

CHAPTER 9

CEQA Statutory Sections

9.1 Significant Unavoidable Environmental Effects

Sections 15126.2(b) of the CEQA Guidelines requires that an EIR identify significant environmental effects that cannot be avoided by the proposed project, including those that can be mitigated, but not to a less-than-significant level. The proposed project would result in impacts from noise and vibration and greenhouse gas (GHG) emission that, even with implementation of mitigation measures, would remain significant and unavoidable. Project construction activities would result in the increase in ambient noise levels in the project vicinity during construction and would be inconsistent with construction time limits established by the local jurisdictions. The amortized construction GHG emissions and the total net operation emissions associated with the proposed project would exceed the thresholds of 2,000 metric ton per year. Furthermore, the proposed project would conflict with Executive Order S-3-05, California Assembly Bill (AB) 32 emissions reduction goals and AB 32 Climate Change Scoping Plan.

9.2 Significant Irreversible Changes

Section 15126.2(c) of the CEQA Guidelines requires that an EIR identify significant irreversible environmental changes that would be caused by a proposed project. These changes may include, for example, uses of nonrenewable resources, or provision of access to previously inaccessible areas, as well as project accidents that could change the environment in the long-term. Development of the proposed project would require a permanent commitment of natural resources resulting from the direct consumption of fossil fuels, construction materials, the manufacture of new equipment that largely cannot be recycled at the end of the proposed project's useful lifetime, and energy required for the production of materials.

Accidents, such as the release of hazardous materials, could trigger irreversible environmental damage. As discussed in Section 4.7, Hazards and Hazardous Materials, construction of the proposed project would involve limited quantities of miscellaneous hazardous substances, such as gasoline, diesel fuel, solvents, paints, etc. An accidental spill of any of these substances could affect water and/or groundwater quality and, if a spill were to occur of significant quantity, the release could pose a hazard to construction workers, the public, and the environment. Hazardous materials also would be used to operate and maintain the MPWSP Desalination Plant, ASR injection/extraction wells, Terminal Reservoir/ASR Pump Station. Improper storage, use, handling, or accidental spilling of such materials could result in a hazard to the public or the environment. However, compliance with the various regulations regarding the safe transport, use, and storage of hazardous materials (see Section 4.7.2, Regulatory Framework) as well as the

National Pollutant Discharge Elimination System General Construction Permit requirements would ensure that public health and safety risks are maintained at acceptable levels. Therefore, significant irreversible changes from accidental releases are not anticipated.