CHAPTER 3
Response to Comments

This chapter provides responses to individual comment letters received on the Draft EIR/EIS. Individual comment letters are provided followed by responses to those comments. In accordance with Section 8.15.2.2 of Reclamation's NEPA Handbook (2000), the comments received at the public hearings are summarized in the responses at the end (V, W, and X). Comment Letters Y and Z were received at the Certification Hearing following the publication of the Final EIR.

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901

AUG 0 6 2009

David White
Mid-Pacific Region
Bureau of Reclamation
2800 Cottage Way
MP-730, Room W-2830
Sacramento, CA 95825-1898

Subject: Draft Environmental Impact Statement for North San Pablo Bay Restoration and Reuse Project (North Bay Water Recycling Program), Sonoma, Marin, and Napa Counties, California (CEQ# 20090178)

Dear Mr. White:

The U.S. Environmental Protection Agency (EPA) has reviewed the above-referenced document pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1508), and our NEPA review authority under Section 309 of the Clean Air Act. Our comments are provided in accordance with our June 5, 2009 agreement that EPA provide our comments no later than August 7, 2009. We appreciate the additional time to conduct our review.

EPA supports the project purpose to expand beneficial use of recycled water for agriculture, urban, and environmental uses in the North Bay region. Efficient and sustainable water use is vital in meeting the challenges of long-term drought, climate change, continuing population growth, and the collapse of the Bay-Delta ecosystem. We commend the North Bay Water Reuse Authority cooperative program and its support of sustainability and environmental enhancement through the expanded use of recycled water. A-1

Potable water would be made available through the expanded use of recycled water for agricultural and landscape irrigation and wetland restoration. We encourage the use of this potable water to increase the reliability of water supplies for existing and in-fill development and existing and/or designated beneficial uses, prior to its use for new development. A-2

We also urge the North Bay Water Reuse Authority and its Member Agencies to support ongoing research on the human and biological toxicology of microconstituents and emerging contaminants that may be present in recycled water. Potential avenues of support include collaboration with the State Water Resources Control Board on data collection; monitoring of recycled water use and its human, ecological, and biological A-3

effects; and public education programs regarding proper disposal of pharmaceuticals and household products. A-3 cont.

Our review has not identified potential environmental impacts requiring substantive changes to the proposal. We recommend the FEIS include a clear commitment to additional project-level environmental review for new storage reservoirs and subsequent project phases once site-specific project design alternatives are determined. A-4

In light of the above comments, we have rated the DEIS as Lack of Objections (LO) (see enclosed "*Summary of Rating Definitions*"). We appreciate the opportunity to review this DEIS. When the FEIS is released for public review, please send one hard copy and one CD ROM to the address above (mail code: CED-2). If you have any questions, please contact me at (415) 972-3521, or contact Laura Fujii, the lead reviewer for this project. Laura can be reached at (415) 972-3852 or fujii.laura@epa.gov. A-5

Sincerely,

Kathleen M. Goforth, Manager
Environmental Review Office
Communities and Ecosystems Division

Enclosure: Summary of Rating Definitions

cc: Marc Bautista, Sonoma County Water Agency
Ken Harris, Regulatory Section, State Water Resources Control Board
William Hurley, Watershed Management Division, San Francisco Regional Water Quality Control Board
Susan K. Moore, US Fish and Wildlife Service
Charles Armor, Bay Delta Region, California Department of Fish and Game

A. United States Environmental Protection Agency, Region IX, Kathleen Goforth, Manager, Environmental Review Office, Communities and Ecosystem Division, 8/9/2009

A-1 Comment acknowledged. The commenter expresses support for NBWRP's purpose to expand beneficial use of recycled water for agriculture, urban, and environmental uses. Since this comment does not affect the environmental analysis in the Draft EIR/EIS, no changes in the Final EIR/EIS are required.

A-2 Comment acknowledged. The comment recommends use of recycled water to offset potable demand for existing and infill development prior to its use for new development. The intended end uses are identified in Chapter 2, Project Description, of the Draft EIR/EIS. As part of the Feasibility Study referenced in Chapters 1, Introduction, and 6, Alternatives Analysis, of the Draft EIR/EIS, development of NBWRA irrigation demands assumed provision of recycled water to existing land uses in the project area along with a small portion of potential future irrigation use in Napa County.

A-3 Comment acknowledged. NBWRA and its Member Agencies will support ongoing research on microconstituents and emerging contaminants that may be present in recycled water and will comply with any updated regulatory requirements that apply to the project. For additional information related to microconstituents and emerging contaminants, refer to **Master Response 2.6, Recycled Water Quality**, in Chapter 2, Master Responses. The NBWRA Member Agencies participate in and coordinate these programs as part of their regular public outreach programs for pollution prevention to minimize pharmaceutical use and waste draining into the wastewater. For example, LGVSD participates in drug take-back programs to ensure proper disposal of these substances. Novato SD operates a comprehensive pollution prevention program including source control efforts for copper and mercury. Napa SD participates in public outreach for pollution prevention to help residents avoid accidental ingestion and improper disposal of pharmaceutical waste. Napa SD partnered with City of Napa in the "No Drugs Down the Drain" campaign in 2008. In 2007, SCWA, SVCSD, and the City of Santa Rosa independently started pilot programs to evaluate the feasibility of a Safe Medicine Take back program.[1]

A-4 Comment acknowledged. As noted in the comment, once site-specific project design alternatives are determined for program-level components of the project, additional project-level environmental review will be conducted for new storage reservoirs and subsequent project phases. For all of the elements discussed at a programmatic level, the

[1] Las Gallinas Sanitary District (LGVSD), "No Drugs Down the Drain", available online http://www.lgvsd.org/no-drugs-down-the-drain.html, last updated August 2009, Accessed August 18, 2009.
Novato SD, Letter to the RWQCB on 2008 Pollution Prevention Program Annual Report, February 2009.
Napa County, Department of Environmental Management "Medical Waste Disposal", 2008, available online http://www.co.napa.ca.us/GOV/Departments/DeptPage.asp?DID=40500&LID=970, accessed August 19, 2009.

EIR/EIS is not the final environmental document. Additional environmental review by Reclamation and the Member Agencies, as well as approval by their individual boards, will take place prior to issuance of any design and/or construction contracts for program-level elements. At the time of this subsequent environmental review, NBWRA or its Member Agencies will undertake a more specific and detailed analysis of impacts, in compliance with both CEQA and NEPA.

A-5 Comment acknowledged. The commenter has rated that the Draft EIS as Lack of Objections (LO) per the "Summary of Rating Definitions", which means the commenting agency has not identified any potential environmental impacts requiring substantive changes. Since this comment does not affect the environmental analysis in the Draft EIR/EIS, no changes in the Final EIR/EIS are required.

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY ARNOLD SCHWARZENEGGER, Governor

DEPARTMENT OF TRANSPORTATION
111 GRAND AVENUE
P. O. BOX 23660
OAKLAND, CA 94623-0660
PHONE (510) 622-5491
FAX (510) 286-5559
TTY 711

Flex your power!
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July 20, 2009

CL/70-0-14 North San Pablo Bay
Restoration and Reuse Project - EIR

BAG0020
SCH#2008072096
MRN-37/101-VAR
SON-116/121-VAR
NAP-29-R9.88

Mr. Marc Bautista
Sonoma County Water Agency
P.O. Box 11628
Santa Rosa, CA 95406

Dear Mr. Bautista:

North Bay Water Recycling Program – Draft Environmental Impact Report (DEIR)

Thank you for continuing to include the California Department of Transportation (Department) in the environmental review process for the North Bay Water Recycling Program. The following comments are based on the DEIR.

As lead agency, the Sonoma County Water Agency is responsible for all project mitigation, including improvements to State highways. The project's fair share contribution, financing, scheduling, and implementation responsibilities as well as lead agency monitoring should be fully discussed for all proposed mitigation measures. This information should also be presented in the Mitigation Monitoring and Reporting Plan of the environmental document. B-1

Any required roadway improvements should be completed prior to issuance of project occupancy permits. An encroachment permit is required when the project involves work in the State's right of way (ROW). Therefore, we strongly recommend that the lead agency ensure resolution of the Department's concerns prior to submittal of the encroachment permit application; see the end of this letter for more information regarding the encroachment permit process. B-2

Traffic

The impacts on bicycle lanes during construction should be addressed in the Transportation mitigation measures outlined in Section 3.7. B-3

Hydrology
The location and layout of project pipelines should not in any way impede or interfere with the operation of existing Departmental drainage facilities. B-4

Cultural Resources
According to this environmental document, there are numerous archaeological sites recorded for this project; however, we cannot determine from the DEIR if any of them are within the State ROW. In order to complete our review of this DEIR, we require a copy (an electronic version will suffice) of ESA's "*North Bay Water Reuse Authority, North Bay Water Recycling Program, Marin, Sonoma, and Napa Counties, Cultural Resource Report*". B-5

Landscape Maintenance
Will the Department be limited to the use of recycled water along our roadways? The Department experienced several problems with using recycled water in our irrigation systems. Recycled water clogs irrigation laterals and heads. There is also a concern of health risks to the maintenance workers. B-6

Please note that any construction impacts to State ROW (i.e. - damages to existing underground utilities or pipelines) are the sole responsibility of the Sonoma County Water Agency. Please notify the Department prior to the commencement of work on this project. B-7

Permits
Transportation permits - Project work that requires movement of oversized or excessive load vehicles on State roadways requires a transportation permit that is issued by the Department. To apply, a completed transportation permit application with the determined specific route(s) for the shipper to follow from origin to destination must be submitted to the address below. B-8

Office of Transportation Permits
California DOT Headquarters
P.O. Box 942874
Sacramento, CA 94274-0001

See the following website link for more information:
http://www.dot.ca.gov/hq/traffops/permits/.

Encroachment permits - Additionally, any work or traffic control within the State's ROW requires an encroachment permit that is issued by the Department.
Traffic-related mitigation measures would need to be incorporated into the construction plans during the encroachment permit process. See the following website link for more information: http://www.dot.ca.gov/hq/traffops/developserv/permits/ B-9

To apply for an encroachment permit, submit a completed encroachment permit application, environmental documentation, and five (5) sets of plans which clearly indicate

State ROW to the address at the top of this letterhead, marked ATTN: Michael Condie, Mail Stop #5E. B-9 cont.

Should you have any questions regarding this letter, please contact Lisa Courington of my staff via email at lisa.ann.courington@dot.ca.gov or by phone at (510) 286-5505.

Sincerely,

Lisa Carboni

LISA CARBONI
District Branch Chief
Local Development - Intergovernmental Review

c: State Clearinghouse

B. State of California- Business, Transportation, and Housing Agency, Department of Transportation (Caltrans), Lisa Carboni, 8/20/2009

B-1 Comment acknowledged. As stated on pages 3.7-19 through 3.7-20 of Section 3.7, Traffic and Transportation, Mitigation Measures 3.7.1a and b, of the Draft EIR/EIS, the Member Agencies will implement all mitigation measures. As identified in Chapter 11, Mitigation and Monitoring Plan, of the Draft EIR/EIS, the individual Member Agencies implementing the project would be responsible for implementing mitigation measures that apply to the proposed action in their service areas, which may include the State right-of-way. Although SCWA is the CEQA lead agency, it would be responsible for implementation of mitigation measures only within its service area for project it brings forth.

B-2 Comment acknowledged. As stated on page 3.7-19 of Section 3.7, Traffic and Transportation, of the Draft EIR/EIS as part of Mitigation Measure 3.7.1a, the appropriate Member Agency for each project component shall obtain and comply with local road encroachment permits for roads that are affected by construction activities. Prior to obtaining encroachment permits the Member Agencies will consult with local jurisdictions regarding the timing of construction.

B-3 Comment acknowledged. Section 3.13, Recreation and Section 3.7, Traffic and Transportation, of the Draft EIR/EIS, describe proposed and existing bikeways within the project area and establish Mitigation Measures (Mitigation Measure 3.13.1a) to require agency coordination with Association of Bay Area Governments (ABAG) regarding temporary closures and detours.

B-4 Comment acknowledged. The project facilities are not anticipated to impede or interfere with the operation of the existing drainage facilities owned by Caltrans. Site-specific design of the project components would include a review of potential utility conflicts, including drainage infrastructure.

B-5 Comment acknowledged. As requested in the comment, the *Cultural Resources Report* for the NBWRP was sent to the State of California- Business, Transportation, and Housing Agency, Department of Transportation on July 3, 2009, before the Caltrans letter was received. No sites were identified in the state right-of-way during the surface investigations.

B-6 Comment acknowledged. As stated under Section 2.4.2, Recycled Water Service Areas, on page 2-4 of Chapter 2, Project Description, of the Draft EIR/EIS, anticipated recycled water use areas are included at the local project level as shown in Figure 2-2 on page 2-7 of the Draft EIR/EIS. Potential users are included in Appendix 3.4B. Recycled water use for irrigation of highway medians is encouraged by NBWRA and its Member Agencies.

As stated under Impact 3.4.3 on page 3.4-27 of Section 3.4, Water Quality, of the Draft EIR/EIS, the recycled water would be treated to the Title 22 requirements to disinfected tertiary level. This quality of water is found safe to be used as a water supply source for agricultural irrigation of food crops, landscape irrigation with high public contact, and non-restricted recreational impoundments. The project impact to public health would be less than significant. No special procedures, equipment, or clothing is required by regulators for those working with tertiary treated wastewater. Furthermore, as indicated in Comment Letter E, the Sonoma County Department of Health Services has reviewed the Draft EIR/EIS and "…feels it adequately covers the health concerns, and supports the North San Pablo Restoration and Reuse Project that is currently being planned by the North Bay Water Reuse Authority."

B-7 Comment acknowledged. See responses to comments B-1 and B-2 above, regarding compliance to encroachment permits. The project would apply for and comply with the encroachment permits, where applicable.

B-8 Comment acknowledged. As stated on page 3.7-8, Section 3.7.2, Regulatory Framework, of Section 3.7, Transportation and Traffic, of the Draft EIR/EIS, the proposed action would be subject to Caltrans jurisdiction on roadways including U.S. 101 and State Route (SR) 37 in Novato; SR 12, SR 116, and SR 121 in Sonoma; and SR 29, SR 121, and SR 221 in Napa. As noted under Mitigation Measure 3.7-1a, on page 3.7-19 of the Draft EIR/EIS, the Member Agencies would obtain and comply with permits for roads that would be affected by construction activities, which would include any transportation of oversized loads and of certain materials.

B-9 Comment acknowledged. See response to comment B-2 above, regarding compliance to encroachment permits.

Comment Letter C

State Water Resources Control Board

Linda S. Adams
Secretary for
Environmental Protection

Division of Financial Assistance
1001 I Street • Sacramento, California 95814 • (916) 341-5700 FAX (916) 341-5707
Mailing Address: P.O. Box 944212 • Sacramento, California • 94244-2120
Internet Address: http://www.waterboards.ca.gov

Arnold Schwarzenegger
Governor

JUL 20 2009

Mr. Marc Bautista
Sonoma County Water Agency
P.O Box 11628
Santa Rosa, CA 95406-1628

CF/70-0-14 North San Pablo Bay Restoration and Reuse Project - EIR

Dear Mr. Bautista:

ENVIRONMENTAL IMPACT REPORT/ENVIRONMENTAL IMPACT STATEMENT (EIR/EIS) FOR NORTH BAY WATER REUSE AUTHORITY (AUTHORITY); NORTH SAN PABLO BAY RESTORATION AND REUSE PROJECT (PROJECT); SONOMA COUNTY; STATE CLEARINGHOUSE NO. 2008072096

Thank you for the opportunity to review the above document. We understand that the Authority or its member agencies may be pursuing Clean Water State Revolving Fund (CWSRF) financing for a portion of this regional Project and may pursue future funding for other projects covered in the EIR/EIS. Specifically, the North Marin Water District (District) is pursuing funding for recycled water to be provided to the Valley Memorial Park Cemetery in the Novato North Service Area (CWSRF No. C-06-5211-110). As a funding agency and a state agency with jurisdiction by law to preserve, enhance, and restore the quality of California's water resources, the State Water Resources Control Board (State Water Board) is providing comments on the California Environmental Quality Act (CEQA)/National Environmental Policy Act (NEPA) document prepared for the Project.

The CWSRF Program is partially funded by the U.S. Environmental Protection Agency and requires additional "CEQA-Plus" environmental documentation and review. Many of these federal requirements are covered in the Authority's EIR/EIS. However, three information sheets are included that provide more detail of the environmental review process and federal requirements in the CWSRF Program. In addition, an environmental form is included for the Authority or its member agencies to submit when pursuing State Water Board funding. The State Water Board can consult directly with agencies responsible for implementing federal environmental laws and regulations. Any environmental issues raised by federal agencies or their representatives will need to be resolved prior to State Water Board approval of a CWSRF funding commitment for the proposed regional Project or any subset of that Project. For further information on the CWSRF Program please contact Ms. Michelle L. Jones at (916) 341-6983.

C-1

It is important to note that prior to a CWSRF funding commitment, projects are subject to provisions of the Federal Endangered Species Act and must obtain approval from the U.S. Fish and Wildlife Service (USFWS), and/or National Marine Fisheries Service (NMFS) for any potential effects to special status species. Please be advised that the State Water Board can consult with USFWS, and/or NMFS on behalf of the Authority or its member agencies regarding all federal special status species the Project has the potential to impact. The Authority or its member agencies, as lead or responsible agencies under CEQA, should continue to be proactive in consulting with resources agencies at the federal and state levels to assure any adverse impacts to special status species or habitat are fully addressed.

C-2

In addition, the State Water Board has responsibility for ensuring compliance with Section 106 of the National Historic Preservation Act. The State Water Board's Cultural Resources Officer (CRO) consults directly with the State Historic Preservation Officer (SHPO). SHPO consultation is initiated when sufficient information is provided by the CWSRF applicant for projects having potential to impact cultural resources. Note that the Authority or its member agencies will need to identify the Area of Potential Effects (APE), including construction, staging areas, and depth of any excavation for the specific portion of the Project to be funded. Please provide the CRO with a copy of a current records search for the proposed CWSRF-funded Project area, including maps that show all recorded sites and surveys in relation to the APE for the proposed CWSRF Project. The APE is three-dimensional and includes all areas that may be affected. The APE includes the surface area and extends below ground to the depth of any excavations. The records search request should be made for an area larger than the APE. The appropriate area varies for different projects but should be drawn large enough to provide information on what types of sites may exist in the area. Please contact the State Water Board's CRO, Ms. Cookie Hirn, at 916-341-5690, with any questions on how to begin the Section 106 compliance process. If individual projects are submitted for the CWSRF financing, please provide the CRO with a project specific cultural resources report and updated records search. C-3

Once a project has been identified and is covered by the EIR/EIS, please specify the need for a Statement of Overriding Considerations (SOC) to be adopted for any adverse and unavoidable impact(s). For each project to be funded by the CWSRF Program, each applicant must certify the EIR/EIS and make CEQA findings, as well as adopt a Mitigation Monitoring and Reporting Program and a SOC that pertain to the specific funded project. In addition, we will require a copy of the NEPA lead agency's Record of Decision for the EIR/EIS. C-4

Thank you once again for the opportunity to review the Authority's environmental document. If you have any questions regarding my comments, please feel free to contact me at (916) 341-5686, or by email at jhockenberry@waterboards.ca.gov.

Sincerely,

James Hockenberry
Environmental Scientist

Enclosures (4)

cc: State Clearinghouse w/o enclosures
(Re: SCH# 2008072096)
P. O. Box 3044
Sacramento, CA 95812-3044

STATE WATER RESOURCES CONTROL BOARD

CEQA AND STATE WATER BOARD GRANTS

Environmental Requirements for State Water Board Grants

The State Water Resources Control Board (State Water Board) distributes funding through various grants, including Propositions 13, 40, 50, Water Recycling, Small Community Grants and others. Applicants seeking funds are required to comply with the California Environmental Quality Act (CEQA), and provide documents for the State Water Board's environmental review process.

GRANT FUNDING

State Water Board grants are subject to CEQA. The State Revolving Fund Loan program has additional federal requirements described in the *SRF & CEQA-Plus* pamphlet.

LEAD AGENCY

The applicant is usually the **Lead Agency** and must prepare and circulate an environmental document before approving a project. Only a public agency, such as a local, regional or state government, may be the Lead Agency under CEQA. If a project will be completed by a non-governmental organization, Lead Agency responsibility goes to the first public agency providing discretionary approval for the project.

RESPONSIBLE AGENCY

The State Water Board is a **Responsible Agency** and must review and consider the environmental document prior to providing funding to any portion of a project.

As the Responsible Agency, the State Water Board must make findings based on information provided by the Lead Agency before granting "environmental clearance" for the project. The Lead Agency must adhere to the CEQA process and provide detailed information about any potential adverse or beneficial environmental impacts resulting from the project.

STATE WATER BOARD RESPONSIBILITIES

The State Water Board's mission is to preserve, enhance and restore the quality of California's water resources, and ensure their proper allocation and efficient use for the benefit of present and future generations. To fulfill this responsibility, and to carry out obligations as a Responsible Agency under CEQA, the State Water Board must consider the Lead Agency's environmental document before providing funding.

ENVIRONMENTAL CLEARANCE

Environmental clearance must be done before a project can be funded. For Small Community Wastewater grants and Water Recycling Funding Program grants, environmental clearance must be received before a Facilities Plan Approval is issued by the State Water Board for a project.

DOCUMENT REVIEW

The State Water Board would like to review documents as early in the process as possible. Send environmental documents to the State Water Board, Regional Programs Unit during the CEQA public review period. Be sure to identify yourself as a grant applicant. This way, any environmental concerns the State Water Board has about the project can be addressed early in the process.

REQUIRED DOCUMENTS

The Regional Programs Unit must have the documents listed below to provide environmental clearance.

1. **Draft and Final Environmental Documents** – Environmental Impact Reports, Negative Declarations, CEQA exemptions;

2. **Resolution** approving the project, adopting the environmental document and making CEQA findings;

3. **All comments** received during the public review period and your responses to those comments;

4. **Adopted Mitigation Monitoring Plan**, if applicable; and

5. **Notice of Determination** filed with the Governor's Office of Planning and Research.

Once the State Water Board has received all documents, considered them and found them adequate, environmental clearance for the funding can be granted.

CONTACT INFORMATION

For more information, please contact the Division of Financial Assistance, Loans and Grants at (916) 341-5700.

Water Boards

INSTRUCTIONS AND GUIDANCE FOR
"ENVIRONMENTAL COMPLIANCE INFORMATION"

Introduction:

Detailed information, including statutes and guidelines on the California Environmental Quality Act (CEQA), can be obtained at http://ceres.ca.gov/ceqa. A CEQA Process Flowchart that shows interaction points between lead and responsible agencies can be found at http://ceres.ca.gov/topic/env_law/ceqa/flowchart/index.html. In addition, State Water Board environmental staff is available to answer questions about the CEQA process. Please contact your assigned Project Manager to be directed to an appropriate environmental staff person for further clarification.

CEQA Checklist:

All projects coming to the State Water Board for funding are considered "projects" under CEQA because the State Water Board is providing discretionary approval for that funding.

The types of CEQA documents that might apply to an applicant's project include one of the following: 1. Notice of Exemption; 2. Initial Study/Negative Declaration (or Mitigated Negative Declaration with a Mitigation Monitoring and Reporting Program [MMRP]); or
3. Environmental Impact Report (EIR) with an MMRP. The applicant must determine the appropriate document for its project and submit the additional supporting information listed under the applicable section of the CEQA Checklist. Please submit two copies of all documents. If the applicant is using a CEQA document that is older than five years, the applicant must re-evaluate environmental and project conditions, and develop and submit an updated document based on the results of that re-evaluation.

The applicant must ensure the CEQA document is specific to the project for which funding is being requested. Tier I CEQA documents, such as Program or Master Plan EIRs, may not be suitable for satisfying State Water Board requirements if these documents are not project-specific. Instead, the applicant should be submitting a Tier II CEQA document that is project-specific. If this Tier II CEQA document references pertinent environmental and mitigation information contained in the Tier I CEQA document, then the applicant must submit both documents. *[NOTE: Tier I and Tier II documents refer to documents as defined under CEQA. Although the same terminology is used, these documents do not relate to the Tier I and Tier II level of reviews under the CWSRF Program.]*

Each applicant, if it is a public agency, is responsible for approving the CEQA documents it uses regardless of whether or not it is a lead agency under CEQA. Non-profit organizations, however, shall only be responsible for approving the applicable project mitigation measures identified in the MMRP. For purposes of State Water Board funding, all public agencies applying for this funding shall file either a Notice of Exemption or a Notice of Determination with the Governor's Office of Planning and Research (State Clearinghouse). Stamped copies of these notices shall be submitted with the rest of the environmental documents.

If the CEQA document is linked to a National Environmental Policy Act (NEPA) document (such as an Environmental Assessment or an Environmental Impact Statement), then the applicant shall submit the additional corresponding NEPA items with either a Finding of No Significant Impact, or a Record of Decision made by the lead agency under NEPA.

Note that additional information may be requested from the applicant after review of all the environmental documents to ensure the State Water Board can complete its own CEQA compliance.

Federal Information:

CEQA requires full disclosure of all aspects of the project, including impacts and mitigation measures that are not only regulated by state agencies, but also by federal agencies. Early consultation with state and federal agencies in the CEQA process will assist in minimizing changes to the project when funding is being requested from the State Water Board. For the items that follow the CEQA Checklist, the applicant shall provide the information and/or reference any applicable sections from the documents being submitted to assist with environmental staff's CEQA review, as well as to provide applicant guidance on any potential concerns, and to assist with federal coordination as needed.

1. Federal Endangered Species Act (ESA), Section 7:

For further information on the federal ESA relating to law, regulation, policy, and notices, go to http://www.fws.gov/endangered/policy/index.html and http://www.nmfs.noaa.gov/pr/laws/esa/. Note that compliance with both state and federal ESA is required of projects having the potential to impact special status species. Although overlap exists between the federal and state ESAs, there might be additional or more restrictive state requirements. For further information on the state ESA, go to http://www.dfg.ca.gov/habcon/cesa/.

2. National Historic Preservation Act, Section 106:

The NHPA focuses on federal compliance. In addition, CEQA requires that impacts to cultural and historic resources be analyzed. The "CEQA and Archeological Resources" section from the Governor's Office of Planning and Research CEQA Technical Advice Series states that the lead agency obtains a current records search from the appropriate California Historical Resources File System Information Center. In addition, the Native American Heritage Commission (NAHC) will provide a list of Native American tribes to be contacted and that are culturally affiliated with a project area.

The NAHC can be contacted at:

915 Capitol Mall, Room 364
Sacramento, CA 95814
(916) 653-4082

3. Clean Air Act:

For CWSRF financed projects, we recommend including a general conformity section in the CEQA documents so that another public review process will not be needed, should a conformity determination be required. The applicant should check with its air quality management district and review the State Air Resources Board California air emissions map for information on the State Implementation Plan. For information on the analysis steps involved in evaluating conformity, please contact the environmental staff person through the assigned Project Manager.

4. Coastal Zone Management Act:

For affected areas, refer to http://coastalmanagement.noaa.gov/mystate/docs/StateCZBoundaries.pdf. For additional information please refer to http://www.coastal.ca.gov/ccatc.html and/or http://www.bcdc.ca.gov/.

5. Farmland Protection Policy Act:

The Natural Resources Conservation Service provides information on the Farmland Protection Policy Act at http://www.nrcs.usda.gov/programs/fppa. Please see the following website regarding the Williamson Act http://www.consrv.ca.gov/dirp/lca.

6. Floodplain Management - Executive Order 11988:

Each agency shall provide leadership and take action to reduce the risk of flood loss, to minimize the impact of floods on human safety, health and welfare, and to restore and preserve the natural and beneficial values served by floodplains in carrying out its responsibilities. Before taking an action, each agency shall determine whether the proposed action will occur in a floodplain. The generally established standard for risk is the flooding level that is expected to occur every 100 years. If an agency has determined to, or proposes to, conduct, support, or allow an action to be located in a floodplain. The agency shall consider alternatives to avoid adverse effects and incompatible development in the floodplains. For further information, please consult the following web link: http://www.epa.gov/owow/wetlands/regs/eo11988.html.

7. Migratory Bird Treaty Act (MBTA):

The MBTA, along with subsequent amendments to this Act, provides legal protection for almost all breeding bird species occurring in the United States and must be addressed in CEQA. The MBTA restricts the killing, taking, collecting and selling or purchasing of native bird species or their parts, nests, or eggs. The treaty allows hunting of certain game bird species, for specific periods, as determined by federal and state governments. In the CEQA document, each agency must make a finding that a project will comply with the MBTA. For further information, please consult the following web link: http://www.fws.gov/laws/lawsdigest/migtrea.html.

8. Protection of Wetlands – Executive Order 11990:

Projects, regardless of funding, must get approval for any temporary or permanent disturbance to federal and state waters, wetlands, and vernal pools. The permitting process is usually through the

U.S. Army Corps of Engineers (USACOE), can be lengthy and may ultimately require project alterations to avoid wetlands. Applicants must consult with USACOE early in the planning process if any portion of the project site contains wetlands, or other federal waters. The USACOE Wetland Delineation Manual is available at: http://www.wetlands.com/regs/tlpge02e.htm. Also note that the Water Boards are involved in providing approvals through a 401 Water Quality Certification and/or Waste Discharge Requirements (http://www.waterboards.ca.gov/water_issues/programs/cwa401/index.shtml).

9. Wild and Scenic Rivers Act:

There are construction restrictions or prohibitions for projects near or on a "wild and scenic river." A listing of designated "wild and scenic rivers" can be obtained at http://www.rivers.gov/wildriverslist.html . Watershed information can be obtained through the "Watershed Browser" at: http://cwp.resources.ca.gov/map_tools.php.

10. Source Water Protection:

For more information, please visit: http://epa.gov/region09/water/groundwater/ssa.html.

Clean Water SRF Program
Environmental Compliance

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)
CHECKLIST FOR THE APPLICANT
What to Submit to your State Water Board's Project Manager

If project is covered under a **CEQA Categorical or Statutory Exemption**, submit a copy of the following:

- ❑ **Notice of Exemption (filed with the Governor's Office of Planning and Research)**
- ❑ **List of Best Management Practices (BMPs) and their locations, if project implements BMPs**
- ❑ **Map of the project area**

If project is covered under a **Negative Declaration**, submit a copy of the following:

- ❑ **Draft and Final Initial Study/Negative Declaration**
  (or Mitigated Negative Declaration, if applicable)
  - ❑ Comments and Responses to the Draft
  - ❑ Mitigation Monitoring and Reporting Program (if using a Mitigated Negative Declaration)
- ❑ **Resolution approving the CEQA documents**
  - ❑ Adopting the Negative Declaration
  - ❑ Making CEQA Findings
- ❑ **Notice of Determination (filed with the Governor's Office of Planning and Research)**

If project is covered under an **Environmental Impact Report (EIR)**, submit a copy of the following:

- ❑ **Draft and Final EIR**
  - ❑ Comments and Responses to the Draft
  - ❑ Mitigation Monitoring and Reporting Program (MMRP)
- ❑ **Resolution approving the CEQA documents**
  - ❑ Certifying the EIR and adopting the MMRP
  - ❑ Making CEQA Findings
  - ❑ Adopting a Statement of Overriding Considerations for any adverse impact(s) that cannot be avoided or fully mitigated if project is implemented
- ❑ **Notice of Determination (filed with the Governor's Office of Planning and Research)**

If EIR is a joint CEQA/National Environmental Policy Act document (EIR/Environmental Impact Statement or EIR/Environmental Assessment), submit the applicable Record of Decision and/or Finding of No Significant Impact.

Clean Water SRF Program
Environmental Compliance

State Water Resources Control Board (State Water Board)
Clean Water State Revolving Fund Program

Evaluation Form for Environmental Review and Federal Coordination

1. **Federal Endangered Species Act:**
Does the project involve any direct effects from construction activities, or indirect effects such as growth inducement that may affect federally listed threatened or endangered species that are known, or have a potential, to occur on-site, in the surrounding area, or in the service area?

☐ No. Discuss why the project will not impact any federally listed special status species:

_____
_____
_____

_____
_____

☐ Yes. Include information on federally listed species that could potentially be affected by this project and any proposed avoidance and compensation measures so that the State Water Board can initiate informal/formal consultation with the applicable federally designated agency. Document any previous ESA consultations that may have occurred with the project.

Attach project-level biological surveys, evaluations analyzing the project's direct and indirect effects on special-status species, and a current species list for the project area.

2. **National Historic Preservation Act:**
Identify the Area of Potential Effects (APE), including construction, staging areas, and depth of any excavation. (Note that the APE is three dimensional and includes all areas that may be affected by the project, including the surface area and extending below ground to the depth of any project excavations.)

_____
_____
_____
_____
_____
_____
_____
_____

Attach a current records search with maps showing all sites and surveys drawn in relation to the project area, and records of Native American consultation.

3. **Clean Air Act: Is the project subject to a State Implementation Plan (SIP) conformity determination?**

☐ No. The project is in an attainment or unclassified area.

☐ Yes. The project is in a nonattainment area or attainment area subject to maintenance plans. Include information to indicate the nonattainment designation (e.g. moderate, serious or severe), if applicable. If estimated emissions (below) are above the federal de minimis levels, but the project is sized to meet only the needs of current population projections that are used in the approved SIP for air quality, then quantitatively indicate how the proposed capacity increase was calculated using population projections.

Air Basin Name: _____

Provide the estimated project construction and operational air emissions (in tons per year) in the chart below, and attach supporting calculations.

Attach any air quality studies that may have been done for the project.

Pollutant	Status (Attainment, Nonattainment or Unclassified)	Threshold of Significance for the Area (if applicable)	Construction Emissions (Tons/Year)	Operation Emissions (Tons/Year)
Carbon Monoxide (CO)				
Ozone (O_3)				
Oxides of Nitrogen (NO_x)				
Particulate Matter ($PM_{2.5}$)				
Particulate Matter (PM_{10})				
Reactive Organic Gases (ROG)				
Sulfur Dioxide (SO_2)				
Volatile Organic Compounds (VOC)				

4. **Coastal Zone Management Act:**
Is any portion of the project site located within the coastal zone?

☐ No. The project is not within the coastal zone.

☐ Yes. Describe the project location with respect to coastal areas, and the status of the coastal zone permit:

_____
_____
_____
_____
_____
_____

5. **Farmland Protection Policy Act:**
Is any portion of the project site located on important farmland?

☐ No. The project will not impact farmland.

☐ Yes. Include information on the acreage that would be converted from important farmland to other uses. Indicate if any portion of the project site is located within Williamson Act control and the amount of affected acreage:

6. **Flood Plain Management:**
Is any portion of the project site located within a 100-year floodplain as depicted on a floodplain map or otherwise designated by the Federal Emergency Management Agency?

☐ No. Provide a description of the project location with respect to streams and potential floodplains:

☐ Yes. Describe the floodplain, and include a floodplain map and a floodplains/wetlands assessment. Describe any measures and/or project design modifications that would minimize or avoid flood damage by the project:

7. **Migratory Bird Treaty Act:**
Will the project affect protected migratory birds that are known, or have a potential, to occur on-site, in the surrounding area, or in the service area?

☐ No.

☐ Yes. Discuss the impacts (such as noise and vibration impacts, modification of habitat) to migratory birds that may be directly or indirectly affected by the project and mitigation measures to reduce or eliminate these impacts. Include a list of all migratory birds that could occur where the project is located:

8. **Protection of Wetlands:**
Does any portion of the project area contain areas that should be evaluated for wetland delineation or require a permit from the U.S. Army Corps of Engineers?

☐ No. Provide the basis for such a determination:

_____
_____
_____

☐ Yes. Describe the impacts to wetlands, potential wetland areas, and other surface waters, and the avoidance, minimization, and mitigation measures to reduce such impacts. Provide the status of the permit and information on permit requirements:

_____
_____
_____
_____
_____
_____

9. **Wild and Scenic Rivers Act:**
Is any portion of the project located within a wild and scenic river?

☐ No. The project will not impact a wild and scenic river.

☐ Yes. Identify the wild and scenic river watershed and project location relative to the affected wild and scenic river:

_____
_____
_____
_____
_____
_____

Identify watershed where the project is located:_____

10. **Source Water Protection:**
Is the project located in an area designated by the U.S. Environmental Protection Agency, Region 9, as a Sole Source Aquifer?

☐ No. The project is not within the boundaries of a sole source aquifer.

☐ Yes. Identify the aquifer (e.g., Santa Margarita Aquifer, Scott's Valley, the Fresno County Aquifer, the Campo/Cottonwood Creek Aquifer or the Ocotillo-Coyote Wells Aquifer):

_____

If project emissions are below the "de minimis" levels and less than 10% of the emissions inventory for the non-attainment or maintenance area, then:

- **Further general conformity analysis is not required.**

If project emissions are above the "de minimis" levels:

- **A conformity determination for the area must be made.**

A conformity determination can be made if facilities are sized to meet the needs of current population projections used in an approved State Implementation Plan (SIP) for air quality. Using population projections, applicants must quantify their description of how the proposed capacity increase was calculated.

NATIONAL HISTORIC PRESERVATION ACT

Section 106 of the NHPA requires federal agencies to take into account effects on historic properties caused by federal actions (such as funding SRF projects) and to provide the Advisory Council on Historic Preservation (ACHP) a reasonable opportunity to comment on such undertakings through consultation with the State Historic Preservation Officer (SHPO) and with interested Indian Tribes and individuals.

*USEPA has delegated to the State Water Board the responsibility for carrying out the requirements of Section 106 of the NHPA.

Historic properties include:

- Archaeological sites.
- Historic era buildings.
- Traditional cultural properties.

Starting point for the 106 process:
Applicant's record search and cultural resource documents prepared for CEQA.

State Water Board's Cultural Resource Officer (CRO) requires:

- Copies of all original maps and studies for consultation with SHPO.

If your project has the potential to affect historic properties the consultation process can be quite lengthy. **Please contact the CRO early in your planning process to discuss what additional information may be needed for your specific project.**

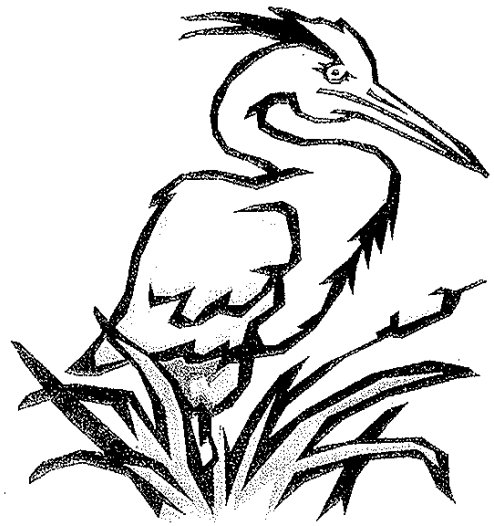
Environmental Review Process Guidelines for State Revolving Fund Loan Applicants document provides additional information on the review process and can be found on the State Water Board's web site located at:

http://www.waterboards.ca.gov/funding/srf.html

Water Boards

SRF & CEQA-PLUS

Environmental Review for State Revolving Fund (SRF) Loan Applicants



- WHAT - WHY - HOW -

State Water Resources Control Board
Division of Financial Assistance
November 2005

WHAT IS CEQA-PLUS?

The SRF Loan Program is partially funded by the U.S. Environmental Protection Agency (USEPA) and subject to federal environmental regulations, including the Endangered Species Act (ESA), the National Historic Preservation Act (NHPA), and the General Conformity Rule for the Clean Air Act (CAA), among others. Federal agencies have their own policies on how they comply with federal environmental laws. Instead of the National Environmental Policy Act (NEPA), USEPA has chosen to use the California Environmental Quality Act (CEQA) as the compliance base for California's SRF Loan Program, in addition to compliance with ESA, NHPA and CAA. Collectively, the State Water Board calls these requirements **CEQA-Plus.** Additional federal regulations also may apply.

Lead Agency: The Applicant

Duties:

- Prepare, circulate and consider the environmental documents prior to approving the project.
- Provide the State Water Board with eight (8) copies of the applicant's CEQA documents.

Responsible Agency: State Water Board, Division of Financial Assistance

Duties:

- Acting on behalf of USEPA, review and consider the CEQA documents before approving the project's funding.
- Make findings as to the adequacy of the documents and require additional studies or documentation, as needed.
- Distribute the applicant's CEQA documents to selected federal agencies for review and comment before making a determination on adequacy. (This distribution is in addition to the standard State Clearinghouse distribution under CEQA.)

***The applicant must address all comments by federal agencies before funding is approved.**

ENDANGERED SPECIES ACT

Non-federal Representative (for all wastewater and water reclamation projects in California that involve an SRF loan): **State Water Board**

State Water Board - Environmental Services Staff (ES) reviews SRF projects to determine potential effects on federally listed species.

Applicant Duties:

- At the earliest possible date, provide ES with
  - **Species lists.**
  - **Biological assessments.**
  - **Other documents related to project effects on sensitive species.**
- Notify ES **early** during the planning process of any issues regarding sensitive species.

ES Duties:

- Confer informally with the U.S. Fish and Wildlife Service (USFWS) and/or National Marine Fisheries Service (NMFS), as necessary.
- Evaluate and inform USFWS/NMFS of project impacts to federally listed species.
- Ask USEPA to request formal consultation if ES, in conjunction with USFWS/NMFS, determines that a project will adversely affect a federally listed species.

***USEPA will act as the lead agency in the formal consultation process. In response to a formal request from USEPA, USFWS/NMFS may have up to 90 days to prepare a biological opinion. The process can last 135 days or longer.**

CLEAN AIR ACT

CAA general conformity analysis applies only to projects in areas:

- Not meeting National Ambient Air Quality Standards (NAAQS).
- Subject to a maintenance plan.

An analysis is necessary for each criteria **pollutant below** for which an area is considered as being in nonattainment or maintenance:

- **ozone**
- **carbon monoxide**
- **nitrogen dioxide**
- **sulfur dioxide**
- **lead**
- **inhalable particulate matter**

Cultural Resources

Compliance with Federal Section 106 of the National Historic Preservation Act

Information Needed from the Applicant:

- Current records search with maps showing all sites and surveys drawn in relation to the project area.
- Native American consultation.
- Instructions as to how to get started are found in the CEQA Guidelines, since these two items are basic to any cultural resources review.

Migratory Bird Treaty Act

Information Needed From the Applicant:

- Identification of whether or not the project is within jurisdiction of the Migratory Bird Treaty Act.

Wild and Scenic Rivers Act

Information Needed from the Applicant:

- Identification of whether or not the project will impact any Wild and Scenic Rivers.

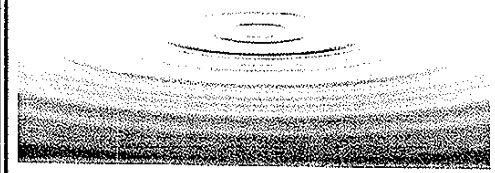
Other Requirements

Information Needed from the Applicant:

- Eight (8) copies of the final CEQA document.
- A date-stamped copy of the Notice of Determination or the Notice of Exemption filed with the Governor's Office of Planning and Research and a receipt of the filling fees paid to the California Department of Fish and Game for Negative Declarations (ND) or Environmental Impact Reports (EIR).
- A copy of the Resolution from the lead agency, approving or certifying the CEQA document and their project. *Note: The CEQA Guidelines uses "approve" or "adopt" for ND and "certify" for EIR.*

Quick Reference Guide to the California Environmental Quality Act (CEQA)-Plus Requirements for State Revolving Fund Loans

Guide to Federal Requirements



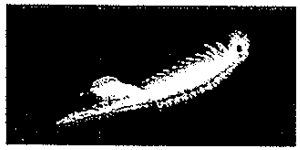
State Water Resources Control Board
Division of Financial Assistance
January 2008

Endangered Species

Compliance with Section 7 of the Endangered Species Act

Information Needed from the Applicant:

- List of special status species (both animal and plant) likely or possibly to occur at project site. *Note: If none will possibly occur, provide supporting information.*
- Any biological assessments or special biological studies that may have been done for the project.
- Other documents that disclose information about the project's effect on sensitive species.



Protection of Wetlands

Information Needed from the Applicant:

- Identification of whether or not the project or construction activities will impact streams, flood control channels, or wetlands.

Air Quality

Compliance with the Federal Air Quality Act

Information Needed from the Applicant:

- Air quality studies that may have been done for the project.
- For those projects in non-attainment areas or attainment areas subject to maintenance plans:
  - → Emission data for each criteria pollutant for which the area has been designated non-attainment or maintenance; and
  - → Summary of the emissions that are expected from both the construction and operation of the project for each criteria pollutant in a non-attainment or maintenance area.
- If emissions are above the federal de minimis levels, but the project is sized to meet only the needs of current population projections that are used in the approved State Implementation Plan for air quality:
  - → Quantitatively indicate how the proposed capacity increase was calculated using population projections.

Floodplain Management

Information Needed from the Applicant:

- Identification of whether or not the project is in a Flood Management Zone and a copy of the Federal Emergency Management Agency flood zone maps for the project area.

Farmland Protection Policy Act

Information Needed from the Applicant:

- Identification of whether or not the proposed project will impact any important farmland or land under Williamson Act control.

Coastal Zone Management Act

Information Needed from the Applicant:

- Identification of whether or not the proposed project is in the Coastal Zone.

C. State Water Resources Control Board, James Hockenberry, 7/20/2009

C-1 Comment acknowledged. The proposed action as analyzed in the Draft EIR/EIS would be implemented under Title XVI as described in Chapter 1, Introduction, of the Draft EIR/EIS. The individual Member Agencies may apply for funding through the State Revolving Fund (SRF) (e.g., the recycled water use for Valley Memorial Park Cemetery in the Novato North area noted in the comment), and as part of the application, the agencies will submit the necessary documentation to the State Water Resources Control Board. No changes in the Final EIR/EIS are required.

C-2 Comment acknowledged. Reclamation will consult with the U.S. Fish and Wildlife Service (USFWS) and/or National Marine Fisheries Service (NMFS) as necessary for compliance under Title XVI requirements. For projects that would be implemented under the SRF funding, the Member Agencies will provide documentation of consultation processes to SWRCB. No changes in the Final EIR/EIS are required.

C-3 Comment acknowledged. Chapter 3.12, Cultural Resources, on page 3.12-13 describes the Section 106 consultation activities that have occurred to date, including a summary of the records search in the Area of Potential Effects (APE) and Area of Sensitivity Assessment (ASA). In consultation with Reclamation, an archaeological APE and an architectural/structural APE was determined for the NBWRP. As stated on page 3.12-27, Section 3.12.2, Regulatory Framework, the NEPA Lead Agency (Reclamation) will consider the effects of the project on historic properties and afford the Advisory Council on Historic Preservation and the State Historic Preservation Officer a reasonable opportunity to comment on any undertaking that would adversely affect properties eligible for listing on the National Register of Historic Places. For projects that apply for SRF funding, the Member Agencies will provide the necessary documentation of consultation processes to SWRCB. Endangered species were addressed in Section 3.5 of the Draft EIR/EIS. Since this comment does not affect the environmental analysis in the Draft EIR/EIS, no changes in the Final EIR/EIS are required.

C-4 Comment acknowledged. For projects that apply for SRF funding, Member Agencies will provide documentation of completion of the NEPA and CEQA processes, including Statement of Overriding Considerations, Mitigation and Monitoring Plan, Notice of Determination, and NEPA Record of Decision. Since this comment does not affect the environmental analysis in the Draft EIR/EIS, no changes in the Final EIR/EIS are required.

Los Carneros Water District

June 11, 2009

Mr. Marc Bautista
Sonoma County Water Agency
PO Box 11628
Santa Rosa, CA 95406-1628

RE: Comments on Draft EIR & Draft EIS for the
North San Pablo Bay Restoration and Reuse Project

Dear Mr. Bautista:

On behalf of the Board of Directors of the Los Carneros Water District, I have reviewed the Executive Summary and the MMRP for the Draft EIR and Draft EIS for the North San Pablo Bay Restoration and Reuse Project. The Board of Directors reviewed and considered this letter prior to its issuance.

The Los Carneros Water District was formed in 1978 for the specific purpose of bringing recycled water into our 5,700 acre portion of the Carneros area. We have been struggling to find a ways of achieving that goal. We are currently pursuing an Engineering Feasibility Study to determine the viability of, and costs associated with, an infrastructure installation project.

We appreciate that the LCWD area has been included at the programmatic level in this combined environmental document. As our infrastructure project moves forward, we will likely tier onto this environmental document, so we have a vested interest in this document and that the document be very complete.

While the DEIR / DEIS does identify a number of potential environmental effects that may result from implementing the various alternatives of the project, to the extent that they involve our District, we are fully supportive of the measures identified and recommended to reduce those potential effects to levels that are less than significant.

D-1

We appreciate the opportunity to comment.

Please contact me directly with any questions. It is best to reach me on my cell phone = 707.738.4600.

Sincerely,

John W. Stewart, PE
President, Board of Directors
2111 Las Amigas Road
Napa, CA 94559

CC: Board of Directors
Susan Altman, Legal Counsel

D. Los Carneros Water District, John W. Stewart, Board of Directors President, 6/11/2009

D-1 Comment acknowledged. The commenter expresses the intent to tier off from the Draft EIR/EIS for future projects as applicable in the Carneros area. Since this comment does not affect the environmental analysis in the Draft EIR/EIS, no changes in the Final EIR/EIS are required.

Comment Letter E

COUNTY of SONOMA
DEPARTMENT OF HEALTH SERVICES

Rita Scardaci, PHN, MPH – Director
Ruth Lincoln, PHN, MA – Assistant Director
Benita McLarin, MS, MHA – Assistant Director

Environmental Health Division
Walter L. Kruse - Director

June 22, 2009

Sonoma County Water Agency
Attn: Marc Bautista, Senior Environmental Specialist
P.O. Box 11628
Santa Rosa, CA 95406-1628

RE: DRAFT EIR/EIS; North San Pablo Restoration and Reuse Project

Dear Mr. Bautista:

Thank you for the opportunity to review the above referenced EIR/EIS. The Sonoma County Department of Health Services supports the use of innovative technology to address environmental concerns and sustainability while ensuring the health and safety of individual residents and the population of Sonoma County.

EHD recognizes that expanding water reclamation and recycled water reuse is beneficial in working towards sustainable development in the North Bay region, and the North San Pablo Restoration and Reuse Project has the potential to reduce demands on potable water supplies and in turn conserve limited surface water and groundwater supplies which are necessary for good public health. Sonoma County Environmental Health Division (EHD) has reviewed the above report, feels it adequately covers the health concerns, and supports the North San Pablo Restoration and Reuse Project that is currently being planned by the North Bay Water Reuse Authority.

We note that the Project will adhere to the State regulations for recycled water use as set forth in Titles 17 and 22 of the California Code of Regulations which were established to protect the public's health and safety.

E-1

Thank you for the opportunity to comment on this beneficial regional project.

Sincerely,

James Tyler, R.E.H.S.
Supervising Environmental Health Specialist

C: Walt Kruse, Director of Environmental Health
Christine Sosko, Environmental Health Program Manager

CF/70-0-14 North San Pablo Bay Restoration and Reuse Project - EIR

475 Aviation Blvd., Suite 220, Santa Rosa, CA 95403 • *phone* (707) 565-6565 • *fax* (707) 565-6525 • www.sonoma-county.org

E. County of Sonoma Department of Health Services, James Tyler, Supervising Environmental Health Specialist, 6/22/2009

E-1 Comment acknowledged. The commenter notes that the project will adhere to State regulations in Title 17 and 22 of the California Code of Regulations, and finds that the Draft EIR/EIS adequately covers health concerns. No additional response is required.

Comments on the Draft EIR for the North Bay Water Recycling Program (NBWRP)

By Ken Giovannetti/Steve Urbanek, Sonoma County Department of Transportation and Public Works

These comments address the NBWRP project's impacts and mitigation measures related to Sonoma County's maintained road system.

Pipeline route for SURMP, pages 2-19 through 2-21

The map (Figure 2-5) depicts a pipeline route that is different than the description. Are Orange Avenue and Elm Avenue actually included in the route? If so, the pipeline extends much further north on Arnold Drive than is shown and would end far north of Leveroni Road, rather than "just" north. Also, no pipeline is depicted on Leveroni Road. F-1

Impact 3.7.1, "Pipelines", pages 3.7 – 12,13

A "narrower" pipeline construction corridor of 25 feet is identified for high volume roadways. That is an inappropriately wide corridor and appears to be a misprint. F-2

Slurry sealing of the full width of the traveled way or shoulder affected by open trenching is normally required in addition to trench paving. F-3

Open trenching is typically not allowed on County roads where new surfacing has been placed in the preceding 5 years. Restoration of the surfacing for the entire width of any affected road could be considered as mitigation for open trenching through roads that have been reconstructed or repaved within the last 24 months. For roads that have been reconstructed or repaved longer than 24 months, but less than 60 months require extending the repair area to include the full lane with (edge of pavement to centerline). Roads that have been treated with a surface seal (chip seal, double chip seal, cape seal, micro seal and slurry seal) within the last 24 months will also receive an in kind replacement of the surface seal beyond the limits of the trench resurfacing. F-4

Trench plates are normally not allowed on the traveled way of high volume, high speed roads. Very short (25 feet) distance plating may be considered in some instances. F-5

Lane closures or road closures are available only as may be allowed at the discretion of the County in consideration of the convenience and safety of public traffic. F-6

Mitigation Measure 3.7.1b, page 3.7-20

Trench plating is not normally allowed on high volume, high speed roads. F-7

Slurry seal is normally required on affected lanes/shoulders in addition to trench paving. F-8

Mitigation Measure 3.7.1d, page 3.7-20

Circulation and detour plans are subject to the discretionary approval of the County. F-9

Impact 3.7.6, page 3.7-33

Major arterials and collectors are not all necessarily "designed" to accommodate heavy vehicles. Existing structural sections may be marginally sufficient to accommodate existing traffic loads, requiring continuous monitoring and maintenance by County staff. As such the additional loading resulting from NBWRP construction activities are not necessarily negligible on these roads. F-10

Mitigation Measure 3.7.6, page 3.7-33

It should reasonably be expected that an encroachment permit would include requirements for a documented pre and post construction analysis of the condition of the pavement which would serve as the basis for determining the extent of any necessary repairs due to construction impacts. In addition, it would likely be required that the pavement be maintained to a reasonably serviceable condition on an ongoing basis during construction. F-11

Additional Comments

The design of the planned facilities in the County's roadways should consider potential future County road improvement projects to avoid the need for future relocation of the facilities or to at least account for the potential of such necessary relocation. F-12

Manholes in the roadway pavement will require cast iron covers. It should be a goal of the design to locate manholes, valve covers, etc. outside of the travelled way so as not to require interference with public traffic for future routine operations work. If the travelled way cannot be avoided, manholes etc. must not be located in the wheelpath in consideration of traffic safety and convenience. F-13

After completion of construction of facilities within the road right of way, separate encroachment permits will be required to perform facilities operation and maintenance work within the right of way. A “blanket” permit could be issued for routine maintenance work and emergency work. F-14

F. Sonoma County Department of Transportation and Public Works, Ken Giovannetti and Steve Urbanek, [no date]

F-1 Comment acknowledged. Figure 2-5 on page 2-20 of Chapter 2, Project Description, of the Draft EIR/EIS portrays the proposed pipeline alignment in the Sonoma Valley under Phase 1. The pipeline route under Phase 1 is described on pages 2-19 and 2-21 of the Draft EIR/EIS and the first bullet under SVCSD SVWRP is edited as follows:

- The facilities proposed under the Phase 1 Implementation Plan are shown in **Figure 2-5**. SVRWP Alignment 1A would consist of approximately 5.2 miles of pipeline in western Sonoma Valley. The main pipeline would originate from the SVCSD WWTP, extend southwest and then northwest through ~~a vineyard~~ agricultural land to Arnold Drive. The pipeline would continue north along Arnold Drive ~~to Orange Avenue, and extend north on Orange Avenue to Elm Avenue. The pipeline would then continue east on Elm Avenue, cross a field to Arnold Drive, extend north on Arnold Drive,~~ and end just north of Leveroni Road. ~~Secondary pipelines or segments would extend from the main pipeline on the following roadways: Highway 116, Watmaugh Road, and Leveroni Road~~.

F-2 Comment acknowledged. As stated on page 3.7-12, of Section 3.7, Transportation and Traffic, of the Draft EIR/EIS, the estimated trench for the 14-inch pipeline would be about 30 inches wide and about 56 inches deep. The corridor width of 25 feet is the maximum width necessary to allow safe movement of construction vehicles and worker along corridors. The text in the second paragraph on page 3.7-12 under "Pipelines" has been revised as follows (also noted in Chapter 4 of this document):

> "In undeveloped areas, a 25-foot wide corridor for construction would be utilized to maximize construction efficiency. In areas <u>of Sonoma County</u> encumbered by existing improvements, high-volume roadways, or environmentally sensitive areas, a narrower construction corridor of ~~approximately~~ <u>less than</u> ~~25~~ <u>20</u> feet would be used<u>, as conditions allow</u>."

F-3 Comment acknowledged. As stated under Mitigation Measure 3.7.1a on page 3.7-19 of Section 3.7, Transportation and Traffic, in the Draft EIR/EIS, the appropriate Member Agency shall obtain and comply with the local road encroachment permits for roads that are affected by construction activities. The Member Agency will consult with local jurisdiction and will comply with any requirements under the encroachment permits as listed in the mitigation measure, including any slurry sealing requirements as noted in the comment.

F-4 Comment acknowledged. As stated under Mitigation Measure 4.1 on page 4-48 of Chapter 4, Cumulative Impacts, of the Draft EIR/EIS, the Member Agencies shall coordinate construction activities along the selected pipeline routes to identify overlapping pipeline routes, project areas, and construction schedules. To the extent

feasible, construction activities will be coordinated to consolidate the occurrence of short-term construction-related impacts. The Member Agencies would consult with local jurisdictions regarding timing of construction, in addition to following all County regulations regarding open trench work and restoration of the roads.

F-5 Comment acknowledged. As stated in the fourth paragraph on page 3.7-12 of Section 3.7, Transportation and Traffic, in the Draft EIR/EIS, during construction, trenches would be temporarily closed at the end of each work day, either by covering with steel trench plates, backfill material, or installing barricades to restrict access depending on physical conditions and conditions of the encroachment permit (along roadways). As noted in the response to comment F-4 above, the Member Agencies would consult with local jurisdictions to ensure that trenches would be closed by the most appropriate means listed.

F-6 Comment acknowledged. The Member Agencies would coordinate construction activities with the local jurisdictions as noted in the comment.

F-7 Comment acknowledged. As stated under Mitigation Measure 3.7.1a on page 3.7-19 of Section 3.7, Transportation and Traffic, in the Draft EIR/EIS**,** the appropriate Member Agency for each project component shall obtain and comply with local road encroachment permits for roads that are affected by construction activities. The Member Agency will comply with any stipulations of the encroachment permits.

F-8 Comment acknowledged. See response to comment F-3. The Member Agencies would comply with any specific requirements of the local jurisdictions as noted in the comment.

F-9 Comment acknowledged. As stated under Mitigation Measure 3.7.1a on page 3.7-19 of Section 3.7, Transportation and Traffic, in the Draft EIR/EIS, the required traffic management plan that would require development of circulation and detour plans would be subject to local jurisdiction review and approval, as is also noted in the comment.

F-10 Comment acknowledged. As stated on under Mitigation Measure 3.7.1a on page 3.7-19 of Section 3.7, Transportation and Traffic, in the Draft EIR/EIS, the Member Agencies would consult with the local jurisdiction. The Member Agencies would implement Mitigation Measure 3.7.6 for the impact discussed on page 3.7-33 and repair any roads damaged by construction to a structural condition equal to that which existed prior to construction activity as per conditions of the encroachment permit. Therefore, the impact is considered less than significant with mitigation.

F-11 Comment acknowledged. As stated under Mitigation Measure 3.7.1a on page 3.7-19 of Section 3.7, Transportation and Traffic, in the Draft EIR/EIS, **t**he appropriate Member Agency for each project component shall obtain and comply with local road encroachment permits for roads that are affected by construction activities. The Member Agency will comply with any conditions or requirements in the encroachment permit.

F-12 Comment acknowledged. As stated in Mitigation Measure 4.1 on page 4-48 in Chapter 4, Cumulative Impacts, of the Draft EIR/EIS, the Member Agencies would coordinate construction activities along selected pipeline alignments to identify overlapping pipeline routes, project areas, and construction schedules. To the extent feasible, construction activities shall be coordinated to consolidate the occurrence of short-term construction-related impacts. Table 4-1 on page 4-10 shows roadway improvements proposed by Sonoma County Transportation and Public Works Department (State Route 12, Adobe Road). These projects and other future projects would be considered in the project schedule and timing for the project construction.

F-13 Comment acknowledged. As stated in Mitigation Measures 3.7.1b on page 3.7-19 of Section 3.7, Transportation and Traffic, in the Draft EIR/EIS, the Member Agencies shall require the construction contractor for each project component to prepare and implement a Traffic Control/Traffic Management Plan subject to approval by the appropriate local jurisdiction prior to construction to ensure safety around the construction activities. The mitigation measure includes, but is not limited to, the items listed in the Traffic Control/Traffic Management Plan, and may therefore include the requirements noted in the comment, as required by the County.

F-14 Comment acknowledged. As stated in Mitigation Measure 3.7.1a on page 3.7-19 of Section 3.7, Transportation and Traffic, in the Draft EIR/EIS, the appropriate Member Agency for each project component shall obtain and comply with local road encroachment permits for roads that are affected by construction activities. The Member Agency will comply with appropriate encroachment permit conditions.

Comment Letter G

STATE CAPITOL
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FAX (916) 319-2106

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Assembly
California Legislature

COMMITTEES
CHAIR, WATER, PARKS AND WILDLIFE
NATURAL RESOURCES
UTILITIES AND COMMERCE

SUBCOMMITTEE NO.3
ON RESOURCES

JARED HUFFMAN
ASSEMBLYMEMBER, SIXTH DISTRICT

July 17, 2009

CF/70-0-14 North San Pablo Bay Restoration and Reuse Project - EIR

Mr. Marc Bautista
Sonoma County Water Agency
P.O. Box 11628
Santa Rosa, CA 95406-1628

Dear Mr. Bautista:

Thank you for the opportunity to provide comments to the North Bay Water Reuse Authority (NBWRA) regarding the proposed North Bay Water Recycling Program (NBWRP). I am writing to endorse the implementation of Alternative 1 as described in the Draft Environmental Impact Report/Environmental Impact Statement.

I have long been a proponent of expanding recycled water use to offset potable water demand, and promoting sustainable water practices is especially critical now, considering that California's continuing drought and growing population have depleted our water supply. I also strongly support the NBWRA priorities of using recycled water to offset local urban and agricultural demands for potable supplies. Alternative 1 of the NBWRP will stretch existing water supplies and increase water supply reliability in the North Bay by expanding the use of recycled water. G-1

I applaud the collaboration of the Marin, Sonoma and Napa regions to develop a coordinated recycled water program. Often the obstacles to providing recycled water are a lack of infrastructure for delivery and a lack of coordination between water agencies and wastewater treatment plants. It is my belief that the NBWRA is effectively addressing these problems and making the use of this sustainable practice more accessible. For any future correspondence on this subject, please do not hesitate to contact Kate Williams in my Capitol office at (916) 319-2006.

Sincerely,

JARED HUFFMAN
Assemblymember, 6th District

G. Assembly California Legislature, Jared Huffman, Assembly Member 6th District, 7/22/09

G-1 Comment acknowledged. The commenter endorses NBWRP and strongly supports the NBWRA priorities of using recycled water to offset local urban and agricultural demands for potable supplies. Since this comment does not affect the environmental analysis in the Draft EIR/EIS, no changes in the Final EIR/EIS are required.

Comment Letter H

Living Rivers Council
LRC
1370 Trancas
PMB 614
Napa, California, 94559
(707) 255-7434
(707) 259-1097 fax
cmalan@mvonecarth.org
www.livingriverscouncil.org

June 5, 2009

Marc Bautista
Sonoma County Water Agency
PO Box 11628
Santa Rosa, CA 95406-1923

Re: Draft Environmental Impact Report for the
North Bay Water Recycling Program

Dear Sir,

Water is a resource too valuable to throw away and recycling is an admirable goal. However the public is reluctant to using it for drinking water. Another way has the potential to allay the public aversion to using conventional processed waste water. The Vacuum Retort Anaerobic Digester (VRAD) system can produce pure distilled water that won't have the stigma of present methods employ, doesn't need an independent distribution pipe network, and is cheaper to produce as present recovery systems.

Under CEQA an Alternatives scenario to the proposed project must be also considered. We submit that the VRAD system be included and analyzed as a viable alternative to the project in the CEQA document. A description of the VRAD process may be found at vradenergy.com. The designer is Herman Miller, hpmiller3d@aol.com.

H-1

Sincerely,

John Stephens
Advisory Chair

CF/70-0-14 North San Pablo Bay
Restoration and Reuse Project - EIR

H. Living Rivers Council, John Stephens, Advisory Chair, 6/5/2009

H-1 Comment acknowledged. The proposed action does not involve the use of recycled water for potable water use. For a discussion of selection of range of alternatives, please refer to **Master Response 2.2, Alternatives Analysis**, in Chapter 2, Master Responses. The proposed action is limited to the use of recycled water for irrigation to offset the current use of potable water supplies. The action does not propose the use of recycled water, either directly or indirectly, for potable reuse. The technology referenced by the commenter, the Vacuum Retort Anaerobic Digester System, is a waste-to-energy process similar to primary and secondary treatment processes currently used at wastewater treatment plants (WWTPs). As noted in **Master Response 2.6, Recycled Water Quality** in Chapter 2, Master Responses, the proposed action would not affect primary and secondary treatment processes at WWTPs. As such, the identified technology does not represent an alternative that is capable of meeting the proposed objectives, or that would reduce potential impacts of the Action Alternatives. No further analysis is required.

-----Original Message-----
From: NBWRA WEBSITE [mailto:noreply@nbwra.org]
Sent: Tuesday, July 14, 2009 8:23 PM
To: martin@rauchcc.com; marc.bautista@scwa.ca.gov; Jim O'Toole
Subject: New Notice of Preparation Comment Posted from NBWRA.ORG

A new Notice of Preparation visitor comment has been recorded from the www.nbwra.org website on July 14, 2009, 8:22 pm.

Comments:

Valley of The Moon Alliance
P. O. Box 95, Kenwood, Ca. 95452 707 833-6695
July 13, 2009

Marc Bautista
Sonoma County Water Agency
P.O. Box 11628
Santa Rosa, Ca. 95406
Submitted by email through www.nbwra.org

Re: North Bay Water Recycling Program (NBWRP)

Mr. Bautista,
Valley of the Moon Alliance is a group of citizens concerned about the protection and preservation of the Sonoma Valley. We want to see our valley and county flourish. We realize that preserving our rural agricultural character is paramount to the prosperity of the area.
In order to preserve this character we need to have water. We realize the limits of our groundwater within the Sonoma Valley basin and we need to use it wisely. If treated wastewater can be utilized in a safe and local way, it would go a long way to helping offset some of the potable water usage. We do want to emphasize safety in regard to the treatment and the elimination of harmful contaminates. It will do no one any good to inadvertently contaminate our groundwater or cause people to get sick. Treatment to Title 22 standards are expected and remove most of the things that have been known to affect us , however there is now a lot of information about emerging contaminates, from endocrine-interrupters, personal care products, and pharmaceuticals . Super bugs that have been brewed up within the wastewater treatment process from antibiotics and other pharmaceuticals, are not removed during the tertiary treatment process. Careful consideration should be used with this issue as causing or letting groundwater contamination happen would be devastating to our lands, lifestyle and economy.
The above project needs to use recycled water in a sustainable way. This project was found to be growth inducing as stated in the Executive Summary ES.4.4. It would assist in the build out of the county and cities general plans and thereby contribute to the potential secondary effects of growth. Tempting farmers to buy recycled water for irrigation of future vineyards would not be sustainable. Offering recycled water to farmers who are already irrigating with groundwater may also be a challenge to convince them to pay for recycled water. It gets down to the economics. One alternative that was not explored within the DEIR was to treat the wastewater to drinking water

I-1
I-2
I-3
I-4
I-5

standards . It would be a lot more valuable and useable as potable water.

I-5 cont.

The above program is massive in area and scope. We are primarily concerned with the Sonoma Valley County Sanitation District and treatment plant. We support the local projects included within the NBWRP; primarily the Sonoma Valley Recycled Water Project. We feel strongly that our water needs to stay in our basin and be utilized as much as safely possible.

I-6

Thank you for the opportunity to submit our comments.
Del Rydman
Board Member President

I. Valley of the Moon Alliance, Del Rydman, Board Member President, 7/13/2009

I-1 Comment acknowledged. As stated in Section 2.5 in Chapter 2, Project Description, of the Draft EIR/EIS, the project objectives include offsetting of urban and agricultural demands on potable water supplies and improving local and regional water supply reliability. The project would offset potable water use as shown in Table 2-2, Alternatives Summary – Recycled Water Supply, Demand, and Resulting Discharge (AFY) on page 2-11 of Chapter 2, Project Description, of the Draft EIR/EIS.

I-2 Comment acknowledged. As stated on page 3.4-27 of Section 3.4, Water Quality, of the Draft EIR/EIS the recycled water under the proposed action would be treated to Title 22 requirements for disinfected tertiary recycled water. This quality of water is allowed to be used as a water supply source for agricultural irrigation of food crops, landscape irrigation with high public contact, and non-restricted recreational impoundments. Title 22 also restricts recycled water use near groundwater wells.

Residues of non-regulated constituents or microconstituents and personal care products (PPCPs) (described on page 3.4-32 of Section 3.4, Water Quality, of the Draft EIR/EIS) have been measured at other WWTPs around the country using similar wastewater tertiary treatment processes (tertiary treatment). Although there are currently no testing methods or monitoring requirements developed for PPCPs, many sanitation districts have started public education and outreach programs aimed at reducing the amount of pharmaceuticals that are sent to the wastewater system. As stated above, the recycled water use under the NBWRP would occur in compliance with the applicable regulatory requirements described in Section 3.4, Water Quality. Please also refer to **Master Response 2.6, Recycled Water Quality**, in Chapter 2, Master Responses.

I-3 Comment acknowledged. Section ES.4.4 of the Executive Summary summarizes the growth-inducing effects from Chapter 5, Growth Inducement and Secondary Effects of Growth, of the Draft EIR/EIS. As stated under Section 5.4, Secondary Effects of Growth, in Chapter 5, the NBWRP would provide recycled water for urban, agricultural, and environmental uses, and as such, would contribute to the provision of adequate water supply to support a level of growth that is consistent with the amount planned and approved within the General Plans of Marin, Sonoma, and Napa Counties, and the applicable cities within those counties. No appreciable growth in population or employment would occur as a direct result of construction or operation of the proposed facilities. However, development under the General Plans accommodated by the proposed action would result in secondary environmental effects that are described in the General Plans also discussed in the chapter.

I-4 Comment Acknowledged. Please refer to the Recycled Water Agreements and Rates section under **Master Response 2.5, NBWRA Administration**, in Chapter 2, Master Responses.

I-5 Comment acknowledged. The proposed action includes recycled water distribution for irrigation use and does not involve potable water use. The Project's recycled water would be treated to Title 22 requirements for disinfected tertiary recycled water; please refer to **Master Response 2.6, Recycled Water Quality**, in Chapter 2, Master Responses. This quality of water is allowed to be used as a water supply source for agricultural irrigation of food crops, landscape irrigation with high public contact, and non-restricted recreational impoundments. Treatment of recycled water for direct or indirect potable use, as identified by the commenter, is not proposed. For a discussion of selection of range of alternatives, please refer to **Master Response 2.2, Alternatives Analysis**, in Chapter 2, Master Responses.

I-6 Comment acknowledged. The commenter supports the SVRWP; the comment does not require any changes to the EIR/EIS.

Comment Letter J

Sonoma County Water Coalition
55 Ridgway Avenue, Santa Rosa, CA 95401 SCWaterCoalition@aol.com
707-494-5769

Mr. Marc Bautista,
Sonoma County Water Agency,
404 Aviation Boulevard,
Santa Rosa, CA 95403

July 16, 2009

Re: North Bay Water Recycling Program (NBWRP) DEIR/EIS Comment

The Sonoma County Water Coalition (SCWC) currently consists of 31 organizations representing more than 25,000 concerned citizens. SCWC strongly supports a safe, economical and reliable water supply for the cities of Sonoma County, watershed protection and restoration, and careful oversight of surface water quality and monitoring of surface and ground water supplies.

SCWC submitted comments on H.R.236 in October 2007. These comments were resubmitted during NBWRP scoping in August 2008.

SCWC is concerned that the NBWRP DEIR/EIS ignores most of the substance of the comments submitted during Scoping of the EIR/EIS by SCWC and by SCWC organizations including Friends of the Eel River, the O.W.L. Foundation, Sonoma County Conservation Action, Sebastopol Water Information Group and others. As a result, the DEIR/EIS fails to adequately address critical regional water supply constraints, watershed issues, and groundwater management in the Russian River watershed, in the Eel River watershed, and in the Santa Rosa Plain Groundwater Basin. These water sources, already in peril, along with their threatened and endangered salmonid populations, are inherently connected to NBWRP as the source of much of the potable water ultimately becoming the wastewater from North Bay Water Reuse Authority member treatment plants upon which NBWRP depends. J-1 J-2

We stress the importance of directly and comprehensively addressing these water supply issues, and showing how NBWRP can be a significant factor in reducing demands on these potable water sources. If not, then the 'no action' alternative must be considered in depth in a revised and recirculated DEIR/EIS. J-3

Sincerely

Sonoma County Water Coalition

CF/70-0-14 North San Pablo Bay Restoration and Reuse Project - EIR

Copy: info@nbwra.org
Marc.Bautista@scwa.ca.gov

Sonoma County Water Coalition
404 A Mendocino Avenue, Santa Rosa, CA 95404 SCWaterCoalition@comcast.net
707-575-5594

Senator Jeff Bingaman
Chairman
Senate Energy and Natural Resources Committee
304 Dirksen Senate Building
Washington, DC 20510 October 11, 2007

RE: S.1472 North Bay Water Reuse Program Act of 2007 Companion Bill, H.R.236

Dear Chairman Bingaman and Members of the Senate Energy and Natural Resources Committee,

The Sonoma County Water Coalition (SCWC) includes 32 organizations representing more than 25,000 citizens in Sonoma County, California. The unifying momentum behind this coalition is a shared concern for the water resources of Sonoma County.

We urge you to defeat this defective bill (S.1472 North Bay Water Reuse Program Act of 2007 Companion Bill, H.R.236) in its present form, and we offer our assistance in rewriting it in the next session to address our concerns.

SCWC has steadfastly worked since 2004 to get public policies in place to protect and restore our beleaguered water resources. This includes both the Russian River and the Eel River, which each provide home to three threatened species of federally listed salmonids, as well as overdrafted and declining groundwater basins throughout the county. Our county's primary public water provider, the Sonoma County Water Agency (SCWA), has recently been subject to California State Water Resources Control Board (SWRCB) mandatory 15% cutbacks in withdrawals from the Russian River to protect Fall-run Chinook in the Russian River. SWRCB has also asked SCWA to come up with plans that involve no increases in demands for water pumped from the Russian River to supply future growth.

The necessity to plan for the long term future of reliable water supplies in our region, while protecting and restoring our natural public trust resources, has required a shift in public policy. We are working hard with public policy makers, agricultural interests, and commercial and residential ratepayers to reduce demands for potable water, to maximize water efficiencies and conservation (saving energy and greenhouse gas emissions, too), as well as supporting appropriate reuse of highly treated wastewater within the SCWA service areas to displace potable water demands, and eliminate exports of SCWA water to other regions.

We are now seeing water planning that incorporates some of the best thinking in the nation, allowing at least one city (Petaluma) to plan for its next 20 years' growth with a zero-increment in potable water demand. This example follows the lead of other municipal water suppliers in California (including Los Angeles, East Bay Municipal Utility District and Marin Municipal Water District) which have proven that intelligent

use of all water resources is not only feasible, but a requisite tool for the arid West's future.

Unfortunately, our review of the North Bay Water Reuse Program Act of 2007 ("Project") S.1472 (Feinstein, Boxer) and H.R.236 (Thompson, Woolsey) brings us to strongly oppose this legislation.

The bill fails to set any priority that the recycled water be used to offset and reduce local potable water demands first. Instead, it provides for tens of thousands of acres of new and expanded agricultural irrigation using treated municipal wastewater derived from SCWA customers. While some of this wastewater is currently discharged into San Pablo Bay, reuse of the water to substantially reduce demands on the already overtaxed SCWA water supply system should come first.

The bill fails to set any limits on exporting water, or to mandate addressing the impacts of those withdrawals of water pumped from SCWA sources from the Russian and Eel Rivers and Sonoma county groundwater to regions outside the SCWA service area in both Sonoma and Napa counties, primarily in different watersheds.

The bill fails to provide limits on the quantities of water to be used for expanded agricultural irrigation and environmental restoration in the proposed Project areas.

The bill fails to provide limits on how far the pipelines and pumps may be built.

The bill fails to provide limits on future use of the pipelines, particularly the plumbing that would serve the Napa-Sonoma Marsh Restoration Project at the tail end of the Project pipeline.

The bill precedes any environmental evaluation, under NEPA or CEQA, of the Project and its impacts, benefits and deficiencies.

For instance, similar proposals (another SCWA-proposed Bureau of Reclamation project, the North Sonoma County Agricultural Reuse Project) for use of treated wastewater in the Dry Creek and Alexander Valleys regions of the Russian River for irrigation of premium vineyards has recently met with significant opposition by local ranchers who don't want treated wastewater used for application to their world-class grapes, soils or groundwater.

Since most all of the treated wastewater for the Project (except wastewater from the city of Napa) is derived from SCWA-supplied municipal contractors' treated wastewater, that water will not be available to offset new or existing potable water demands.

While these public wastewater plant operators and water contractors have shown interest in expanding the local reuse of recycled water, some have expressed concerns over the costs to independently finance the expansion of infrastructure that would be required to meet all of their current and projected needs. Rather than providing this assistance to these public agencies and their ratepayers to improve treatment and distribution within their service areas, this Project and Bill would take that water out of their service areas to

supply a large expansion of agricultural users, primarily grape growers in Sonoma and Napa valleys, in areas that are currently water-scarce.

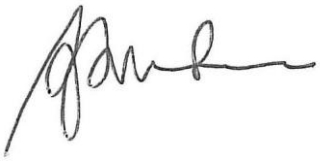
Indeed, even the current final Draft Sonoma County General Plan states:
"Any consideration to export additional water resources place primary priority upon the benefit of and need for the water resources in Sonoma County and shall assure that water resources needed by urban, rural and agricultural water users in Sonoma County will not be exported outside the county." (Policy WR-5a)

SCWC supports this policy, and would add equivalent protections and priorities for water resources needed by the "dependent natural resources in Sonoma County" as well.

S.1472 and H.R.236 significantly violate this trust and important public policies, and is antithetical to our community's hard work to come to grips with our intertwined water and resource and population futures.

Thank you.

Sincerely,



Stephen Fuller-Rowell
Sonoma County Water Coalition

cc: Senator Feinstein, Senator Boxer, all members of the Senate Energy and Natural Resources Committee

J. Sonoma County Water Coalition, Stephen Fuller-Rowell, 7/16/2009

J-1 Comment acknowledged. Comments submitted during the public scoping period were considered and incorporated in the Draft EIR/EIS (refer to Appendix 1A of the Draft EIR/EIS). Whereas the Final EIR/EIS has individual responses to comments, scoping comments are processed and integrated as part of the document. Scoping comments are not addressed individually; rather they serve the purpose of scoping out issues, refining the points in the analysis, developing alternatives, and project impacts.

J-2 Comment acknowledged. Please refer to **Master Response 2.1, Proposed Action and Relationship to Water Supply**, in Chapter 2, Master Responses. The issues such as water supply, watershed issues, and groundwater management are described, and potential impacts associated with the project are identified in Section 3.2, Surface Hydrology, Section 3.3, Groundwater, and Section 3.4, Water Quality, of the Draft EIR/EIS. These analyses focus on water resources that are affected by the proposed action, namely within the San Pablo Bay watershed, Miller Creek/ Gallinas Creek watershed, Novato Creek watershed, Petaluma River watershed, Sonoma Creek watershed, and the Napa River watershed, as well as the San Rafael Groundwater Basin, Novato Valley Groundwater Basin, Sonoma Valley Groundwater Basin, and the Carneros Groundwater Basin.

J-3 Comment acknowledged. The Draft EIR/EIS is not required to be recirculated in the absence of new information. Please refer to **Master Response 2.7, Adequacy of Analysis**, in Chapter 2, Master Responses. Pursuant to *CEQA Guidelines* § 15126.6(e), the No Project Alternative analysis describes the existing baseline conditions and what could reasonably occur in the foreseeable future if the project were not approved, based on current plans and consistent with available infrastructure and community services. The Draft EIR/EIS includes analysis of the No Action Alternative pursuant to Council of Environmental Quality (CEQ) requirements under NEPA [40 CFR 1502.1499(c)]. The definition of the No Action Alternative is dependent on the nature of the proposed action. For NBWRP, the No Action Alternative represents what would occur without approval of the Title XVI funds from Reclamation. Inclusion of the No Action Alternative is generally quantified in the same manner as the project alternatives to provide a basis of comparison. Since this comment does not present new information or require changes to the document, recirculation is not required. Please refer also to **Master Response 2.2, Alternatives Analysis**, in Chapter 2, Master Responses, for a discussion of level of detail of the analysis of alternatives.

Tom Yarish
23 Nelson Ave, Mill Valley, CA 94941
415.381.6970 voice / 415.381.5521 fax

7/16/2009

Marc Bautista
Sonoma County Water Agency
P.O. Box 11628
Santa Rosa, CA 95406-1628
Marc.Bautista@scwa.ca.gov

COMMENTS ON NBRWA / NBRWP DEIR/EIS

Served by certified mail and by email.

Dear Mr. Bautista,

I am submitting the following comments on my own behalf and on behalf of Friends of the Esteros (FOEst) and on behalf of the Salmon Protection and Watershed Network (SPAWN.)

This commentary addresses inadequacies in the NBWRP ("the project") documents in four major areas cited below. It is noteworthy that the project documents are ambiguous and incomplete in that some aspects are described as "project" and others as "program," a serious lapse under standing CEQA doctrine that in and of itself mandates recirculation of the DEIR/DEIS. K-1

- **Inadequacy of environmental analysis with regard to acknowledged known and unknown toxics that are in the wastewater from the various WWTP sources of member agencies. These issues include the fate of dispersed contaminants and consequent leachates in livestock and food crops, soils, microbial ecosystems, aquatic habitats, benthic habitats and the composite animal and microbial kingdoms of each. No analyses of year-to-year variations in rainwater runoff or contaminant uptake and transport into the environment and food web are provided.** K-2

- **Inadequacy of the documents to analyze the consequence of establishing new sources of demand for waters derived from the impaired Russian River and Eel River watersheds. The various components and phases of the project are proposed at the expense of advanced local wastewater treatment options and advanced local wastewater distribution and reuse options for each member WWTP agency, and at the expense of advanced potable water conservation programs recently demanded by** K-3

DWR within the communities served by each agency receiving waters of the Russian River and SCWA. K-3 cont.

- **Inadequacy of the documents to describe and project future potable water constraints in the Russian and Eel watersheds due to regulatory constraints, climate change, endangered species (aquatic, terrestrial) protections, increased potable water demand and decreasing potable supplies from all sources of the SCWA which may be due to drought, ground water depletion, siltation of the Warm Springs Dam/Lake Sonoma supply, and also due to likely further constraints on potable and waste water from state and federal regulation of emerging and advanced contaminant regulations (including Title 22 and 303(d) mandates.)** K-4

- **Inadequacy of the documents to describe the current and emerging sciences of toxicology and the biological consequences of very low level exposures of single and complex mixtures of man-made contaminants and toxics. In particular, these documents do not adequately address toxicity to wildlife, including marine and benthic organisms, microbial components of the bay and salt marsh ecosystems, and long-term toxicity, reactivity and accumulation in salt marsh environments and species.** K-5

Moreover, the San Francisco Bay, tributaries, wetlands and marshes still host diminished and/or threatened populations of migrating salmonids and other aquatic and terrestrial species that will likely be adversely effected by increased discharges of tertiary recycled wastewater at any point in the environment. K-6

DISCUSSION:

Water quality standards reflected in present state and federal statutes and guidelines are generally the product of slow, inefficient and highly politicized research and review. The Clean Water Act and the derivative state water quality regulations do not currently embrace the known ranges of man-made contaminants and pollutants that are generally assumed to be in municipal and industrial waste streams. (See the submitted supporting documents.) K-7

(Page numbers cited below are the sequential numbers as read in Acrobat Reader 9 for Volumes 1 and 2.)

The project documents at Page 333/ 3.4-4, for example, recognizes toxic "accumulation" as unknown. In fact, California Title 22 water quality requirements specify just a few hundred contaminants, while tens of thousands of common chemistries remain untested and lacking regulatory standards. Note that the European REACH programs for identification and control of toxics is far advanced over existing U.S. toxics regulations in general. For that reason, all references to Title 22 toxics must be read as incomplete, partial and likely to be obsolete in the poorly-defined time span of the NBWRP. K-8

Endocrine-disrupting compounds (EDCs) as man-made environmental contaminants (or xenoestrogens, endocrine mimics, etc.) have been described for decades as potent chemistries that alter basic cellular functions at extremely low levels and with unusual non-linear non-monotonic dose-response relationships due to complex mechanisms of action. Moreover, in ways beyond the ability of modern analytical methods to predict, EDCs can synergize or antagonize with other contaminants with potential orders of magnitude increases in toxicity at parts per trillion and parts per billion in a given tissue or cell line, not to mention species and specific phenotypes. K-9

The documents describe disinfection levels of common human pathogens from tertiary WWTP treatments plants based on indicator pathogens. What the document has not discussed are the emerging trends in disinfection-resistant pathogens that remain in the wastewater post-treatment. Similarly, there is an alarming trend in the rapid evolution of antibiotic resistant pathogens that now pose major health risks to the human population. It is not known to what extent these evolving pathogens remain in existing wastewater effluent from a given WWTP nor is it known to what extent future populations of antibiotic resistant microbes will use treated wastewater as vectors to the entire animal kingdom. Livestock grazing on irrigated pastures may very well acquire the genetic traits of resistance and pass them on to pathogens via the human population by direct or indirect contact or ingestion. Waterfowl, shorebirds, benthic invertebrates might be similarly at risk. Hence, the project documents need to give full recognition to existing and emerging contaminants and pathogens. K-10

Table 3.4-6 *Title 22 Standards and uses of Recycled Wastewater* apparently does not address toxicity to aquatic and mammalian wildlife and makes no claim that tertiary-treated wastewater is approved for wildlife contact in the various project areas and wetlands. Similarly, rainwater and irrigation runoff from project area irrigation fields are classified as "public health threats," but there is no explicit recognition of risk to wildlife and the entire local ecosystem other than in generalized references in both Volumes 1 and 2 without specificity to parcels and waterways. The possibility of monitoring and mitigation projects does not meet CEQA requirements for detail and commitment. K-11

Most bothersome to me is that I see no mention of attempts by the NBWRA member agencies to remove advanced contaminants from the waste stream by comprehensive source reduction, although some minimal programs may now exist. Pharmaceuticals, plasticizers, disinfection byproducts, personal care products, heavy metals and pesticides and their respective metabolites and breakdown products are major contributors to the burden and bioavailability of EDCs. Many other complex toxics are common in the WWTP waste streams in general, including contributions from agriculture, commercial and industrial sources, and of course, from non-point source discharges from urban and rural development and activity, <u>all of which infiltrate into sewer mains as a matter of course as well as post-treatment contamination with storage and distribution.</u> K-12

Note that at Page 339 / 3.4-17 and at Page 350 / 3.4-28 the SVCSD would require a waiver of discharge compliance under current Title 22 standards, not to mention future constraints on many additional regulated contaminants. At 3.4-31 and 3.4-32 the analysis of K-13

toxics burdens at LVGSD is limited to current Title 22 standards, which are clearly inadequate for a comprehensive understanding of all potential toxics, EDCs in particular. (See cited *Nature* article, "Toxicology for the twenty-first century." Hartung.) The finding at 3.4-34 of "no impacts" is strictly in regard to existing Title 22 standards and avoids an accounting of the total and cumulative burdens from all present and future "emerging" contaminants.

K-13 cont.

These "emerging" trends in toxicology and regulation are further evidenced at 3.4-33 with the observation that the SWRCB and CDPH will within the year form a "blue ribbon" panel to develop or review policies "emerging" contaminants including personal care products (PCPs). Yet there is no specific mention of the tens of thousands of other compound contaminants and interactions that belatedly await scientific investigation and regulatory standards under the Food and Water Quality Protection act of 1996 and other federal statutes. The possible creation of a blue ribbon panel is a mere possibility festooned with likely controversies, politicization and very limited promise of benefit to the public or to the balance of the ecosystem. There is no certainty of any benefit from this panel if and when it ever exists.

K-14

And it is important to note that so-called "potable" water may or may not be suited to discharge into aquatic habitats due to disinfection byproducts (DBPs) that result from water district uses of chlorine and chloramines that react in distribution systems to produce known toxics and carcinogens like trihalomethanes (THMs) and halo acetic acids. This was tragically demonstrated by a recent Marin Municipal Water District potable water main break that flooded San Geronimo Creek and resulted in a serious fish kill.

K-15

I have not seen any descriptions of the actual salt marsh restoration projects that give a clearly-defined objective for success or failure of the bittern pond dilution, nor does there seem to be any time frame for the projects that would lend to an analysis of costs to benefits for a massive wastewater distribution system that may or may not become obsolete within relatively few years of project operations or project failure. And who would know of these things if there are no described monitoring plans, and no state or local staff to implement them? This is a critical lapse in the evaluation of the salt marsh projects from the standpoints of economics, green house gas limitations, energy efficiently, potable water use and reuse, biological toxicity, long-term benefits to wildlife, ongoing maintenance and management, and optimum use of tax revenues and water sales revenues.

K-16

The documents do not analyze the alternatives of improving each individual agency's WWTP treatment with advanced reverse osmosis (RO) and membrane filtration (MF) technologies that may or may not be cost competitive with the massive infrastructure construction and operations costs for the incremental NBWRP phases and massive inter-basin (and inter-jurisdictional) transfers of both potable waters and recycled wastewaters. This is critical because of looming shortfalls in the Russian and Eel River supplies will place even greater constraints on the available potable water supply for all the agencies of the NBWRP.

K-17

In the face of much more stringent wastewater treatment requirements to come, advanced RO/MF treatment must be analyzed as a potential for additional potable supply available within the jurisdiction of each member agency without placing additional burdens on existing depleted supplies from local and SCWA sources that include ground and surface waters from the Eel and Russian watersheds. Indeed, this is not new technology but has been proven in Southern California and other areas of the water-challenged world. K-17 cont.

The premise of the NBWRP documents seems to be that creating a new market and demand for water that originates in distant watersheds will somehow lead to better conservation and management practices by and among the individual contractors to the SCWA. This is clearly not shown, and it is without precedent. In fact, the inter-basin inter-jurisdiction transport of any useful water out of its watershed of origin has been at a very high cost to rivers and wildlife, generally in California and particularly in the Russian and Eel watersheds. The advanced phases of the NBWRP that do not reuse the water locally in communities of origin will likely worsen an already difficult potable water supply constraint. The project documents do not adequately address these serious issues and threats to long-term water supply stability. K-18 K-19

At Page 360 / 3.4-38 annual rainfall leaching is discussed as the mechanism by which excess sodium is kept from building up in irrigated soils. However, there is no accounting for the total fate and transport of salts and other contaminants in the soil into aquatic habitats and aquatic wildlife. What is the long-term bioaccumulation of these leachates? Where are they likely to accumulate? What are the consequences of likely year to year variations in rainfall and timing of runoff? How will the leachate/runoff affect migrating fish species? Or endangered species, such as the listed California Red Legged Frog, among many others? What is the presence of pesticides, herbicides, veterinary or human pharmaceuticals in this leachate/runoff? Clearly the DEIR/EIS is inadequate in addressing these serious concerns. Here again, Title 22 serves as a marker for serious additional toxic exposures that are beyond its regulatory ambit, as does the mention of Section 303(d) contaminants and impairments at 3.4-56 regarding Novato CSD, SVCSD and Napa SD. K-20

At Page 381 / 3.4-59 the documents cite the NBWRP as having beneficial impacts due to the reduced mass loadings of contaminants resulting from decreased WWTP discharges into waterways. It is not clear from this statement that there is any net reduction of pollutants or toxics, only a redirection to land-based disposal from direct water discharge. As such, there is no basis for the speculation that total mass loading of contaminants into the environment results in a net beneficial impact. More analysis is required before these claims can be vetted, one way or the other. Left unsaid are potential impacts to the biology of the irrigation fields and the biological uptake and accumulation of contaminants via air, soil or water exposure. What are the fates of the runoff constituents for each specific irrigation site? Effluents discharged from the Cargill/Napa ponds--diluted or not--are likely to be highly toxic in aquatic habitats of the estuaries and tributaries of San Francisco Bay. K-21

Impact 3.4-9 (Page 387) with regard to salt marsh restoration does not appear to address the hard scientific questions regarding the management, recovery and end points of the specific project of applying tertiary wastewater to the bittern ponds. Given that the ponds K-22

are already degraded by concentrated contaminants from the Cargill operations, what could be the short and long-term outcome of simple dilution? What reactive byproducts are likely? What are the hallmarks of a successful project? Not given are the operational and maintenance plans. What will be the total project greenhouse gas burden from the lifespan of this project? Please estimate electrical energy costs for the life of the salt marsh project. Who bears these costs? If the project fails or is terminated, what other uses might the distribution infrastructure, pipelines, pumps find? How is this justified in view of required funding for monitoring, government staff, and other liabilities?

K-22 cont.

K-23

Long-term accumulation of mercury is said to be significant and requires a mitigation plan to reduce the significant impact. No plan is given. Who bears ultimate responsibility for implementation, funding and monitoring of the mitigation plan? If spoils or contaminants leave the project site, what is their fate? The mitigation plan should be part of the DEIR/EIS process, but it is not even described or outlined. This is too ambiguous and uncertain to meet either CEQA or NEPA intent.

K-24

Page 389 / 3.4.67 Table 3.4-19 and at Page 528 Table 3.5-10 itemize impacts by agency. It is unlikely that such a complex project could have so few serious impacts with or without mitigations. Because of the inadequacies, ambiguities and lapses detailed in the previous pages it might be possible to reach such a benign conclusion. However, if due consideration is given to the vast array of unregulated toxics and to the potential adverse biological reactions therefrom, it is not within the reach of these documents to make many credible conclusions regarding the short and long-term individual and cumulative impacts of any phases of the NBWRP project. Moreover, the creation of new standing demands for waters from the Russian River and Eel River watersheds poses certain quantifiable threats and harm to current and future generations of human and wildlife outside the NBWRP area as described in these documents.

K-25

Chapter 3.0 / Page 188 on describes the service area conditions of the member agencies but does not look at regional and global issues of greenhouse gas production, climate change, regional and state-wide water supply conflicts, this project's embedded lifetime electrical demand and future energy costs; yet we are led to believe the impacts are very localized and subject to ready mitigation, costs notwithstanding. This project does not look to the future so much as it attempts to dignify past patterns of wasteful use and degradation of historic water supplies and watersheds. At the state level, DWR has recognized that the SCWA and its contractors need to do much more in the realization of conservation of existing diminished water resources, a reality further emphasized by the recent Section 7 Biological Opinion. In the immediate regulatory, economic and rainfall outlook it is hardly possible to project the direction of population growth and essential government services. What we can say for certain, outside of the pages of this document, is that the era of bountiful high-quality water is over.

K-26

Tom Yarish

LIST OF REFERENCES AND SUPPORTING DOCUMENTS SUBMITTED

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Cargill Charged with Defrauding California. **A.V. Krebs. Populist. 2003. Printed copy.**

U.S. ex rel. Hansen v. Cargill, Inc, et al. (N.D.Cal. July 24, 2000). **False Claims Act and *Qui Tam* Quarterly Review. Vol 20, October 2000. Printed copy.**

K. Friends of the Esteros and Salmon Protection and Watershed Network, Tom Yarish, 7/16/2009

K-1 Comment acknowledged. Please refer to **Master Response 2.4, Project versus Program Elements**, in Chapter 2, Master Responses. With regard to recirculation of the document, please refer to **Master Response 2.7, Adequacy of Analysis**, in Chapter 2, Master Responses.

K-2 Comment acknowledged. Please refer to **Master Response 2.6, Recycled Water Quality**, in Chapter 2, Master Responses.

K-3 Comment acknowledged. As stated in Draft EIR/EIS Section 2.5, Project Objectives, and **Master Response 2.3, Project Objectives,** giving top priority to local needs for recycled water is one of the project objectives. Please refer to **Master Response 2.1, Proposed Action and Relationship to Water Supply**, in Chapter 2, Master Responses. As noted in Draft EIR/EIS Chapter 1, Introduction, water wholesalers, including SCWA and Napa County, and retailers within the NBWRA service areas (e.g., North Marin Water District, Valley of the Moon, City of Sonoma, and City of Napa) have and will continue to implement conservation programs within their individual service areas. For a discussion of the relationship of water conservation programs and the project, refer to **Master Response 2.2, Alternatives Analysis**, in Chapter 2, Master Responses.

K-4 Comment acknowledged. Please refer to **Master Response 2.1, Proposed Action and Relationship to Water Supply**, in Chapter 2, Master Responses**.**

K-5 Comment acknowledged. Please refer to **Master Response 2.6, Recycled Water Quality**, in Chapter 2, Master Responses. The proposed action involves additional treatment and use of treated wastewater that is currently discharged to tributaries of North San Pablo Bay.

K-6 Comment acknowledged. The proposed action involves additional treatment and use of treated wastewater that is currently discharged to tributaries of North San Pablo Bay. As noted in Impact 3.4.8 and Chart 3.4-2 in Section 3.4, Water Quality, of the Draft EIR/EIS, the proposed action would, in fact, result in reduced discharge from the WWTPs as compared to the existing conditions. Further, the tertiary treated recycled water would be in compliance with the Title 22 recycled water quality requirements, therefore its application would not have a significant adverse effect on the biological resources as discussed in Section 3.5, Biological Resources, of the Draft EIR/EIS. Please also refer to **Master Response 2.6, Recycled Water Quality**, in Chapter 2, Master Responses, for detail on recycled water quality.

K-7 Comment acknowledged. Please refer to **Master Response 2.6, Recycled Water Quality**, in Chapter 2, Master Responses.

K-8 Comment acknowledged. Please refer to **Master Response 2.6, Recycled Water Quality**, in Chapter 2, Master Responses.

K-9 Comment acknowledged. Please refer to **Master Response 2.6, Recycled Water Quality**, in Chapter 2, Master Responses.

K-10 Comment acknowledged. Please refer to the **Master Response 2.6, Recycled Water Quality**, in Chapter 2, Master Responses.

K-11 Comment acknowledged. Table 3.4-6 on page 3.4-15 of the Draft EIR/EIS summarizes the water quality standards set by Title 22 for agricultural, urban and restoration uses of recycled water. The table provides the treatment levels that are required for the recycled water uses that would occur under the proposed action. Treated effluent is currently discharged to the environment at each of the WWTPs in compliance with their NPDES permits, which establish effluent limits protective of public health and the environment.

As described under Impact 3.4.2 on page 3.4-27 of the Draft EIR/EIS, Title 22 recycled water use requirements prohibit the over-application of recycled water to the extent that it would cause ponding and runoff into adjacent surface water bodies. As stated on page 3.4-28, these requirements minimize the potential for the runoff of recycled water applied through irrigation. Further, user agreements would require compliance with Title 22, which prohibits over-irrigation that would cause ponding or surface runoff.

Effects of use of recycled water for areas with wildlife contact such as wetlands can be noted in a study by SCWA[1], in which CDFG is working with SVCSD in managing use of reclaimed water for SVCSD's Hudeman Slough Mitigation and Enhancement Wetlands. The project involved enhancement of diked subsaline seasonal wetlands, as well as muted tidal marsh, and creation of seasonal wetland and perennial freshwater marsh ponds using secondary-level treated wastewater.

A two-year monitoring study was designed to evaluate the effects of reclaimed water use within the wetlands, using other hydrologically managed and unmanaged wetlands as "reference" areas. The study involved comparing water and sediment nutrients, sediment contaminant levels, benthic invertebrate and zooplankton densities, and avian use between the Hudeman Slough Enhancement Wetlands and nearby reference areas. Results of the study indicated that while treated wastewater might be considered one of the richest potential sources of nutrients and contaminants to wetland and estuarine systems, dissolved oxygen and other water quality parameters did not suggest that areas managed with reclaimed water were more eutrophic than other hydrologically managed or unmanaged monitoring units. Concentrations of sediment contaminants and potentially problematic macronutrients such as nitrogen were actually comparatively low in reclaimed water units relative to other monitoring units. As for the water quality-related

[1] The Use of Reclaimed Water for Enhancing and Creating Wetland and Wildlife Habitat: Efficacy and Effects, Hudeman Slough Mitigation and Enhancement Wetlands Case Study, Prepared by Lorraine Parsons and Jessica Martini-Lamb, SCWA, 2003.

problems that have affected other reclaimed water wetland projects, most did not appear to be issues, at least currently, at the Hudeman Slough Enhancement Wetlands. Water quality issues that were observed related to hydrologic and vegetation management of the wetland, as opposed to source water quality.

K-12 Comment acknowledged. Please refer to **Master Response 2.6, Recycled Water Quality**, in Chapter 2, Master Responses. All of the NBWRA Member Agencies have active source reduction and minimization programs. Implementation of the proposed action would not affect the implementation of these programs.

K-13 Comment acknowledged. As discussed on pages 3.4-17 and 3.4-18 of the Draft EIR/EIS, the proposed action would include initial use of 2,000 to 3,000 AF of recycled water from the SVCSD WWTP for wetland habitat restoration at the Napa Salt Marsh. Implementation of this project would be coordinated with RWQCB with respect to the specific permitting mechanism, which would include: an exemption to the RWQCB prohibition on discharges as available for restoration projects that provide net environmental benefits; waste discharge requirements; or change in discharge point under the SVCSD's existing NPDES permit. The Draft EIR/EIS discusses exception to the discharge prohibition from the San Francisco Bay RWQCB under Resolution 94-086. This exception is not under Title 22 as noted in the comment. The "exception" under the Resolution 94-086 would require that a project can meet the three conditions that are listed under the same discussion (i.e., environmental protection, approved under a reclamation project, and net environmental benefits). The wastewater delivered to the ponds would be tertiary disinfected, which is a high quality treated wastewater allowed under Title 22 for unrestricted use, including habitat restoration.

As described in **Master Response 2.6, Recycled Water Quality**, in Chapter 2, Master Responses, the impact analyses in the Draft EIR/EIS use current applicable regulatory standards and best available information to determine the impact significance, as required under CEQA and NEPA. Section 3.4.1 of the Draft EIR/EIS discusses non-regulated constituents, or microconstituents and personal care products, which are a wide variety of chemicals used by society that are assumed to be present in the influent streams of the member agency WWTPs. Residues of these inputs have been measured at other WWTPs around the country using similar treatment processes and are assumed to be present in the Member Agencies' recycled water streams. As described in Section 3.4.1 of the Draft EIR/EIS, methods for measuring microconstituents in recycled water have not been established by the USEPA. As new regulations are established, including any updates to Title 22 or NPDES permits, the proposed action would comply with any additional regulations that would apply to the water quality and application of recycled water.

K-14 Comment acknowledged. Please refer to **Master Response 2.6, Recycled Water Quality**, in Chapter 2, Master Responses.

K-15 Comment acknowledged. The proposed action involves use of recycled water for urban landscape irrigation and for other uses and does not involve potable use. The recycled

water use proposed for urban landscape and agricultural irrigation would be subject to Title 22 regulations that are established to protect the environment and public health. Recycled water would be produced through tertiary treatment of wastewater, which would include disinfection as required under Title 22 regulations described in the Regulatory Framework in Section 3.4, Water Quality, of the Draft EIR/EIS.

The source of recycled water is treated effluent that is currently discharged to the environment in accordance with NPDES requirements, including effluent limits established for free or residual chlorine. Prior to discharge, treated effluent is chlorinated and subsequently dechlorinated (i.e. chlorine is removed or reduced to an NPDES-permitted level). As noted by the commenter, accidental release of potable water supplies to the environment that contain high residual chlorine or chloramine levels can result in impacts to aquatic organisms. These residual levels are maintained within potable drinking water systems in order to maintain public health, and require dechlorination prior to their discharge to the environment. Because recycled water is not distributed for potable use, and because it is chlorinated and dechlorinated at treatment facilities prior to distribution, this type of impact relating to high residual chlorine levels is not attributable to recycled water distribution and use.

Disinfection of potable supplies, and disinfection of wastewater supplies, with chlorine or chloramines can result in the formation of disinfection by-products (DBPs). This occurs when chlorine or chloramine oxidizes organic matter present in the source water. DBPs are typically discussed within the context of potable drinking water supplies, and concentrations of DPBs are regulated in potable drinking water supplies to protect public health. Due to the lack of direct human consumption, no regulatory standards are established regarding DPBs for treated wastewater used for irrigation[2].

The recycled water generated under the proposed action would comply with the applicable regulations described in Section 3.4, Water Quality in the Draft EIR/EIS (also refer to **Master Response 2.6, Recycled Water Quality**, in Chapter 2, Master Responses). Although research on DBPs in recycled water is ongoing, NBWRA and its Member Agencies will comply with any updated regulatory requirements that may apply to the project in the future. Please also refer to Comment Letter E received from the Sonoma County Department of Health Services. The Department has reviewed the Draft EIR/EIS and "…feels it adequately covers the health concerns, and supports the North San Pablo Restoration and Reuse Project that is currently being planned by the North Bay Water Reuse Authority."

K-16 Comment acknowledged. As described on page 2-21 in Chapter 2, Project Description, of the Draft EIR/EIS, SVCSD would construct a pipeline under Phase 1 of the NBWRP to provide recycled water to Ponds 7 and 7A for habitat enhancement, which is part of the Napa River Salt Marsh Restoration Project. As described further in the chapter, the California Coastal Conservancy, U.S. Army Corps of Engineers, and California

[2] Water Reuse for Irrigation, Agriculture, Landscapes, and Turf Grass, Edited by Lazarova, V. and A, Bahri, 2005.

Department of Fish and Game have proposed and are implementing a salinity reduction and habitat restoration project for the 9,460-acre Napa River Unit of the Napa-Sonoma Marshes Wildlife Area. The Napa River Unit is located at the northeast edge of San Pablo Bay, adjacent to the Napa River. The purpose of the Napa River Salt Marsh Restoration Project, which was examined in the Draft EIS/EIR for the *Napa River Salt Marsh Restoration Project*, (Jones and Stokes, 2003) is to restore a mosaic of habitats, including tidal habitats and managed ponds, and provide for better management of ponds in the Napa River Unit to support populations of fish and wildlife. The Water Delivery Option examined as Phase 1 in the *Napa Salt Marsh Restoration Project EIS/EIR* at the project level includes the annual delivery of approximately 2,000 to 3,000 AF of tertiary recycled water from the SVCSD as an ongoing supply of non-saline water for restoration, with subsequent agricultural use.

As noted on page 1-26 of Chapter 1, Introduction, of the Draft EIR/EIS under Section 1.9, Documents Incorporated by Reference, several documents are referred to and are incorporated in part by reference in the Draft EIR/EIS. As provided for by CEQA Section 15150, an EIR may incorporate by reference all or portions of another document which is a matter of public record or is generally available to the public. On page 1-27, the list of documents incorporated by reference includes the *Napa River Salt Marsh Restoration Project EIS/EIR*, which provides the impact analysis for a salinity reduction and habitat restoration project for the 9,456-acre Napa River Unit. Mitigation Measure 3.4.9a of the Napa Salt Marsh Project, in Section 3.4 Water Quality, of the Draft EIR/EIS requires preparation of a Management Plan for the project that includes monitoring as required by the San Francisco Bay RWQCB.

K-17 Comment acknowledged. The proposed action does not include treatment of effluent using reverse osmosis or microfiltration technology. As referenced by the commenter, these technologies are available and would treat effluent to a higher quality of recycled water. However, construction and operation of these facilities have a higher cost. Based on the anticipated end uses within the NBWRA service area, which are primarily irrigation, treatment to this level is currently not proposed. There is nothing in the project that would restrict individual agencies from reviewing cost/benefits of advanced treatment technologies, and implementing them at a future date, should such a demand for highly purified recycled water be identified or should future regulations require higher levels of treatment.

K-18 Comment acknowledged. Please refer to **Master Response 2.1 Proposed Action and Relationship to Water Supply**, in Chapter 2, Master Responses.

K-19 Comment acknowledged. Please refer to **Master Response 2.1 Proposed Action and Relationship to Water Supply**, in Chapter 2, Master Responses.

K-20 Comment acknowledged. The comment states that "the annual rainfall leaching is discussed on page 3.4-38 as the mechanism by which excess sodium is kept from building up in irrigated soils"; however, the discussion on page 3.4-38 of Section 3.4, Water Quality, of the Draft EIR/EIS under SVCSD indicates that application of gypsum

would prevent sodium accumulation. The section describes that the average sodium concentrations observed in the 2006 study by the UC Division of Agriculture exceeded 5.0 meq/L or 115 mg/L, which is greater than the average of 66 mg/L identified for the SVCSD effluent. The study determined that sodium concentration of 115 mg/L did not generate an adverse effect on vineyard production over the long term. The 2006 UC Division of Agriculture study noted that at this level negative effects associated with sodium accumulation in the root zone could be prevented by making calcium "available to the roots through the application of gypsum or by acidifying soils high in residual lime".[3]

Please refer to the **Master Response 2.6, Recycled Water Quality,** in Chapter 2, Master Responses. As discussed in the Master Response, according to Section 15003(b) of the CEQA Guidelines, an EIR serves not only to protect the environment but also to protect public health. The Draft EIR/EIS provides the impact analysis and the significance of the impacts based on the regulatory standards that are established by the applicable regulatory agencies to protect the environment and public health. Also refer to response to comment K-11. Section 3.4, Water Quality, of the Draft EIR/EIS describes the water quality impacts of the project based on the impact significance thresholds under Appendix G of the CEQA Guidelines. The project would result in a significant water quality impact if it exceeds the water quality thresholds (i.e., if it exceeds the regulatory standards and/or it substantially degrades the water quality). The impact analysis is based on the existing water quality conditions discussed in Section 3.4.1 and the regulatory standards that are protective of the environment and human health and would apply to the project that are discussed in Section 3.4.1 of the Draft EIR/EIS.

Section 3.4 of the Draft EIR/EIS and **Master Response 2.3, Project Objectives**, Table 2-3 discuss the State Water Resources Control Board's (SWRCB) recently adopted Recycled Water Policy. According to the policy, some groundwater basins in the state contain salts and nutrients that exceed or threaten to exceed water quality objectives established in the applicable Water Quality Control Plans. SWRCB acknowledges that regulation of recycled water within these basins alone will not address these conditions. The intent of the policy that salts and nutrients from all sources be managed on a basin-wide or watershed-wide basis in a manner that ensures attainment of water quality objectives and protection of beneficial uses. SWRCB finds that the appropriate way to address salt and nutrient issues is through the development of regional or subregional salt and nutrient management plans rather than through imposing requirements solely on individual recycled water projects. Salt and nutrient plans for these basins shall be completed and proposed to the RWQCB within five years from the date of this Policy unless a Regional Water Board finds that the stakeholders are making substantial progress towards completion of a plan. In the event that salt management plans are required for NBWRA service areas, Member Agencies would participate, as appropriate. Given that the process of development of salt management plans is in progress, the

[3] University of California Division of Agriculture and Natural Resources, Napa Sanitation District, "Suitability Study of Napa Sanitation District Recycled Water for Vineyard Irrigation", March 6, 2006.

current applicable standards for recycled water use are included in Title 22 of the California Code of Regulations. Recycled water use under the proposed action would occur in compliance with the current applicable Title 22 standards, which are protective of the environment and human health.

K-21 Comment acknowledged. Impact 3.4.8 on page 3.4-51 in Section 3.4, Water Quality, of Draft EIR/EIS describes the reduced discharge that would occur under the proposed action. The increased use of recycled water under each of the Action Alternatives would result in a reduction in discharge of secondary-treated wastewater from each Member Agency's WWTP to sloughs, rivers, and eventually San Pablo Bay as shown in Chart 3.4-2. As discussed in the **Master Response 2.6, Recycled Water Quality**, in Chapter 2, Master Responses, the treated wastewater from the WWTPs complies with the applicable NPDES permit standards established for discharges. The proposed action would involve further treatment (tertiary treatment consisting of filtration and disinfection) of the secondary-treated wastewater, a higher quality recycled water that would be distributed for agriculture, landscape irrigation and habitat restoration use. Thus, the amount of wastewater that would be discharged to surface waters would be reduced, in keeping with RWQCB and statewide policies regarding recycled water identified in Table 2-3, this reduction is identified as a beneficial impact to receiving waters.

K-22 Comment acknowledged. Please refer to **Master Response 2.6, Recycled Water Quality**, in Chapter 2, Master Responses, and response to comment K-16. A substantial amount of environmental analysis has been completed relative to the Napa Salt Marsh Restoration Project, and the commenter is directed to the website for the Napa Salt Marsh Restoration Project at: http://www.napa-sonoma-marsh.org/documents.html; included in this information are the *Napa River Salt Marsh Restoration Project EIR/EIS*, the technical studies that support that document, including the *Corps Feasibility Report*, *Restoration Objectives* and *Water Quality and Sediment Characterization Report.* As described in Section 3.4, Water Quality, of the *Napa River Salt Marsh Restoration Project EIR/EIS*, which is referenced in the Draft EIR/EIS, recycled water typically contains minerals, ammonia, nutrients, residual chlorine, and biochemical oxygen demand. Recycled water used for dilution of high salinity waters in Ponds 7, 7A, and 8, would be routed from the existing discharge locations of the SVCSD WWTP (and Napa SD as applicable) and put to the beneficial use of salinity reduction. The *Napa River Salt Marsh Restoration Project Water Quality and Sediment Characterization Report* identified TDS levels in Pond 7 in excess of 300,000 mg/L. The restoration objective for Pond 7 would be dilution of the bittern conditions in Pond 7 and 7A to a level that they can be reconnected to the rest of the marsh complex without having a detrimental effect on water quality or biological resources in surrounding marsh complex. According to the Corps Draft Feasibility Report (April 2003), the objective of dilution in Pond 7 is to achieve the target of 50 ppt (parts per thousand or 50,000 mg/L) within 30 years, the high end of the salinity range for a managed pond.

As discussed in the *Napa River Salt Marsh Restoration Project EIR/EIS*, chemical constituents in the recycled water could cause localized water quality changes in the receiving waters by imposing additional oxygen demand, stimulating algae growth, altering temperature, or otherwise modifying background water quality conditions. In particular, nutrients in recycled water have the potential to cause biostimulatory responses to biota in receiving water, such as growth of algae or vascular aquatic vegetation. However, the greatest short-term and long-term effects of the project are the dilution of existing bittern in order to provide for restoration opportunities within Pond 7 and 7A.

Several ponds within the Napa River Salt Marsh Complex have been restored to tidal connection. These projects have proceeded with the United States Army Corps of Engineers (USACE), California Department of Fish and Game (CDFG), and Coastal Conservancy as the lead agencies. The proposed action is limited to the construction of the distribution pipeline from the SVCSD WWTP to Pond 7 of the Napa Salt Marsh, and discharge of recycled water to the Ponds 7 and 7A. Any future connection with other ponds or the Napa River would be under the lead agencies identified above, consistent with the restoration activities that have been completed to date. With respect to discharge to Pond 7, SCVSD will coordinate the RWQCB to identify appropriate permitting requirements for this discharge, and shall develop a management plan to monitor water quality over time to ensure that introduction of recycled water does not cause adverse water quality conditions such as eutrophication of receiving waters. Operation of the project may include seasonal limitations and specific restrictions on the quality and quantity of the recycled water discharges. This is provided for in Mitigation Measure 3.4.9a on page 3.4-66 of Chapter 3.4, Water Quality, of the NBWRP Draft EIR/EIS.

Further, Mitigation Measure WQ-4 from the *Napa River Salt Marsh Restoration Project EIR/EIS* states the following: The project sponsors will collect water quality and sediment samples periodically and for a sufficient duration to document that accumulation of trace metal and organic compounds does not occur in the restored wetlands. If sampling indicates adverse conditions may be occurring, the result of this data collection effort will be further reviewed by a scientific panel composed of the U.S. Fish and Wildlife Service, National Marine Fisheries Service, CDFG, the San Francisco Bay RWQCB, San Francisco Estuary Institute, and other groups. The panel will help identify the sources of the constituents and recommend corrective actions to the project sponsors. The project sponsors may implement corrective actions, which may include limiting future restoration efforts or implementing alternative management methods for restoration areas that reduce susceptibility to chronic bioaccumulation.

Mitigation Measure 3.4.9a on page 3.4-66 of Chapter 3.4, Water Quality, of the NBWRP Draft EIR/EIS requires preparation of a management plan for review, submittal, and approval by RWQCB. The management plan consists of implementation a facilities plan, operations and maintenance plan, and a monitoring plan. The monitoring plan will include monitoring of pollutants, habitat diversity, wildlife use, and vector populations.

This measure would thus incorporate the Mitigation Measures WQ-3 and WQ-4 in the *Napa River Salt Marsh Restoration Project EIR/EIS.* As noted, SVCSD and Napa SD, as appropriate would be implementing the mitigation measure and ensuring compliance with the regulatory requirements.

K-23 Comment acknowledged. The greenhouse gas emissions from the delivery of recycled water to the Napa Salt Marsh ponds from the SVCSD would be associated with construction and operation of the conveyance pipeline and pumping facilities, which will utilize electrical energy. The greenhouse emissions are discussed under Impact 3.8.4 on page 3.8-30 of the NBWRP Draft EIR/EIS. As noted in Table 3.8-12 of the Draft EIR/EIS, the "carbon dioxide emissions equivalent"- the measure for greenhouse gas emissions for SVCSD Phase 1 project implementation (SVWRP Alignment 1A and SVCSD Napa Salt Marsh Pipeline) is 114.1 metric tons per year for electricity usage and vehicle exhaust. Pages 28, 40 and 41 of Appendix 3.8A provide detailed calculations on air and greenhouse gas emissions for SVCSD Phase 1. Table 3.16-7 on page 3.16-10 of Section 3.6, Socioeconomics, of the Draft EIR/EIS provides total project costs for Phase 1 Implementation Plan. Of the estimated $100 million cost of the Phase 1 Implementation Plan, the SVCSD Napa Salt Pond pipeline for habitat restoration would account for $20.9 million.

K-24 Comment acknowledged. Please refer to **Master Response 2.6, Recycled Water Quality**, in Chapter 2, Master Responses, and response to comment K-16. As described in the Chapter 4, Water Quality, of the *Napa River Salt Marsh Restoration Project EIR/EIS* referenced in the NBWRP Draft EIR/EIS, contaminants known to be present in waters and sediments of the Bay-Delta estuary include heavy metals (lead, copper, aluminum, mercury, nickel, vanadium, chromium, silver, zinc), polycyclic aromatic hydrocarbons, PCBs, chlorinated hydrocarbon pesticides, and tributyltin. Based on Table 4-5 in the *Napa River Salt Marsh Restoration Project EIR/EIS*, the mercury levels in Ponds 7, 7A, and 8 range from <0.5 to <0.1 micrograms per liter. Based on Table 4-7 in the *Napa River Salt Marsh Restoration Project EIR/EIS*, the average mercury level in the SVCSD wastewater is 0.0053 micrograms per liter. As noted in the same document on page 4-42 in Chapter 4, Water Quality, the recycled water currently contains low levels of copper and mercury, which are both listed as San Pablo Bay contaminants on the 303(d) list (also noted in Table 3.4-1 on page 3.4-2 of the NBWRP Draft EIR/EIS). Reducing discharge that contains these metals would help the North Bay region achieve the levels set as part of the TMDL process. Mercury accumulation in the restored wetlands poses a concern because potential formation of methyl mercury is more likely in the chemically reducing conditions of shallow wetland sediments. The potential long-term impacts of bioaccumulation of mercury are not known but are likely to increase over existing levels; therefore, this impact was identified as significant in the *Napa River Salt Marsh EIR/EIS*. However, implementation of Mitigation Measure WQ-4 described in response to comment K-22 above, would reduce the impact to less than significant.

K-25 Comment acknowledged. Please refer to **Master Responses 2.6, Recycled Water Quality** and **2.1, Proposed Action and Relationship to Water Supply**, in Chapter 2, Master Responses.

K-26 Comment acknowledged. Please refer to Master Response **2.1, Proposed Action and Relationship to Water Supply**, and **Section 2.7, Adequacy of Analysis**, in Chapter 2, Master Responses.