



## PIPE USERS GROUP Northern California

### MINUTES August 16<sup>th</sup>, 2005

#### **Attendees:**

Cindy Preuss	Harris & Associates	cpreuss@harris-assoc.com
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Pat Collins	Winzler & Kelly	patcollins@w-and-k.com

**Presentation:** *Permitting Series: Environmental Review of Pipelines*, by Pat Collins of Winzler & Kelly.

Pat touched upon the following important aspects of the environmental review of pipelines as it relates to permitting requirements:

- Acronym soup: what is an IS, EA, ND, EIR and EIS?
- How to get out of CEQA: exemptions for pipelines
- Growth inducing aspects of water and wastewater pipelines
- A look at the EIR for the Santa Rosa Geysers Recharge Project

A project may be subject to the State and/or Federal environmental review process(es). State is CEQA, while Federal would be NEPA. Funding of a project has much to do with what (or whether an) environmental review process is required, such as if the project will be funded through the State Revolving Fund (SRF).

Exemptions to get out of CEQA fall under two main categories: Categorical or Statutory.

Statutory exemptions are for new pipelines less than one mile long, for feasibility study of a proposed pipeline, for emergency projects (to qualify as emergency project, it must be repaired immediately after damage), or for setting rates. Statutory exemptions are not subject to exceptions.

Minutes by: Cindy Preuss, Harris & Associates  
Secretary, Nor Cal PUG

Categorical exemptions are broken down into three classes:

Class 1: Minor alterations to existing facilities

Class 2: Replacement or reconnection with no increase in capacity

Class 3: New construction of smaller structures (~50% increase in size but only “soft gauge”).

Categorical exemptions are subject to exceptions based upon location, significant effect, scenic highway, hazardous waste, and archaeological or historical sites.

There is a six month statute of limitations for exemptions. This may be reduced to ~35 days if file a Notice of Exemption (very little cost associated with this application).

Regardless of your project, it is recommended an Agency demonstrate due-diligence with the environmental review process as it looks favorably on the Agency.

Growth inducing impacts are impacts that are addressed during the environmental permitting assessment process. These impacts are defined as ways in which a project can foster economic, or population, growth. Impacts include construction of additional housing either directly or indirectly, of which pipeline facilities may apply. Most pipelines are considered growth inducing unless area is already completely built out. Refer to an Agency’s General Plan EIR for growth inducement impacts.

Pat then provided the group with an informative presentation on the Santa Rosa Geysers Recharge Project EIR process.

### **Executive:**

*Non-profit application status:* Jonathan will prepare a contract for professional services for someone he knows to complete the application on behalf of PUG. The goal is still to have the application done mid-October of this year. Estimated cost to PUG is \$750 with \$100 estimated for the application fees alone. We will have a temporary i.d. once the application is submitted.

*Treasury status:* The bank account for PUG is now set up at Harris. Harris has the PUG laptop to use for tracking PUG finances.

*New member applications:* Allen will send the applications out immediately.

### **Task Group Reports:**

*Presentation coordination:* Cindy and Joyce are to coordinate for the second series presentation on permitting (DFG, USACE, Coastal Commission, etc.). Help/referrals are requested.

### **General Discussion:**

*Western Chapter NASTT:* The mini No-Dig conference is set for November 14 & 15 in Tempe, AZ. The conference will showcase papers given at the 2005 National No-Dig conference on the 14<sup>th</sup>, and for a half day on the 15<sup>th</sup>, and one class will be offered for the remainder of the day on the 15<sup>th</sup> and a half day on the 16<sup>th</sup>. The class will be on pipe bursting, and will be given by Sam Ariaratnam and Dave Bennett, two leaders in the trenchless technology industry. Jen will hand out flyers for the Western Regional No-Dig Conference at next month’s meeting.

*Potholing/USA North:* Both Steve Krautheim and Jonathan Lee are interested in attending the USA North meetings to have a voice for PUG on the topic of standardizing potholing means and methods. September 24 is the next meeting, held in Oakland. Jen will locate the meeting information and send out to the entire PUG group.

*PUG Seminar:* Cara Ingebrigtsen is the PUG Seminar coordinator for the 2006 seminar. Her first order of business will be to place the Call for Papers ad in Trenchless Technology Magazine, by the deadline for the September issue, if possible. Cara will work closely with PUG Executive Committee to facilitate her coordination efforts.

The deposit needs to be placed for H's Lordships (hosting location). A \$2000 check will need to be sent within the next four weeks – Jonathan will work with Cindy on this.

**Next Meeting:**

Our next meeting will be held **TUESDAY, SEPTEMBER 20, 2005** at the offices of Brown and Caldwell. The topic will be on Permitting: Caltrans Encroachment Permit Process (as applied to underground pipeline construction projects. Please call (925)-210-2307 or e-mail Jennifer Glynn (jglynn@brwncald.com) to RSVP.

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# CEQA for Pipe Users Group

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August 16, 2005

Pat Collins

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# CEQA

- Alphabet Soup of CEQA
- Exemptions
- Growth Inducing Impacts
- EIR/EIS for the Geysers Recharge Project
- Questions

# Alphabet Soup

	CEQA	NEPA
Preliminary review	CE	CE
Initial evaluation	IS	EA
No significant impact	Neg Dec or MND	FONSI
Significant impact	EIR	EIS

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# Preliminary Review or How to Get Out of CEQA!

- Statutory Exemptions
  - New Pipelines less than 1 mile
  - Existing oil/gas pipelines less than 8 miles
  - Feasibility studies
  - Emergency projects
  - Setting rates

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# Preliminary Review or How to Get Out of CEQA!

- Categorical Exemptions
  - Class 1 – Minor alterations to existing facilities
  - Class 2 – Replacement or reconstruction with no increase in capacity
  - Class 3 – New construction of small structures
- Categorical Exemptions are subject to certain exceptions

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# Preliminary Review or How to Get Out of CEQA!

- Exceptions!
  - Location
  - Significant effect
  - Cumulative significant effect
  - Scenic highway
  - Hazardous waste
  - Archaeological or historic sites

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# Growth Inducing

- Definition:

“Ways in which the project could foster economic growth, population growth, or construction of additional housing, either directly or indirectly”

- Must count projects that remove barriers to growth
- Most utility repair or improvements is growth inducing, unless the service area is entirely built out

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# Growth Inducing

- Relation to the General Plan
  - If fulfilling an adopted GP, then reference
    - General Plan EIR
    - General Plan EIR impacts and mitigation measures
  - If serving a population beyond the General Plan,  
.... Don't