguel Water District

By



Patricia B. Giannone

BOWIE, ARNESON, WILES & GIANNONE

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS
ATTORNEYS AT LAW

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REF. OUR FILE
12004 B41

*A PROFESSIONAL CORPORATION

March 26, 2009

VIA OVERNIGHT DELIVERY

Mr. Tom Daly
Orange County Clerk-Recorder
The Hall of Finance Records
12 Civic Center Plaza, Room 106
Santa Ana, CA 92701

*Re: Filing of Notice of Exemption [NOE] – Moulton Niguel Water District
Adoption of Sewer System Management Plan-*

To Whom It May Concern::

We represent the Moulton Niguel Water ("MNWD") and have enclosed a *Notice of Exemption* (three originals), one original to be filed and posted by the County for thirty (30) days upon receipt, pursuant to California Public Resources Code Section 21152(c), as well as a check in the amount of \$50.00 for such filing. We request that your office return two conformed, date-stamped originals to us in the enclosed, self-addressed, stamped envelope.

Following the completion of the required posting of the *Notice of Exemption* for the 30-day period, please forward the posted original with notation of period posted per California Public Resources Code Section 21152(c), to my attention as follows: Pat Giannone at Bowie, Arneson, Wiles & Giannone; 4920 Campus Drive, Newport Beach, CA 92660.

If you have any questions or comments on the documents enclosed, please contact me at (949) 851-1300.

Very truly yours,

BOWIE, ARNESON, WILES & GIANNONE

By: 
Patricia B. Giannone

PBG:lkw
Enclosure

cc: Larry Dees, Moulton Niguel Water District (e/enc.)
Leslie Gray, Moulton Niguel Water District (w/enc.)
Brad Bruington, Moulton Niguel Water District (w/enc.)

131611

NOTICE OF EXEMPTION
(State Guidelines §15062)

County Clerk's Filing Stamp

TO: County Clerk
 County of Orange
 12 Civic Center Plaza
 Santa Ana, CA 92701

FROM: Moulton Niguel Water District
 27500 La Paz Road
 Laguna Niguel, CA 92656-3489

Project Name: Adoption of Moulton Niguel Water District Sewer System Management Plan ("SSMP")

Project Location (specific):

Attached hereto as Exhibit A is a map depicting the boundaries of the Moulton Niguel Water District

Project Location: (City) Aliso Viejo, Laguna Niguel, Laguna Hills, Mission Viejo, Dana Point
(County) Orange

Description of Nature, Purpose and Beneficiaries of Project:

Adoption and implementation of the District SSMP pursuant to State Water Resources Control Board Waste Discharge Order No. 2006-0003-DWQ, *Statewide General Waste Discharge Requirements for Sanitary Sewer Systems*, as revised by Order No. WQ 2008-0002-EXEC ("State WDR Order") is for the operation of District sewer facilities through a comprehensive plan and schedule to manage, operate, and maintain all parts of sanitary sewer system, with focus on mitigation of Sanitary Sewer Overflows ("SSOs"), and includes a SSO emergency response plan, among other procedures. The ratepayers within the District, as well residents in, and visitors to, South Orange County and particularly its coastal areas will benefit from the implementation of the SSMP.

Name of Public Agency Approving Project: Moulton Niguel Water District

Name of Person or Agency Carrying Out Project: Moulton Niguel Water District

Exempt Status: (check one)

- Ministerial (State Guidelines §15268)
- Declared Emergency (State Guidelines §15359)
- Emergency Project (State Guidelines §15269)
- Categorical Exemption (State Guidelines § 15308, § 15301 and 15302)
- Statutory Exemption (state type and State Guidelines Section number)

Reasons why project is exempt:

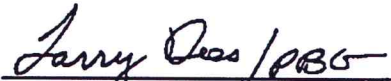
The adoption and implementation of the District's SSMP is exempt under the California Environmental Quality Act (CEQA) pursuant to (i) Section 15308 of the CEQA Guidelines that provide a categorical exemption for actions taken by a regulatory agency as authorized by state or local ordinance to assure the maintenance, restoration, enhancement or protection of the environment. The State WDR Order requires sewer agencies to adopt SSMPs in order to operate and maintain sewer facilities systems and control SSOs, which pose a threat to public health, adversely affect aquatic life and impair the public recreational use and aesthetic enjoyment of surface waters; and (ii) Section 15301 of the CEQA Guidelines to the extent that it applies to existing sanitary sewer collection systems of the District that constitute "existing facilities" as that term is used in Section 15301, and may require the installation of minor sewer system facilities which will constitute minor alterations to those existing facilities, and/or Section 15302 of the CEQA Guidelines, to the extent that it results in the repair or replacement of existing sewer system facilities of the District involving negligible or no expansion of capacity.

Contact Person: Larry Dees, Director of Operations
Phone: 949-425-3537

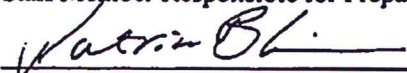
If filed by applicant: N/A

1. Attach certified document of exemption finding.
2. Has a notice of exemption been filed by the public agency approving the project:
Yes _____ No _____

Submission of this form is optional. State agencies may file the form with the Office of Planning and Research pursuant to Public Resources Code Section 21108(b). Local agencies may file this form with the county clerk pursuant to Public Resources Code Section 21152(b). The filing of the notice starts a 35-day statute of limitations on court challenges to the approval of the project under Public Resources Code Section 21167(d). Failure to file the notice results in the statute of limitations being extended to 180 days. The information filed by state agencies is maintained at the Office of Planning and Research, 1400 Tenth Street, Sacramento, California 95814; telephone (916) 445-0613.



Larry Dees, Director of Operations
Staff Member Responsible for Preparation

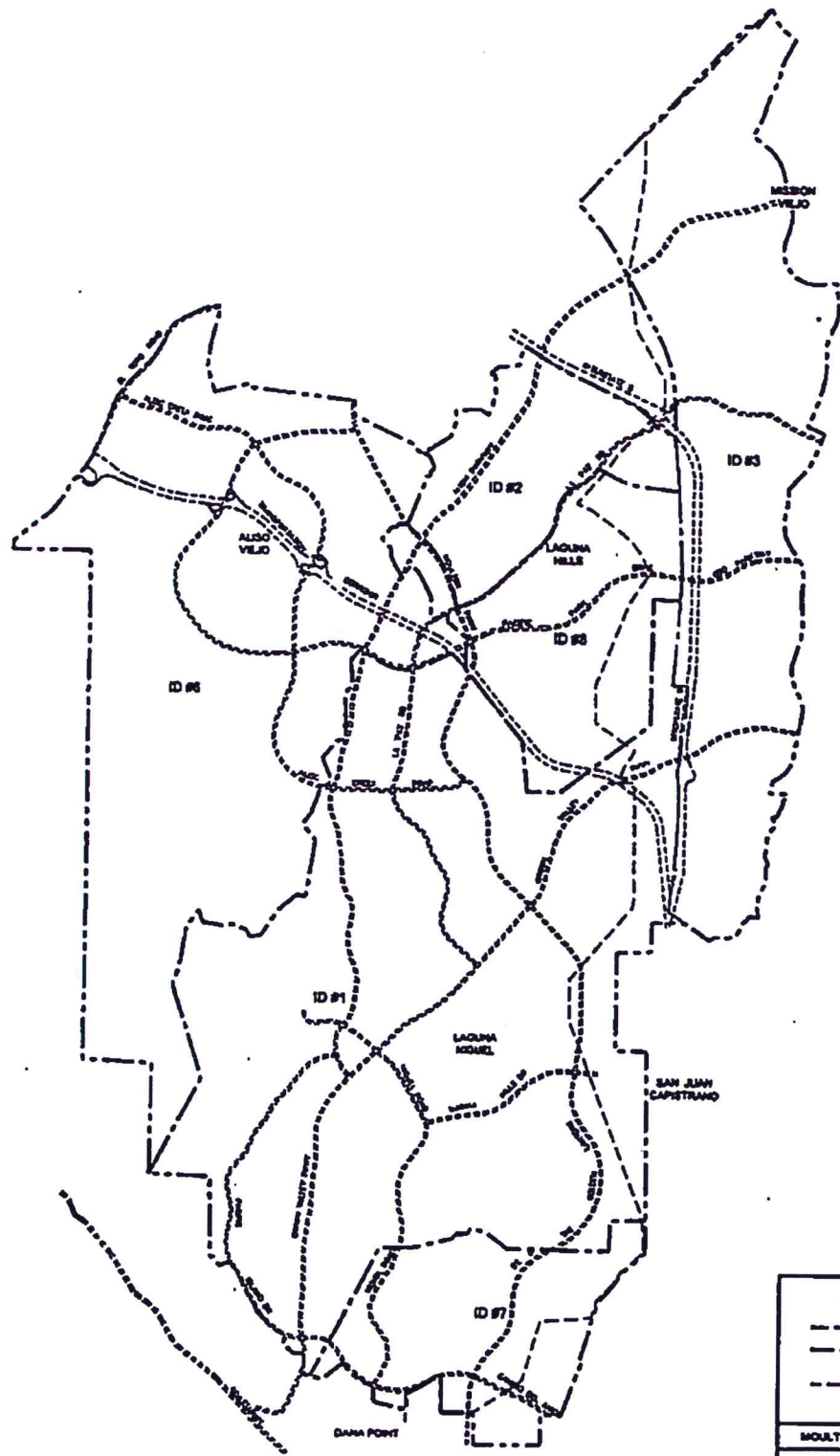


Assistant Secretary

March 26, 2009
Date

DATE: 11/10/11 11:00 AM
DRAWN BY: GARCIA
CHECKED BY: VON LINDEN
DATE: 11/16/11 10:03 AM
PROJECT: 0303-0001-0111-03-14-01.dwg
SHEET: 0003 OF 0003

CANCAS
GARCIA
VON LINDEN
CG&L
ENGINEERS



LEGEND:	
---	MWD BOUNDARY
- - -	IMPROVEMENT DISTRICT BOUNDARY
- · - · -	AMBA/SORIA BOUNDARY
MOULTON NIGUEL WATER DISTRICT	
MNWD IMPROVEMENT DISTRICT BOUNDARIES	

EXHIBIT A