

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
COLORADO RIVER BASIN REGION**

**RESOLUTION R7-2018-0012**

**ADOPTING A MITIGATED NEGATIVE DECLARATION  
FOR THE  
EARTHRISE NUTRITIONALS EVAPORATION POND 8 PROJECT  
CALIPATRIA, IMPERIAL COUNTY**

**WHEREAS**, the California Regional Water Quality Control Board, Colorado River Basin Region (Colorado River Basin Water Board) finds that:

1. On December 1, 2017, Earthrise Nutritionals, LLC submitted a Report of Waste Discharge (ROWD) to apply for new Waste Discharge Requirements (WDRs) for a proposal to construct a lined evaporation pond ("Project" or "Pond"). The Pond will be built on the Applicant's approximately 189-acre existing facility ("Project Site") and will be used to receive wastewater generated by the harvesting of algae from the Discharger's Spirulina Harvest Plant Facility ("SHPF") and its Linablue Extraction Facility ("LBEF"). The SHPF and LBEF are also located at the Project Site. The annual wastewater discharged to the Pond from the two processes will be approximately 16.6 million gallons. The Pond will be constructed in accordance with California Code of Regulations Title 27 requirements for a Class II Surface Impoundment. The Pond will be lined to prevent infiltration of wastewater into native soil as required by WDRs that will be issued by the Colorado River Basin Water Board.
2. Pursuant to the California Environmental Quality Act (CEQA) (Pub. Resources Code, section 21000 et seq.), the construction, operation, and maintenance of the Pond are defined as the Project. Approval of the Project will require the issuance of WDRs from the Colorado River Basin Water Board.
3. The Colorado River Basin Water Board is the lead agency for the Project under CEQA. Earthrise Nutritionals, LLC hired Procopio, Cory, Hargreaves & Savitch, LLP, San Diego, CA to assist the Colorado River Basin Water Board in conducting an Initial Study in accordance with the requirements specified in section 15063 of the "State CEQA Guidelines" (California Code of Regulations (CCR), title 14, section 15000 et seq.) to evaluate whether the Project could have a significant effect on the environment.
4. Pursuant to Public Resources Code section 21080.3.1, on January 24, 2018, the Colorado River Basin Water Board provided written notification about the Project to the Torres Martinez Desert Cahuilla Indians and the Colorado River Indian Tribes and solicited their consultation. No tribes requested consultation on the Project.
5. The Initial Study and Mitigated Negative Declaration (MND) titled "*Earthrise Nutritional Evaporation Pond 8 Project at 113.E. Hooper Rd., North of Calipatria, CA 92233*" concludes that although the proposed Project could have significant effects on the environment, there will not be significant effects with mitigation incorporated.
6. On March 7, 2018, the Colorado River Basin Water Board provided the Notice of Intent to adopt a Mitigated Negative Declaration for the Project. (California Code of Regulations, title 14, section 15072.) On April 12, 2018, the Colorado River Basin Water Board, in a public hearing, considered all comments concerning the Project and the proposed MND.

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7. CEQA requires that the Lead Agency adopt a program for monitoring and reporting on any mitigation measures it has imposed in a negative declaration to assess efficacy and to ensure compliance. The Colorado River Basin Water Board has developed Attachment A, a mitigation monitoring and reporting program (MMRP), to implement all mitigation measures identified in the MND as necessary to mitigate or avoid significant environmental effects.
8. The MND reflects the Colorado River Basin Water Board's independent judgment and analysis. The Colorado River Basin Water Board finds, on the basis of the whole record before it, which includes the Initial Study, the work plan for the Pond construction, public comments received, Colorado River Basin Water Board staff's responses to public comments, and Colorado River Basin Water Board staff's preliminary environmental impact determination, that there is no substantial evidence that the proposed Project will have a significant effect on the environment with mitigation measures incorporated.

**THEREFORE, BE IT RESOLVED that the Colorado River Basin Water Board:**

1. Adopts the Mitigated Negative Declaration for the proposed Project.
2. Adopts Attachment A – Mitigation Monitoring and Reporting Program for the proposed Project.
3. Generally approves the plan submitted in compliance with the ROWD.
4. Directs that a copy of this Resolution be forwarded to the State Water Resources Control Board.
5. Directs that a copy of this Resolution be forwarded to all interested persons.
6. Directs the Executive Officer to file a Notice of Determination within five days from the issuance of this order.

**CERTIFICATION**

I, Jose L. Angel, Executive Officer, do hereby certify that the foregoing is a full, true and correct copy of a Resolution adopted by the California Regional Water Quality Control Board, Colorado River Basin Region, on April 12, 2018.

  
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JOSE L. ANGEL, P.E.  
Executive Officer