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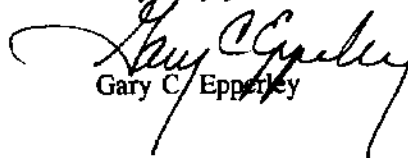
VIA FEDERAL EXPRESS

Marie Meredith
Department of Community Development
Community Development Office
100 Santa Rosa Avenue, Room 3
Santa Rosa, California 95404

Dear Ms. Meredith:

On behalf of Friends of the Esteros, we hereby submit the enclosed comments on selected portions of the Draft Environmental Impact Report / Environmental Impact Statement for the City of Santa Rosa's Subregional Long-Term Wastewater Project.

Very truly yours,


Gary C. Epperley

Enclosure

cc: Tom Yarish, Friends of Esteros
Patrick Gallagher, Esq.
Trent Orr, Esq.

CITY OF SANTA ROSA
P.O. Box 1678
Santa Rosa, CA 95402

OCT 07 1996

DEPARTMENT OF
COMMUNITY DEVELOPMENT

**COMMENTS ON SELECTED PORTIONS OF
THE DRAFT EIR/EIS FOR THE SANTA ROSA
LONG-TERM SUBREGIONAL WASTEWATER PROJECT
SUBMITTED ON BEHALF OF FRIENDS OF THE ESTEROS**

The DEIR/DEIS Lacks a Concise, Stable, and Complete Project Description, Without Which the Entire Document Falls Short of CEQA and NEPA Requirements. 001

There exists substantial confusion, uncertainty and instability concerning the nature and the scope of the proposed Project as it defined and described in the DEIR/DEIS. These deficiencies and instabilities in the project description, which are described below, undermine the analyses in the DEIR/DEIS of the proposed Project, its impacts, and mitigation measures. These deficiencies and instabilities in the project description deprive the public, the City, and responsible agencies of an opportunity to understand and meaningfully comment on the proposed Project, its impacts, and feasible mitigation measures.

● The Project Description is deficient because it is scattered and confusing. The DEIR/DEIS fails to articulate at any one location in the document a concise yet complete description of the proposed Project. The Introduction (Chapter 1 of the DEIR/DEIS) briefly describes the need for the proposed Project and the objectives for the proposed Project which the City has adopted. However, this information is omitted entirely from the purported in-depth discussion of project description and alternatives located in Chapter 3 of the document. The discussion in Chapter 3 also creates substantial confusion by defining the proposed Project erroneously as consisting of all of the "five alternative configurations adopted . . . for analysis in the EIR/EIS." That confusion is further compounded later in Chapter 3, where the text indicates that the proposed Project includes not only the five alternatives, but also each of the various "Project components" of those alternatives (e.g., pipelines, storage reservoirs, pumps) and a list of measures governing the design of those components. The DEIR/DEIS indicates that the City considers those components and design measures to be part of the proposed Project. But the DEIR/DEIS acknowledges that not all of those components would necessarily be included in the configuration for the proposed Project that the City ultimately might select. The lack of a concise, uniform, and complete project description deprives readers of the ability to provide meaningful comments on the DEIR/DEIS. 002

● The Project Description is deficient because it omits an element of the City's overall Project objectives. The City's first "Overall Project Objective" is to provide wastewater treatment, as well as disposal, for the Subregional System. Yet in responses to public comment at the close of the scoping process, the City indicated that the EIR/EIS would not consider issues regarding improvement of wastewater treatment facilities, on the ground that the proposed Project concerns only wastewater disposal and reuse. See Final Scoping Report and Feedback Report, Volume II (responses to Comment Nos. 35C, 37H, 41B, and 50C2). In apparent reliance on that decision to limit the scope of environmental 003 004

review, the DEIR/DEIS acknowledges that City has made or intends to make various so-called "interim" improvements to the Subregional System's treatment facilities, including the construction of an entirely new facility to manage sludge yielded from treated wastewater, but fails to identify or analyze the impacts of those so-called "interim" improvements in conjunction with the proposed Project.

004 (cont.)

The DEIR/DEIS concedes, however, that these so-called "interim" improvements to the Subregional System's wastewater treatment facilities are being constructed "to improve the reliability of the reclamation system prior to implementation of the Long-Term Wastewater Project." (DEIR/DEIS, Page 3.2-4). Thus, it is apparent that the "interim" treatment improvements are linked to the disposal and reuse aspects of the proposed Project. For that reason, the impacts and mitigation related to these so-called "interim" treatment improvements, as well as any other improvements in treatment technologies contemplated for the Subregional System, should be fully disclosed and any significant impacts associated with them analyzed as part of this DEIR/DEIS.

● The Project Description is deficient because its estimates of wastewater flow volumes which the proposed Project would be required to handle appear to be based on outdated growth projections. The DEIR/DEIS calculates projected wastewater flows on the basis of the aggregate buildout which is permitted under each of the Subregional entities' General Plans in effect as of April, 1994. Not only does the DEIR/DEIS fail to take account of the actual physical buildout which has taken place in the Santa Rosa vicinity, it also fails to give any serious consideration to the likelihood that the Subregional entities may have updated, or are planning to update, their General Plans in a manner that would permit more growth than previously has been allowed up to 2010 and beyond. While the DEIR/DEIS acknowledges that the City itself is updating its General Plan, the document reflects no efforts made to examine drafts of an updated General Plan for the City, or for any other Subregional entity. Accessing and reviewing such information, even if only in draft form, is absolutely necessary to ensure that the wastewater flow volume estimates contained in the DEIR/DEIS are realistic.

005

Moreover, the DEIR/DEIS fails to explain why "[p]reference was always given to the Member Entity General Plans over any other source" of buildout projections, including significantly higher projections based on data compiled by the Association of Bay Area Governments ("ABAG"). See DEIR/DEIS Volume 4, Wastewater Flow Projections, at 3-1. It would appear from the appendices that the City's consultant did no more to reconcile the figures than to ask Member Entity planning officials which sets of figures they believed were correct. See DEIR/DEIS Volume 4, memorandum entitled "Final Demographic Data to be used for the Santa Rosa Long-term Wastewater EIR/EIS," at 1-2 (July 20, 1996). Not surprisingly, those officials chose their own figures. The discrepancy in the figures should be disclosed and its importance on wastewater flow projections described in the text of the DEIR/DEIS itself, and not relegated to its technical appendices.

006

● The Project Description is deficient because it ignores potential cumulative impacts associated with expanding the headworks at the Laguna Subregional Wastewater Treatment Plant. According to the DEIR/DEIS, expansion of headworks at the Laguna subregional Wastewater Treatment Plant ("Laguna Plant") would permit it to accept for treatment up to 80 million gallons per day ("MGD") of wastewater under peak wet weather flow conditions. That figure suggests that the headworks expansion would permit the Laguna Plant to expand its intake capacity far beyond the 18 MGD that the Plant's permits currently allow and the 21 MGD average dry weather flow that the DEIR/DEIS projects as the volume which the proposed Project is designed to handle. The DEIR/DEIS should explain the relationship between the 80 MGD and 21 MGD figures. If, as it would appear, the headworks expansion will provide more intake capacity than is required for the proposed Project, the full range of impacts associated with any excess capacity, including but not limited to growth-inducing impacts, should be disclosed and evaluated in the EIR/EIS

007

Even setting aside the issue of excess intake capacity, the DEIR/DEIS fails to account for the full range of potential impacts associated with the headworks expansion at the Laguna Plant. While the DEIR/DEIS acknowledges that the headworks expansion will produce more sludge than is now the case, the document neglects to consider the impacts associated with those higher sludge yields. Instead, the document merely refers readers to another EIR, performed some five years ago, for a new sludge composting facility.

008

In sum, the headworks expansion at the Laguna Plant, along with the other so-called "interim" improvements at the Laguna Plant and other Subregional System facilities, suggest that the City is proceeding surreptitiously -- without a comprehensive environmental review -- to prepare the Subregional System for a vast increase in overall intake and treatment capacity, with the headworks expansion at the Laguna Plant being only the final step in that larger process.

009

● The Project Description is deficient because it lacks sufficient information regarding permits and approvals from government entities which may be required for the proposed Project to be implemented. Table 3.6-1, entitled "Potentially Applicable Federal, State, Regional, County, and City Permits and Approvals," fails to specify for each such permit or approval which of the five alternative configurations considered in the DEIR/DEIS would require that particular permit or approval. Readers should not be compelled to search for and review the separate Permitting Report in order to find such important information.

010

The foregoing deficiencies in the project description have a profound negative impact on the DEIR/DEIS as a whole. A concise, stable, and complete project description is the cornerstone of a sufficient environmental review under CEQA or NEPA. That is because the selection of alternatives, the analysis of significant impacts, and the consideration of mitigation measures all derive from and refer back to the project description. Neither the public nor the City can be well-informed about the proposed Project's adverse environmental impacts, and what mitigation may be feasible to address those impacts, so long as the

011

DEIR/DEIS provides an inadequate description of precisely what the proposed Project entails. The deficiencies in the project description must be corrected as part of a revised DEIR/DEIS that will be recirculated for public review and comment.]

011 (cont.)

The DEIR/DEIS Fails to Consider a Reasonable Range of Feasible Alternative Configurations for the Proposed Project, as CEQA and NEPA Require.

012

The alternatives analysis contained in the DEIR/DEIS suffers from numerous deficiencies, above and beyond those defects occurring as an inevitable result of the document's inadequate project description. The most glaring deficiency involves the inclusion of, and the quality of analysis devoted to, the West County wastewater storage and irrigation configuration (the "West County alternative") in the DEIR/DEIS. The document ignores a wealth of information which Friends of the Esteros and others have made available to the City demonstrating that the West County alternative is hopelessly infeasible as well as unjustifiably harmful to the environment. A second glaring deficiency in the alternatives analysis is its unexplained and unjustified focus on proposals requiring large-scale efforts to store, transport, and/or discharge massive quantities of wastewater, when the City is fully aware of the existence and feasibility of smaller-scale alternatives.]

● The alternatives analysis is deficient because it neither discloses nor evaluates information that might contradict the City's view that the West County alternative is feasible and will meet the proposed Project's objectives. Friends of the Esteros presented extensive written and oral comment during the scoping process to support its position -- one that it shares with numerous other Sonoma County residents and citizens' groups -- that the West County alternative is hopelessly infeasible (as well as unjustifiably harmful to the environment). The DEIR/DEIS fails to disclose and evaluate any information that might contradict the alleged feasibility of the West County alternative.]] In particular, the evaluation of the West County alternative within the draft alternatives analysis ignores the following considerations:

013

● whether a dependable market for wastewater irrigation exists in the West County, particularly when so many farmers and ranchers in that region have made clear their adamant opposition to the proposal;]

● whether landowners willingly would sell their property for the construction and operation of the massive wastewater storage reservoirs that are being proposed, or whether instead the City will be required to condemn those lands;]

015

● whether the City, the landowners, or another party would be compelled to provide the alternative water supply which the DEIR/DEIS acknowledges may be necessary in the foreseeable event that wastewater and/or pesticides impact area drinking wells;]

016

- whether the City, the landowners, or another party would be compelled to provide the new septic systems which the DEIR/DEIS acknowledges may be necessary for families living near a storage reservoir; 017
- whether the City, the landowners, or another party would be compelled to provide booster pump stations which the DEIR/DEIS acknowledges may be necessary to convey wastewater all the way to fields for irrigation; 018
- what might be required in the way of local irrigation water distribution networks, beyond the cursory description provided in the DEIR/DEIS, and who would provide funding and staffing to construct and operate those networks; 019
- whether or to what extent winter irrigation or other ideas described in the "Contingency Plan" to handle excessive wastewater flows would be beneficial, or even feasible, in the West County. 020
- to what extent the close proximity of the proposed Two Rock reservoir site to the Sonoma County Solid Waste Disposal Site -- the county garbage dump -- renders the Two Rock site infeasible due to the threat of discharges from the dumpsite combining with wastewater that may be expected to leach, leak, or otherwise be released from the proposed reservoir. 021
- The alternatives analysis is deficient because it dismisses out-of-hand the possibility that a smaller configuration for the proposed Project might be available than those considered in the DEIR/DEIS. As Friends of the Esteros noted repeatedly during the scoping process, a much smaller version of the proposed Project than that proposed would be feasible if the City and the other Subregional entities were to give serious consideration to adopting more limited growth policies and implementing more aggressive conservation measures within their respective borders. 022
- Similarly, the City is well aware, even though it has so far chosen to ignore, proposals for a smaller and phased project which the Stakeholders Consensus on Reclamation ("SCOR") has advocated. SCOR represents a broad spectrum of public interest groups and business interests (including developers) who want to find a consensus solution to the Subregional System's wastewater disposal problem. The DEIR/DEIS entirely ignores proposals from SCOR and others that a system of small storage reservoirs be substituted for a few massive ones in the irrigation alternatives. 023
- The City's reluctance to give more emphasis to slower growth policies and stronger conservation measures in order to reduce wastewater flows is inconsistent with the following discussion appearing in the DEIR/DEIS on the subject of Project objectives: 024

[T]he City's purpose for the Project is not only to dispose of reclaimed water, but to do so in a manner that maximizes reclamation, recycling, and reuse and optimizes water conservation. Although the need for the Project is driven by reclaimed water disposal requirements, Project elements that provide conservation, reuse, or recycling of water resources are necessary to serve the overall purpose and need of the Project . . . 024 (cont.)

The combined purposes of achieving reliable reclaimed water disposal while maximizing water reclamation and recycling and optimizing conservation have determined the Project alternatives under consideration.

(DEIR/DEIS, Page 1-19).]

● The alternatives analysis is deficient because it dismisses without sufficient justification the possibility that a joint wastewater storage and/or irrigation project with the City of Petaluma might be available. During the scoping process, Friends of the Esteros and others urged the City to give serious consideration to a joint Project with the City of Petaluma. The City rejected that idea, and did not carry it forward for further study in the DEIR/DEIS. We believe that the City's failure to do so was a severe mistake, and violated CEQA and NEPA by unjustifiably restricting the range of alternatives to be considered in the EIR/EIS. 025

● The alternatives analysis is deficient because it fails to confine itself to a manageable number of variations on the five proposed configurations for the proposed Project. The DEIR/DEIS does not confine itself to analyzing five alternative configurations for the Project (No-Action, South County, West County, Geysers Recharge, and Russian River / Laguna Discharge), or even a select number of sub-alternatives within each configuration (e.g., reservoir sites for South and West County, discharge sites for "direct discharge" option). Rather, the document purports to treat the various components of each configuration -- pipelines, storage reservoirs, pumps, and the like -- as Project alternatives in and of themselves. In addition, the document raises the question whether, by varying the "design discharge" rate for treated wastewater to the Russian River for each of the configurations, the amount of wastewater needed to be disposed of by other means (e.g., irrigation) could be lowered such as to cure impacts that may be significant at original "design discharge" rates (e.g., 1% for the West County irrigation option). Although that analysis should be found in the DEIR/DEIS, it is not. Instead, it appears in another document that is merely referred to in the DEIR/DEIS. 026

The result is an alternatives analysis which considers the impacts of five proposed configurations for the proposed Project -- none of which may resemble except in the most general terms the configuration the City ultimately might choose. The DEIR/DEIS indicates: 027

[T]his analysis, by addressing impacts of individual components as well as the five alternatives, is intended to allow the selection of a Project that falls within the range of alternatives included in this EIR/EIS, and which may include components which are reduced in scope, or may combine components from more than one alternative. 027 (cont.)

(DEIR/DEIS, Page 3.1-4). Therefore, the City may be in a position to select a Project configuration that bears little resemblance to those proposed configurations on which the public had a meaningful opportunity to comment.]

Other problems result from the effort to analyze both project components and configurations. For example, the impact analysis in Chapter 4 is grouped around project components rather than configurations which consist of many components (e.g., the West County alternative). We are concerned that this approach may in at least some circumstances downplay the opportunity for comparisons between the proposed configurations as a whole (e.g., irrigation in West County vs. irrigation in South County). 028

● The alternatives analysis is deficient because it fails to provide sufficient information regarding the relative costs of the alternative configurations, and in particular, the West County alternative. The alternatives analysis underestimates the potentially staggering long-term costs of the West County alternative. Irrigation of the type proposed will require highly-intensive management and thus, substantial cost. The DEIR/DEIS fails to provide sufficient information regarding all costs that would be required for attempts to mitigate impacts to the esteros and other receptors from an irrigation and wastewater storage system in the West County. The lack of sufficient information relative to the hidden costs of the West County alternative is highlighted further by the comments of geologist Eugene Kojan that the DEIR/DEIS severely underestimates the potential for soil erosion from filling and drawing down storage reservoirs in the West County. In addition, the alternatives analysis fails to provide sufficient information on the relative costs of each of the various permutations of the five alternative configurations. 029 030 031

The foregoing deficiencies in the alternatives analysis must be corrected as part of a revised DEIR/DEIS that will be recirculated for public review and comment. 032

The DEIR/DEIS Fails to Analyze Impacts Properly. 033

● The DEIR/DEIS should reveal that soil erosion in the West County area will be a significant, unavoidable impact. As discussed below, the DEIR/DEIS does not demonstrate that controls on soil erosion associated with irrigation practices are feasible or capable of mitigating erosion below significance. The DEIR/DEIS should also recognize that the substantial erosion will reduce agricultural productivity to a significant degree.

● The DEIR/DEIS fails to address the fact that the acquisition of agricultural land for reservoir siting in the West County area will require condemnation, and 034

that the state legislature has codified a policy against the condemnation of lands under Williamson Act contract. This should be recognized as a significant, unavoidable land-use impact.]

034 (cont.)

● Separate technical comments will be submitted documenting that, because of soil structure and shallow bedrock in the West County area, the increased groundwater flow associated with the project will create major erosion and soil dislocation effects. The DEIR/DEIS should recognize this as a significant, unavoidable impact.] 035

● The DEIR/DEIS indicates that a possible mitigation measure for low dissolved oxygen in wastewater released from reservoirs will be the "roughening" of downstream channels. This proposed mitigation should be recognized as a potentially significant impact to surface hydrology and evaluated.] 036

● It is improper for the DEIR/DEIS to conclude that groundwater degradation associated with the reservoir component in West County can be mitigated below significance by the provision of alternative water supplies. Regardless of alternate supplies, the groundwater will remain degraded, and this should be recognized as a significant, unavoidable impact.] 037

● The DEIR/DEIS improperly underemphasizes the potential impact of septic overflow associated with the reservoir and irrigation components in the West County area. Given the shallow bedrock and enormous groundwater complications associated with the West County alternative, potential septic problems should be addressed squarely and not deferred to future studies.] 038

● The public health risks associated with nitrate contamination have recently become better understood. There are serious risks, especially to young infants and children, associated with nitrate contamination. The DEIR/DEIS should address these public health risks properly. A recent article discussing current studies on nitrate risks is attached to these comments.] 039

● Groundwater impacts associated with residual chemicals in irrigation run-off were not analyzed properly in the DEIR/DEIS. It is not proper to assume that pesticide and fertilizer applications associated with agriculture can be controlled to such a degree as to avoid significant contamination of groundwater sources. As discussed below, the "Best Management Practices" mitigation proposed for this impact has not been validated as feasible. This impact should be acknowledged and further evaluated.] 040

● The DEIR/DEIS does not address increased siltation of adjacent surface water bodies, including both esteros in the West County area, caused by erosion and other hydrological effects. This should be evaluated as a potentially significant impact.] 041

● The DEIR/DEIS failed to address impacts to the endangered Tidewater Gobi in the Estero de San Antonio. 042

● The cancellation of Williamson Act contracts anticipated under the project should be recognized as a growth-inducing impact. Any conversion of agricultural lands to non-agricultural uses has the effect of urbanizing agricultural areas. 043

● The DEIR/DEIS anticipates that additional or alternative public water supplies will be required to address groundwater impacts in the West County. This results in the conversion of water supplies from individual well sources to a centralized source. This should be recognized as a growth-inducing impact. 044

The DEIR/DEIS Fails to Develop and Document Feasible Mitigation Measures. 045

● Mitigation proposed for this project entails an incredibly complex administrative regime of monitoring and enforcement. The DEIR/DEIS does not adequately document that appropriate staffing and funding will be available for this administrative regime. Further, the enforcement authority of the city in many instances is patently lacking. For example, the discussion regarding monitoring and enforcement of the irrigation management plan states that the project manager will cease delivery of wastewater to non-compliant irrigators. If this constitutes the enforcement mechanism, then the enforcement mechanism undermines the mitigation measure by in effect terminating it. For these and other reasons, the DEIR/DEIS fails to establish the effectiveness or feasibility of mitigation.

● The DEIR/DEIS failed to adequately analyze or develop what might be termed "source reduction" mitigation measures, such as growth control in the service area and source reduction of pollutants entering the wastewater system. These types of front-end controls are increasingly recognized as the most effective way to address environmental impacts. The DEIR/DEIS dismisses these potential mitigation measures without adequate analysis. These should be further analyzed and incorporated into any project. 046

● For certain project impacts, notably impacts to surface waters and habitat in the National Marine Sanctuary, the DEIR/DEIS indicates that no feasible mitigation have been identified. This conclusion is suspect, and the DEIR/DEIS lacks adequate documentation that appropriate investigations of potential mitigation has been undertaken. Such an exhaustive investigation is especially important given the high value resource areas at issue. 047

● The DEIR/DEIS utterly fails to demonstrate the feasibility of mitigation measures associated with the Irrigation Conservation and Management Programs ("ICMP"). The ICMP proposes to mitigate project impacts through various measures including slope restrictions and technical requirements for irrigation. However, as will be noted in other comments, there is no evidence that agriculture in the West County area will participate in 048

the manner hypothesized in the DEIR/DEIS. Furthermore, the city's enforcement mechanisms for this proposed mitigation -- cutting off water to users -- completely undermines the hypothetical effectiveness of the mitigation. All mitigation measures associated with irrigation management must be reconceptualized and based on facts rather than the hopes of the project proponents.]

048(cont.)

● The agricultural "best management practices" incorporated as mitigation measures suffer the same defect as the ICMP discussed above. There is no evidence that West County agriculture will participate in the city's regime, nor is there evidence that the city has any adequate enforcement mechanisms for this proposed mitigation.]

049

● For many mature, established habitats, including wetlands and mature woodland habitats, replacement and/or restoration will not mitigate project impacts below significance, for obvious reasons: an artificially constructed habitat does not serve the same resource values as naturally evolved mature habitats. The DEIR/DEIS also states that future mitigation of terrestrial habitat will involve feasibility studies and site selection before implementing appropriate mitigation. The document should include the specification of known sites with resource values adequate to compensate for project impacts. Otherwise, the effectiveness of mitigation is improperly deferred to future studies.]

050

● The destruction of certain types of terrestrial habitat cannot be mitigated because the habitats are unique. For example, the Two Rock reservoir site has been recognized by the University of California as an extremely unique terrestrial habitat with high resource values. The DEIR/DEIS cannot and does not demonstrate that the loss of this habitat can be mitigated at all.]

051

● The DEIR/DEIS acknowledges that groundwater impacts associated with West County reservoir siting and irrigation may result in septic overflows and related problems. However, the DEIR/DEIS lacks documentation that feasible mitigation has been identified for these impacts.]

052

● The raptor nest monitoring program in the DEIR/DEIS only addresses impacts to raptor nests during construction activities. The document fails to adequately address permanent loss of raptor nests upon project completion.]

053

