

Title 5

ENVIRONMENT

Chapters:

5.04 Guidelines for CEQA Implementation

Chapter 5.04

GUIDELINES FOR CEQA IMPLEMENTATION

Sections:

- 5.04.010** **Procedures for responding to environmental impact reports.**
- 5.04.020** **Authority.**
- 5.04.030** **State guidelines adopted.**
- 5.04.040** **Exemptions.**

5.04.010 **Procedures for responding to environmental impact reports.**

It shall be official board of directors' policy that upon receipt of a request to respond to an environmental impact report regarding a project in the county of San Benito:

A. Staff shall advise the board that it has an environmental impact report in its possession and shall advise the board of the project name and the deadline for responding to the request for comments.

B. The response proposed to be submitted to the public agency regarding the environmental impact report shall be provided to each member of the board of directors and the proposed response shall also be placed on the next regular board of directors' meeting and shall be provided to the board at least one week in advance of such meeting for their review and comment. In the event that the next regularly scheduled meeting is scheduled beyond the environmental impact report response deadline, a special meeting shall be called.

C. After receiving the board comments staff shall prepare a final response for submittal to the public agency prior to the response deadline. (Res. 94-22)

5.04.020 **Authority.**

These district guidelines for the implementation of the California Environmental Quality Act (CEQA) are adopted pursuant to Public Resources Code Section 21082 and contain objectives, criteria and procedures for the evaluation of projects and the preparation of environmental impact reports and negative declarations pursuant to CEQA. (Res. 97-13 § 1)

5.04.030 **State guidelines adopted.**

The state guidelines for implementation of CEQA, as prescribed and from time to time hereafter amended by the Secretary of Resources pursuant to Public Resources

Code Section 21083 (14 California Administrative Code Section 15000, et seq., guidelines) are adopted by incorporation by reference. See Guidelines Section 15022(d). The words “local agency” wherever used in the state guidelines mean the San Benito County Water District unless manifestly incompatible with the intent of the state guidelines. (Res. 97-13 § 2)

5.04.040 Exemptions.

A. The following activities are statutorily exempt from the requirements of CEQA for which no environmental impact report or negative declaration is required:

1. Ministerial Projects. “Ministerial project” describes a governmental decision involving little or no personal judgment by the public official as to the wisdom or manner of carrying out the project. The public official merely applies the law to the facts as presented but uses no special discretion or judgment in reaching a decision. A ministerial decision involves only the use of fixed standards or objective measurements, and the public official cannot use personal, subjective judgment in deciding whether or how the project should be carried out. The following activities are normally ministerial:

a. The connection or relocation of a customer’s delivery (blue valve) that does not involve subsystem expansion and does not overburden the district’s distribution system,

b. The installation of a backflow prevention device,

c. The issuance of a temporary permit or revocable license to travel on district land or rights-of-way,

d. Other acts as may be determined to be ministerial on a case-by-case basis;

2. Feasibility and planning studies (see Guidelines Section 15262);

3. Emergency project (see Guidelines Section 15269);

4. Ongoing projects (see Guidelines Section 15261);

5. Rates, tolls, fares and charges (See Guidelines Section 15273).

B. Categorically Exempt Projects. (See Guidelines Article 19 commencing with Section 15300.) The following are classes of projects and specific activities of the district which are categorically exempt:

1. Class 1 — existing facilities. (See Guidelines Section 15301.)

a. Repair, maintenance and operation of features of the Hollister Conduit System, including San Justo Dam, Dike and Reservoir; the San Felipe Distribution System, including expansions; the San Benito River System, including Hernandez Dam, Reservoir, and appurtenances; Paicines Canal, Paicines Reservoir and appurtenant canals, pipelines and structures, including the Swanson Crossing of Tres Pinos

Creek; and the Arroyo Dos Picachos System and of the structures, facilities and equipment used in the normal operations of the district,

b. Minor alterations of the above listed facilities that involve negligible or no expansion of use;

2. Class 2 — replacement or reconstruction of existing structures and facilities. (see Guidelines Section 15302);

3. Class 3 — new construction or conversion of small structures (see Guidelines Section 15303);

4. Class 4 — minor alterations to land (see Guidelines Section 15304):

a. Installation of pipes, valves and appurtenances by excavation, backfilling and, if necessary, repaving, provided the trenching is minor and the surface is restored,

b. Landscaping,

c. Grading with a slope of less than ten (10) percent without removal of mature scenic trees,

d. Issuance of temporary permits or revocable licenses for minor encroachments on lands or rights-of-way of the district that have negligible or no permanent effects on the environment,

e. Annual construction of berms at locations previously used by the district for such berms in the San Benito riverbed,

f. Other minor alterations to land as authorized under the Guidelines Section 15304;

5. Class 5 — minor alterations in land use limitations (Guidelines Section 15305);

6. Class 6 — information collection (see Guidelines Section 15306);

7. Class 7 — actions by regulatory agencies for protection of natural resources (See Guidelines Section 15307);

8. Class 8 — actions by regulatory agencies for protection of the environment (See Guidelines Section 15308);

9. Class 9 — inspections (See Guidelines Section 15309);

10. Class 11 — accessory structure (See Guidelines Section 15311);

11. Class 12 — surplus government property sales (see Guidelines Section 15312);

12. Class 19 — annexation of existing facilities and lots for exempt facilities (see Guidelines Section 15319);

13. Class 20 — changes in organization of local agencies (see Guidelines Section 15320);

14. Class 21 — enforcement actions by regulatory agencies (see Guidelines Section 15321);

15. Class 24 — regulation of working conditions (see Guidelines Section 15324);

16. Class 27 — leasing new facilities (see Guidelines Section 15327).

C. Determination and Notice of Exemption. The district shall determine whether a particular activity is exempt from CEQA and provide notices of exemption pursuant to the Guidelines Sections 15061 and 15062. (Res. 97-13 § 3)

RESOLUTION LIST AND DISPOSITION TABLE

Resolution Number

- 68-9 Prohibits exporting waters produced from within Zone 3 (Repealed by 99-16)
- 77-4 Adopts conflict of interest code (Repealed by 99-16))
- 80-3 Adopts conflict of interest code (2.08)
- 82-2 Agricultural use of San Felipe Project water in Zone 6 (4.12)
- 82-3 Zone 6 municipal and industrial use of San Felipe Project water (4.12)
- 82-4 Delivery of water to parcels of less than five acres (4.44)
- 87-16 Delivery and use of San Felipe Project water (4.04)
- 87-19 Adopts and amends Farmer's Handbook Rules and Regulations for Delivering and Receiving San Felipe Agricultural Water (4.08)
- 88-2 Adopts pages 8A and 12A of Farmers' Handbook Rules and Regulations for Delivering and Receiving San Felipe Agricultural Water (4.08)
- 88-4 Land subdivision in Zone 6 direct distribution system (Repealed by 98-14)
- 88-10 Provides that no lands shall be exempt from standby or availability charges within Zone 6 (4.44)
- 88-16 Inspection fees for water facilities (4.40)
- 90-1 Adopts personnel policy (2.20)
- 91-12 Adopts flexible benefits plan (Repealed by 99-16)
- 91-14 Authorizes participation in Great Western Bank's deferred compensation plan (2.28)
- 91-18 Amends § III(H) of the Farmer's Handbook as adopted in Ord. 87-19, application for and delivery of water (4.08)
- 92-3 Prohibits power boats on San Justo Reservoir (4.48)
- 92-5 Amends § 5 of Resos. 82-02 and 82-03, annual minimum charges (4.12)
- 93-8 Installation of meters on five acre parcels (4.44)
- 93-12 Grants special investment authority to district board of directors (3.04)
- 93-17 Directors' travel and seminar attendance (2.04)
- 93-20 Intersubsystem water transfers (Expired)
- 93-26 Adopts Flexible Benefits Plan (2.28)
- 94-5 Amends Article 3, §§ 3 and 4, of personnel policy, salary step advancement (Not codified)
- 94-6 Allocation of San Felipe Project water (4.12)
- 94-11 Adds personnel policy Art. 14, drug and alcohol abuse; amends Art. 1, § 3, physical examination (Not codified)
- 94-20 Adopts County risk transfer procedures (3.08)
- 94-22 Responses to environmental impact reports (5.04)
- 94-24 Adopts California Environmental Quality Act Guidelines (Repealed by 99-16)
- 94-25 Director compensation (2.04)

RESOLUTION LIST

Resolution Number	
95-2	Changes district accounting method (3.08)
95-3	Requires line item for annual audit report (3.08)
96-2	Amends Exhibit A of the Farmer's Handbook as adopted by Res. 87-19, rules and regulations governing municipal and industrial water entitlement and delivery (4.08)
96-3	Amends Art. III, §§ 2 and 4 of personnel policy, salary and step advancement, and Art. X, § 1, vacation (Not codified)
96-5	Intersubsystem water transfers (4.20)
96-6	District investment policy (3.04)
96-10	Substance abuse policy for safety sensitive employees (2.24)
96-12	Adds § 5 to Art. III, § 7 to Art. X and § 6 to Art. XII of personnel policy; amends §§ 2 and 4 of Art. III, § I of Art. IV, and §§ 1 and 3 of Art. X of personnel policy (Not codified)
96-18	Board of directors (2.04)
97-1	Amends Res. 96-6, district investment policy (3.04)
97-5	Amends § 2 of Res. 97-01, district investment policy (3.04)
97-6	Inspection and production of district records (2.12)
97-9	Amends Art. 3, § 2, salary schedule, Art. 13, retirement, Art. 3, § 5, performance incentive plan, of district personnel policy (Not codified)
97-10	Implements Government Code § 20691, employer-paid member contributions for district employees (2.28)
97-11	Implements Government Code § 20691, employer-paid member contributions for district contract employees (2.28)
97-12	Amends Art. XIII of personnel policy, retirement (Not codified)
97-13	Guidelines for implementation of CEQA (5.04)
97-16	Employer-employee relations (2.16)
98-1	Workers' compensation for volunteer personnel (2.28)
98-6	Temporarily suspends limitations on intersubsystem transfers as established in Res. 96-5 (Expired)
98-14	Establishes policy regarding distribution extension and/or modification for parcels impacted by the subdivision of land within the San Felipe Project distribution system service area in Zone 6; repeals Res. 88-04 (4.16)
98-15	Establishes standards for delivery meters on parcels of twenty acres or smaller (4.44)
99-16	Repeals Resolutions 68-9, 77-4, 91-12, and 94-24 (Repealer)

Beginning with Supplement No. 1, this table will be replaced with the "Code Comparative Table and Disposition List."

ORDINANCE LIST AND DISPOSITION TABLE

Ordinance Number	
1	Flood control and drainage facility fees (Not sent)
2	Amends Ord. 1, flood control and drainage facility fees (Not sent)
3	Zone 4 special bond election (Special)
4	(Not available)
5	Construction, excavation or deposit of rubbish in watercourses (4.32)
6	Amends Ord. 1, flood control and drainage facility fees (Not sent)
7	Amends Ord. 1, flood control and drainage facility fees (Not sent)
8	(Not sent)
9	Amends Ord. 1, flood control and drainage facility fees (Not sent)
10	Groundwater exportation (4.36)
11	Water line inspection fees (4.40)
12	Backflow prevention (4.28)
13	Adopts Farmer's Handbook, Rules and Regulations for Delivering San Felipe Project Water (Repealed by 31)
14	Water charge increase (Not sent)
15	Water and service account finance charges (4.44)
16	(Not available)
17	Water charge increase (Not sent)
18	Water allocation and use (Repealed by 31)
19	Water charge increase (Not sent)
20	Intersubsystem water transfers (Repealed by 29)
21	Delivery meter installation (Not codified)
22	Board of directors' meetings compensation (2.04)
23	Amends Ord. 18, § 2, water allocation and use (Repealed by 31)
24	Water charge decrease (Not sent)
25	Amends Ord. 24, water charge decrease (Not sent)
26	San Felipe Distribution System water charges (Not sent)
27	San Felipe Distribution System water charges (Not sent)
28	Establishes San Felipe Distribution System water charges for agricultural and nonagricultural water (4.24)
29	Adopts general provisions to the District's Code; Repeals Ord. 20 (1.04)

ORDINANCE LIST

**Ordinance
Number**

- | | |
|----|--|
| 30 | Establishes San Felipe Distribution system water charges for agricultural and nonagricultural water (4.24) |
| 31 | Repeals Ords. 13, 18 and 23 (Repealer) |

Beginning with Supplement No. 1, this table will be replaced with the "Code Comparative Table and Disposition List."

CODE COMPARATIVE TABLE AND DISPOSITION LIST

This is a chronological listing of the ordinances and resolutions of the San Benito County Water District, beginning with Supplement No. 1, included in this Code.

Ord./Res. Number	Date	Description	Section	Section this Code
2000-03	2- 1-2000	Water users' handbook		Ch. 4.08
			Rpld	Chs. 4.12, 4.20
2000-04	2- 1-2000	Intersubsystem water transfers	Added	4.20.010
2000-06	3-29-2000	District's investment policy	1, 2	3.04.010
2000-13	6-28-2000	Groundwater used on parcels located partially outside district zones of benefit	Added	4.44.060
2000-15	7-17-2000	Extension and/or modification of water distribution in Zone 6	10	4.16.010 I.
2000-17	8-30-2000	San Felipe water used on parcels located outside Zone 6	Added	4.44.070
2001-03	1-24-2001	Intersubsystem water transfers		4.20.010
32	1-16-2001	Distribution system water charges for agricultural and nonagricultural water	1—3	4.24.010
2001-06	3-28-2001	District's investment policy	Exh. I	3.04.010
2001-13	5-30-2001	Intersubsystem water transfers		4.20.010 6.
2002-03	1-30-2002	Water users' handbook		Ch. 4.08, Exh. A, V.
33	1-30-2002	Distribution system water charges for agricultural and nonagricultural water	1—3	4.24.010
2002-04	1-30-2002	Intersubsystem water transfers		4.20.010
2002-06	3-27-2002	District's investment policy	Exh. I	3.04.010
2002-07	3-27-2002	Amends Res. No. 97-6 regarding miscellaneous procedures	6	2.12.060 B.
		Provisions regarding request for records	7 Added	2.12.070
2002-17	10-29-2002	Establishes Zone No. 103	Added	4.50.010
2002-19	12-18-2002	Amends provisions regarding Zone No. 103 rates and charges		4.50.010

CODE COMPARATIVE TABLE

Ord./Res. Number	Date	Description	Section	Section this Code
34	1-29-2003	Distribution system water charges for agricultural and nonagricultural water	1—3	4.24.010
2003-03	1-29-2003	Water users' handbook	A.1.	4.08.020
			B.2.	4.08.040
			C.2.	4.08.060, 4.08.070
			D.2.	4.08.090
			E.	Ch. 4.08, App. A, 6., 10.
			F.	Ch. 4.08, Exh. A, III.A., IV.A., E—G., V.A., B.
2003-04	1-29-2003	Intersubsystem water transfers		4.20.010
2003-06	2-26-2003	Amends provisions regarding Zone No. 103 rates and charges		4.50.010
2003-08	3-19-2003	Establishes rules and regulations for Zone No. 103	Added	4.50.010
35	3-19-2003	Establishes water rates and charges for Zone No. 103	1, 2 Added	4.50.010 C.
2003-09	3-26-2003	District's investment policy	Exh. I	3.04.010
2003-18	4-30-2003	Amends provisions regarding Zone No. 103 rates and charges		4.50.010
2003-21	7-30-2003	Amends provisions regarding Zone No. 103 rates and charges		4.50.010
36	8-27-2003	Establishes an annual assessment for Zone No. 103 for fixed operation, maintenance, repair and replacement costs	1, 2 Added	4.50.010 D.
		Establishes effective date of Zone No. 103	3	4.50.010 A.
37	1-14-2004	Distribution system water charges for agricultural and nonagricultural water	1—3	4.24.010
2004-04	1-28-2004	Intersubsystem water transfers		4.20.010
2004-12	3-31-2004	District's investment policy	Exh. I	3.04.010
2004-16	6-30-2004	Policy for designation of net assets	Added	3.08.040
2004-18	7-28-2004	Establishes Zone No. 104	Added	4.50.030

CODE COMPARATIVE TABLE

Ord./Res. Number	Date	Description	Section	Section this Code
2004-20	8-25-2004	Establishes rules and regulations for Zone No. 104	Added	4.50.030
39	8-25-2004	Establishes water rates and charges for Zone No. 104	1, 2 Added	4.50.030 C.
40	1-12-2005	Distribution system water charges for agricultural and nonagricultural water	1—3	4.24.010
2005-03	1-12-2005	Administration; fees	Added	4.44.080
2005-05	1-26-2005	Intersubsystem water transfers		4.20.010
2005-08	3-30-2005	District's investment policy	Exh. 1	3.04.010
41	3-30-2005	Amends water rates and charges for Zone No. 103	1	4.50.010 C.
2005-16	6-29-2005	Policy for designation of net assets	Added	3.08.040
42	1-11-2006	Distribution system water charges for agricultural and nonagricultural water	1—3	4.24.010
2006-04	2-15-2006	Intersubsystem water transfers		4.20.010
2006-10	6-28-2006	Amended policy for designation of net assets		3.08.040
2007-07	2-20-2007	Intersubsystem water transfers		4.20.010
43	2-20-2007	Distribution system water charges for agricultural and nonagricultural water	1—3	4.24.010
44	5-23-2007	Rules and regulations regarding water shortage in Zone No. 103	I—VIII Added	4.50.020
2007-11	6-27-2007	Policy for designation of net assets	Added	3.08.040
45	1-17-2008	Amends water rates and charges for Zone No. 104	1, 2	4.50.030 C.
46	1-17-2008	Distribution system water charges for agricultural and nonagricultural water	1—3	4.24.010
2008-08	3-26-2008	Intersubsystem water transfers		4.20.010
2008-11	3-26-2008	District's investment policy	Added	3.04.010 VII.4.
			Rnbd	3.04.010 VII.4—10.
			as	3.04.010 VII.5—11.
2008-21	7-30-2008	Intersubsystem water transfers	1	4.20.010 5.
2008-22	7-30-2008	Policy for designation of net assets	Added	3.08.040

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Ord./Res. Number	Date	Description	Section	Section this Code
2008-23	8-27-2008	Water users' handbook		Ch. 4.08, Exh. A, IV.F., G.
2008-24	9-24-2008	Record retention policy adopted	Added	2.12.080
47	2- 3-2009	Distribution system water charges for agricultural and nonagricultural water	1—3	4.24.010
2009-06	2-25-2009	Intersubsystem water transfers		4.20.010
2009-11	4-29-2009	District's investment policy	Exh. A	3.04.010
48	5-12-2009	Amends water rates and charges for Zone No. 103	1	4.50.010 C.
2009-14	6-24-2004	Policy for designation of net assets		3.08.040
2009-18	10-28-2009	Whistleblower policy	1—2.5 Added	2.28.050
2010-01	1-20-2010	Policy for travel and expense reimbursement	1—12 Added	2.04.080
			13 Rpld	2.04.040 E.
49	1-25-2010	Distribution system water charges for agricultural and nonagricultural water	1—3	4.24.010
2010-06	2-24-2010	Intersubsystem water transfers		4.20.010
2010-12	6-30-2010	Policy for designation of net assets		3.08.040
2010-13	9-22-2010	District's investment policy	Exh. A	3.04.010
2011-04	2-23-2011	Intersubsystem water transfers		4.20.010
2011-14	6-29-2011	Policy for designation of net assets		3.08.040
2011-19	11-30-2011	District's investment policy	Exh. A	3.04.010
2012-03	2-29-2012	Travel and expense reimbursement	1	2.04.030 B.1.
2012-04	2-29-2012	Board of directors meeting schedule	1	2.04.030 B.1.
2012-05	3-14-2012	Policy for benefits for permanent part-time employees	1—3 Added	2.28.060
2012-07	3-28-2012	Intersubsystem water transfers		4.20.010
2012-13	6-27-2012	Policy for designation of net assets		3.08.040
51	1-30-2013	Distribution system water charges for agricultural and nonagricultural water	1—3	4.24.010
2013-06	2-27-2013	Intersubsystem water transfers		4.20.010
2013-13	5-29-2013	District's investment policy	Exh. A	3.04.010

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Ord./Res. Number	Date	Description	Section	Section this Code
2013-14	5-29-2013	Policy for designation of net assets		3.08.040
52	7-31-2013	Cross connection policy for Fairview Road Water System	1—10	4.28.100— 4.28.190

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