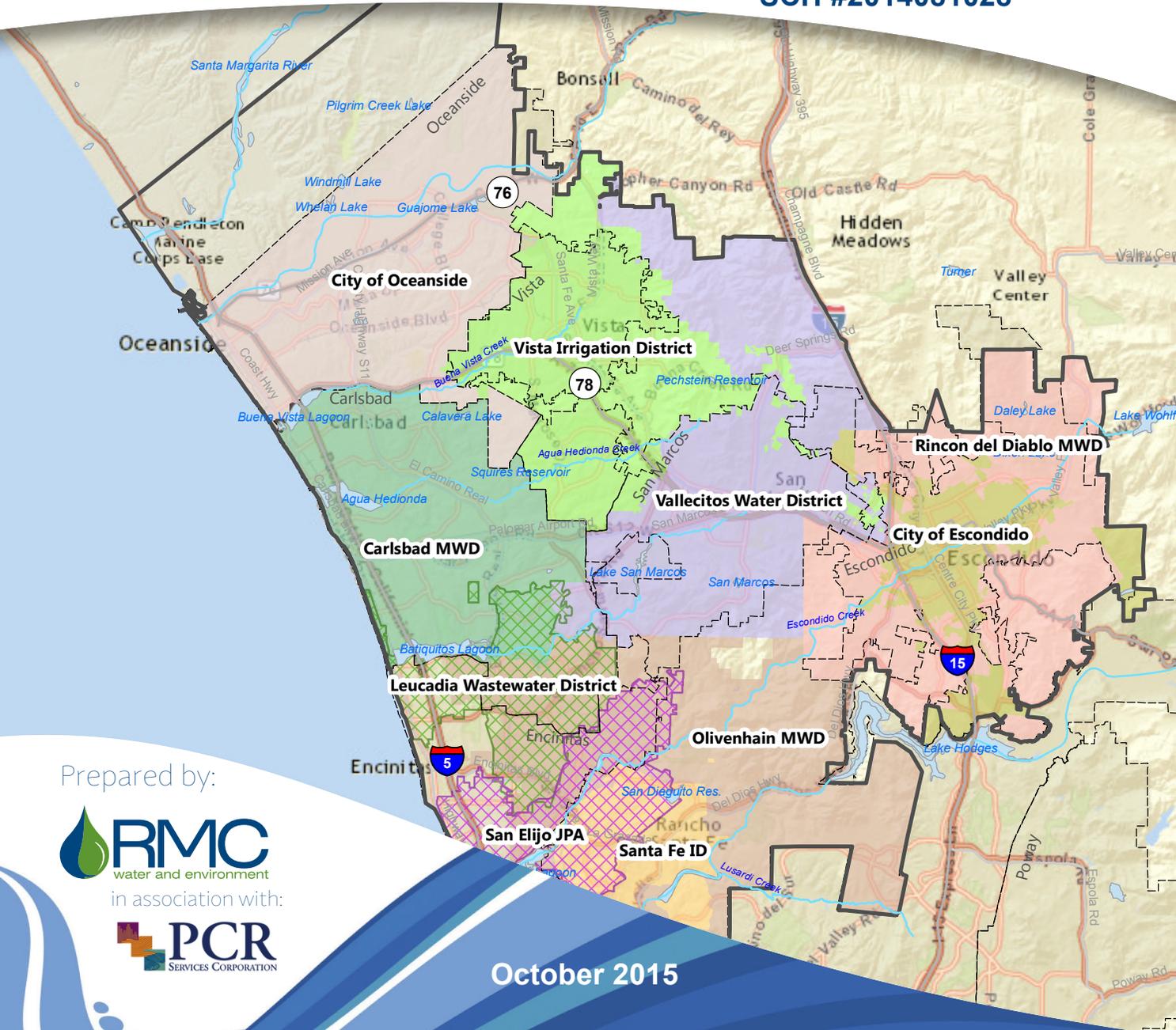




**NORTH SAN DIEGO
WATER REUSE
coalition**

North San Diego Water Reuse Coalition **Regional Recycled Water Project** Final Program Environmental Impact Report

SCH #2014081028



Prepared by:



October 2015



North San Diego Water Reuse Coalition Regional Recycled Water Project Program Environmental Impact Report Final

SCH#: 2014081028

Prepared for:

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In Association with:
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October 2015

1. Introduction to Final EIR

Olivenhain Municipal Water District (Olivenhain MWD) serves as the Lead Agency for the preparation of this Program Environmental Impact Report (PEIR). This PEIR has been prepared to provide members of the public and responsible agencies with information about the potential environmental effects of the proposed *Regional Recycled Water Project* (Proposed Project), which is located in northern San Diego County. The PEIR is a joint document intended to comply with both the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA) (see California Code of Regulations (CCR), Title 14, Division 6, Chapter 3, §15222 and Code of Federal Regulations (CFR), Title 40, §1502.25, 1506.2, and 1506.4 (authority for combining federal and state environmental documents)).

Olivenhain MWD released a Draft PEIR for public review on April 6, 2015. Olivenhain MWD has considered comments received on the Draft PEIR and has prepared this Final PEIR, which addresses those comments. This Final PEIR consists of the Draft PEIR and appendices (Volume I) and the Comment Letters, Responses to Comments, and Mitigation Monitoring and Reporting Program (Volume II). This Final PEIR has been prepared in accordance with CEQA Guidelines §15132.

1.1 Background

This PEIR was prepared by a coalition of ten agencies known as the North San Diego Water Reuse Coalition (NSDWRC or Coalition). The Coalition consists of the following agencies, which are all geographically located within northern San Diego County:

1. Carlsbad Municipal Water District (Carlsbad MWD)
2. City of Escondido
3. City of Oceanside
4. Leucadia Wastewater District (Leucadia WWD)
5. Olivenhain Municipal Water District (Olivenhain MWD)
6. Rincon del Diablo Municipal Water District (Rincon del Diablo MWD)
7. San Elijo Joint Powers Authority (San Elijo JPA)
8. Santa Fe Irrigation District (Santa Fe ID)
9. Vallecitos Water District (Vallecitos WD)
10. Vista Irrigation District (Vista ID)

Although the ten agencies that constitute the Coalition are all located within relative proximity to one another, over time, each agency has developed separate recycled water and wastewater systems with very limited integration. In 1998, four agencies – Olivenhain MWD, Carlsbad MWD, San Elijo JPA, and the Leucadia WWD – worked together to apply for and receive Title XVI grant funding from the United States Bureau of Reclamation (USBR). The Title XVI grant funding was used for the construction of various recycled water facilities within the mutual service areas of each of the four agencies, which are all located within north-coastal San Diego County. As a result of the success of integration efforts between these four agencies, the Coalition formed and prepared the *Regional Recycled Water Facilities Plan* (Facilities Plan; RMC 2012) that analyzed the recycled water facilities and demands for each agency in order to develop a regional project that maximizes use of available recycled water supplies. The intent of the Facilities Plan was to identify new local and regional recycled water projects that could provide additional recycled water supplies to the local water agencies beyond what each agency could utilize individually.

The Coalition is currently working to develop a *Regional Recycled Water Feasibility Study* (Feasibility Study; unpublished) for submission to USBR and U.S. Army Corps of Engineers (USACE) that builds upon information from the Facilities Plan by incorporating additional and updated facilities necessary to optimize

recycled water use among the ten agencies. The project that will be detailed in the Feasibility Study has been finalized and is included in *Section 2, Project Description*; the Feasibility Study has not yet been published as the Coalition is waiting for federal funding program guidelines. The short-term project components that will be defined within the Feasibility Study are those that constitute the Proposed Project and analyzed in the PEIR.

1.2 Project Location and Description

The *Regional Recycled Water Project* is located within northern San Diego County, California and includes the collective service areas of the ten water and wastewater agencies that constitute the Coalition. The western boundary of the Study Area is defined by the Pacific Ocean; the northern boundary is roughly defined by Camp Pendleton and Rainbow Municipal Water District; the eastern boundary is the border with Valley Center Municipal Water District, the City of Poway, and the City of San Diego; and to the south, it is roughly bounded by the City of San Diego. Cities in Study Area include: Encinitas, Carlsbad, Escondido, Oceanside, Vista, San Marcos, and Solana Beach.

The Proposed Project would involve development of regional recycled water infrastructure to increase the capacity and connectivity of the recycled water storage and distribution systems of the Coalition members and maximize reuse of available wastewater supplies. The Proposed Project includes replacing potable water uses with recycled water components, converting facilities to recycled water service, connecting discrete recycled water systems to one another, increasing recycled water storage capacity, distributing recycled water to effectively meet recycled water demands, and implementing advanced water treatment to produce and use potable reuse water within the Study Area. The facilities included within the Proposed Project include construction of infrastructure and operations necessary to connect projected water reuse supplies with demands in a manner that maximizes beneficial reuse within the Study Area. This infrastructure includes pipelines, new and expanded treatment facilities, pumping stations, storage tanks, and other appurtenances. The Proposed Project would benefit customers and residents within the Study Area by increasing recycled water production and use, improving water supply reliability, and reducing treated wastewater discharges to the ocean.

1.3 Environmental Review Process

A Notice of Preparation (NOP) for the *Regional Recycled Water Project* was mailed on August 8, 2014, to municipal governments, resource agencies, and individuals that may have a concern or interest in the Proposed Project. Copies of the NOP were made available to the public on the North San Diego Water Reuse Coalition website (www.nsdwrc.org) or in print during regular business hours at OMWD offices (1966 Olivenhain Road, Encinitas, CA 92024). Additionally, Olivenhain MWD held a scoping meeting to allow interested members of the public to learn more about the Proposed Project and have questions answered by Olivenhain MWD staff. The scoping meeting was held on August 25, 2014 at 6:00pm at the OMWD offices (listed above), with approximately six participants (four of which are Coalition Partners).

As the CEQA Lead Agency, OMWD released the Draft PEIR on April 6, 2015 for public review. Notice of the availability of the Draft PEIR was mailed to resource agencies and interested parties, and copies of the Draft PEIR were made available on the North San Diego Water Reuse Coalition website (www.nsdwrc.org) or in print during regular business hours at OMWD offices (1966 Olivenhain Road, Encinitas, CA 92024). The public review period was open from April 8, 2015 through June 15, 2015. A public hearing on the Draft PEIR was held on May 13, 2015 at 5:30pm at the OMWD offices (listed above), with no verbal public comments received.

1.4 Purpose of the Final PEIR

This document is being issued by OMWD as the Final PEIR for the *Regional Recycled Water Project*. CEQA requires lead agencies that have completed a Draft PEIR to consult with and request comments on the environmental document from responsible, trustee, and other agencies with jurisdiction over resources that could be affected by the project. The public must also be afforded the opportunity to comment on the Draft PEIR. This Final PEIR has been prepared to respond to comments on the Draft PEIR made by agencies and members of the public.

The Final PEIR consists of the Draft PEIR and appendices (Volume I) and this document containing Comment Letters, Responses to Comments, and Mitigation Monitoring and Reporting Program (Volume II). The NSDWRC Coalition Partners will consider the Final PEIR before approving or denying their proposed project components.

1.4.1 CEQA Requirements

OMWD has prepared this document pursuant to CEQA Guidelines §15132, which specify that “*The Final EIR shall consist of:*

- a) *The draft EIR or a revision of the draft.*
- b) *Comments and recommendations received on the Draft EIR either verbatim or in summary.*
- c) *A list of persons, organizations, and public agencies commenting on the draft EIR.*
- d) *The responses of the Lead Agency to significant environmental points raised in the review and consultation process.*
- e) *Any other information added by the Lead Agency.”*

1.5 Requirements for Certification and Future Steps in Project Approval

The Draft PEIR was circulated for review, and opportunities for public and agency review and comment were made available in accordance with CEQA and NEPA. Pursuant to CEQA Guidelines §15088, the Final PEIR is being made available to commenters for a minimum 10-day period before its consideration for certification. OMWD will consider certification of the Final PEIR at the regularly scheduled Board of Directors Meeting on September 16, 2015 at OMWD’s offices.

OMWD will consider the Final PEIR for certification as complete under CEQA Guidelines §15090, and each of the Coalition Partners will consider approval of their project components as Responsible Agencies. Each Partner Agency will consider the information presented in the Final PEIR when contemplating approval, and will prepare and adopt written findings of fact for each significant environmental impact identified in the PEIR. A Mitigation Monitoring and Reporting Program will be adopted and a Notice of Determination (NOD) can then be filed.

1.6 Organization of this Document

The Final PEIR consists of the Draft PEIR and appendices (Volume I) and Comment Letters, Responses to Comments, and Mitigation Monitoring and Reporting Program (Volume II). In Volume II, *Chapter 2: Response to Comments on Draft PEIR* contains each letter or email commenting on the Draft PEIR, and written responses to each comment. Comment letters are reproduced and following each letter, responses are provided to each individual comment as identified by numbers in the margin of each comment letter. *Chapter 3: Errata* contains revisions to text of the Draft PEIR based on the received comments. Text revisions are formatted in revision mode for ease of reference: ~~strikeouts~~ indicate removed text and underlines indicate new text.

2. Response to Comments on Draft PEIR

The public review and comment period for the Draft PEIR began on April 8, 2015 and ended on June 15, 2015. Pursuant to CEQA and its implementing guidelines, the public comment period was more than 45-days in length. During this public review period, five letters were received. The comment letters are listed below in **Table 2-1** and the corresponding responses are provided in this section. A copy of each comment letter is provided prior to each response.

Table 2-1: List of Comment Letters on the Public Draft PEIR

Letter #	Comment Author	Author Affiliation	Comment Date
1	Matt O'Malley	San Diego Coastkeeper	June 15, 2015
2	David Grubb	Sierra Club San Diego	June 15, 2015
3	Andrew Spurgin	County of San Diego Planning & Development Services	June 15, 2015
4	Ahmad Kaskoli	State Water Resources Control Board	April 21, 2015
5	Elizabeth Taylor	Private Citizen	June 15, 2015

June 15, 2015

Ms. Kimberly Thorner
Olivenhain Municipal Water District
1966 Olivenhain Road
Encinitas, CA 92024
(760) 753-6466
kthorner@olivenhain.com

Re: San Diego Coastkeeper's Comments on North San Diego Water Reuse Coalition Regional Recycled Water Project Draft Programmatic Environmental Impact Report (DPEIR); SCH #2014081028

Sent via email

Dear Ms. Thorner:

Please accept these comments on behalf of San Diego Coastkeeper ("Coastkeeper"). Coastkeeper is a non-profit environmental organization working to protect and restore the swimmable, fishable, and drinkable waters of the San Diego region.

While Coastkeeper is generally a proponent of water reuse, we have specific concerns with the project's stated purpose, objectives, justifications, and alternatives. We hope that these comments will help the Coalition develop a program that sustainably achieves water supply reliability in North County while adequately considering the project's environmental impacts.

I. Overview

In its current form the Draft PEIR is inadequate under CEQA. The project description is overly narrow, leading to artificially restricted project objectives and alternatives. CEQA Guidelines §15124. Further, the Draft PEIR as written fails to consider and describe a reasonable range of alternatives that could feasibly attain most of the basic objectives while avoiding or substantially alleviating the project's environmental impact. CEQA Guidelines §15126.6. Finally, the assumptions upon which the project are based are inaccurate, out of date, and do not represent existing conditions on the ground. *City of Carmel by the Sea v. Board of Supervisors* (1986) 183 Cal.App.3d 229, 246

As such, the Draft PEIR must be redrafted to address these legal deficiencies to ensure the document complies with CEQA and proper environmental review occurs.

II. Specific Concerns

- A. *The project description is overly narrow, misleading, and artificially constrained, resulting in objectives and alternatives that are likewise narrow, misleading, and constrained.*

The project's purpose is purported to be, "the development of recycled water infrastructure to increase the capacity and connectivity of the recycled water storage and distribution systems of the Coalition members and maximize reuse of available wastewater supplies." DPEIR, page ES-1. The Draft PEIR goes on to state that the project's purpose, "represent[s] a proactive approach to water management as it supports long-term planning efforts among multiple agencies in a manner that maximizes available supplies to serve planned demands." DPEIR, page ES-3. While each of these objectives is admirable, and combined they seek to achieve a coordinated, sustainable approach to long-term water supply and recycling in our region, they are misstated, misleading, and overly narrow. As a result the Draft PEIR fails to adequately consider alternatives that could achieve most, if not all, of those objectives in a more environmentally protective manner as required by CEQA. CEQA Guidelines §15126.6.

The Coalition's stated objectives are to:

- Optimize reuse of available wastewater resources to reduce ocean discharges and offset demands for potable water supplies that are generally imported into the region;
- Proactively plan for facilities that would be needed to meet and offset projected non-potable and potable demands for existing and planned growth within the Coalition members' service area;
- Combine resources and work together to maximize water reuse for the Coalition members at a level beyond what each member could supply and utilize individually; and
- Increase water supply availability and reliability, and sustainability beyond existing conditions.

As stated, both the project description and objectives presuppose that non-potable recycled water is a necessary element to this project, which hopes to achieve water supply availability, reliability, and sustainability while meeting water demands within the project area. Additionally, the second objective states that the project is meant to proactively plan for facilities that will be needed for future demands due to growth and development. The Draft PEIR, however, includes no scenario in which this could be done without non-potable recycled water infrastructure, delivery, and usage, nor does it explain why, or whether, a potable system would be infeasible. As written, the project and its objectives are defined too narrowly, thereby resulting in a narrowing of the consideration of alternatives to the Project. *City of Santee v. County of San Diego* (1989) 214 Cal.App.3d 1438, 1455. *Sequoyah Hills Homeowners Association v. City of Oakland* (1st Dist. 1993) 23 Cal. App. 4th 704. Even as stated, however, the objectives of this Project can be achieved, as could long-term water supply reliability and security in general, by reducing the amount of irrigation needed by adapting to the local environment, replacing water-dependent ornamental landscapes with more region-specific alternatives, and stressing conservation, mixed with production of potable reuse recycling for those remaining water needs that truly depend on potable water.

B. The Proposed Alternatives are Artificially Restricted, Overly Narrow, and Misleading

The purpose of PEIRs under the CEQA review process is to identify significant impacts a potential project will have on the environment in order to avoid or diminish these effects through alternative project measures or mitigation tactics. “In enacting CEQA, the Legislature declared its intention that all public agencies responsible for regulating activities affecting the environment give prime consideration to preventing environmental damage when carrying out their duties.” *Mountain Lion Foundation v. Fish and Game Com.* (1997) 16 Cal.4th 105, 112; PRC §21000(g).

Under CEQA, proposed alternatives must give sufficient information from which decision-makers could extrapolate the impacts of hypothetical alternatives. *Village Laguna of Laguna Beach v. Board of Supervisors*, (4th Dist. 1982) 134 Cal.App.3d 1002, 1028. The alternatives must give enough variation to allow for informed decision making. *Mann v. Community Redevelopment Agency*, (2d Dist. 1991) 233 Cal.App.3d 1143. CEQA requires that an EIR “produce information sufficient to permit a reasonable choice of alternatives so far as environmental aspects are concerned.” *San Bernardino Valley Audubon Society v. County of San Bernardino* (1984) 155 Cal.App.3d 738, 750 – 51. “[T]he discussion of alternatives shall focus on alternatives to the project or its location which are capable of avoiding or substantially lessening any significant effects of the project, even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly.” CEQA Guidelines § 15126.6(b).

In short, alternatives must reduce or avoid a project’s significant environmental impacts while still achieving all or most of its goals. The fundamental purpose for analyzing alternatives to a proposed project is to reduce or avoid significant environmental harm.

Here, the Coalition has not considered a reasonable range of alternatives as required by CEQA Guideline §15126.6, subs. (a), (f). The alternatives offered in the PEIR are limited to:

- 1) No Project Alternative
- 2) No Coalition Alternative
- 3) No Potable Use Alternative

The project’s stated objectives and alternatives are misleading and overly restrictive as they predetermine the use and application of non-potable recycled water without analyzing or even considering an alternative of aggressive conservation measures aimed at lessening “demand”, followed by potable recycling where feasible. The project alternatives suggest that the project cannot go forward without the non-potable recycling. As such the proposed alternatives are artificially restricted by the assumption that the project must include non-potable recycled water.

At no point are environmentally preferred alternatives, such as conservation, listed or analyzed. Measures aimed at achieving a substantial lessening of demand could include the adoption of rate structures that incentivize aggressive conservation, as well as landscape modification requirements, both of which are environmentally superior and aimed at reducing demand. By implementing conservation measures aimed at

drastically reducing the need for water, and especially non-potable water, the project could avoid and lessen the need for the required dual infrastructure and immense energy usage that would necessarily result in significant environmental impacts.

Further, besides the No Project Alternative, there exists no option that does not contemplate the use of non-potable recycled water for irrigation purposes; purposes which often are not the most beneficial use of water and can result in significant environmental impacts, including the introduction of excess nutrients into water bodies.

C. The DRAFT PEIR's Alternatives Analysis is Deficient:

In addition to the inadequacies in the DPEIR's project description, objectives, and proposed alternatives, the DPEIR is lacking a sufficient alternatives analysis. "Without meaningful analysis of alternatives in the EIR, neither the courts nor the public can fulfill their proper roles in the CEQA process." *Laurel Heights Improvement Assoc. v. University of California* (1988) 47 Cal.3d 376, 404.

Courts have stated that the amount of specificity required by an EIR will correspond with the specificity involved in the underlying activity. *Al Larson Boat Shop, Inc. v. Board of Harbor Commissioners* (2d Dist. 1993) 18 Cal.App.4th 729, 746. Case law disfavors those EIRs that fail to consider feasible alternatives that have been brought to the attention of the lead agency. *Save San Francisco Bay Association v. San Francisco Bay Conservation and Development Commission* (1st Dist. 1992) 10 Cal.App.4th 908.

Importantly, courts have also emphasized the importance of including a meaningful discussion of a range of feasible alternatives even if the impacts of those alternatives would be lessened by mitigation measures alone. *Laurel Heights Improvement Association v. The Regents of the University of California* (1988) 47 Cal.3d 376. The Supreme Court deemed the PEIR in Laurel Heights insufficient under CEQA for failing to explain, in detail, why various alternatives were deemed infeasible. *Id.* The court stated that it is the lead agency that is best equipped to know more about the project and why alternatives would be infeasible. *Id.* at 406. The court characterized the treatment of alternatives as mere "identification" rather than a discussion. A proper discussion, the court explained, should have enough facts and analysis, rather than mere conclusory statements, to allow the public to understand, evaluate, and respond to the agency's conclusions. *Id.* at 404.

Here, while there is some explanation of the planned alternatives, it is wholly conclusory and does not explain how the Coalition came to its decisions. The analysis merely describes basic details about the alternatives without providing details by which the public could comprehend how or why these alternatives would actually affect project outcomes. Despite the fact that the PEIR cites "significant but unavoidable" environmental impacts, such as greenhouse gases, the "No Project" alternative is given a brief once over before stating that the growth and demands predicted would still occur and this alternative would not provide enough water to meet those demands. Also, as explained in greater detail below, many Coalition members may soon be unable to expand their water demands under mandatory conservation requirements. The "No Coalition" alternative similarly is given a very brief explanation before being deemed infeasible. The DPEIR states that this alternative would only make the water distribution

more complicated by removing any agreements between coalition members. This alternative is a straw man meant to appear as a legitimate alternative but bearing no real weight or substance. The final alternative proposed seems similarly contrived. With no reason given as to why it was chosen or dismissed, the “No Potable Alternative” is deemed infeasible because it does not achieve the objective of “optimizing reuse to offset demands for imported water sources and increasing water supply reliability and availability”. DPEIR at pg 4-3. The analysis ends there, however, without even a cursory explanation of how the coalition came to that conclusion. These alternative evaluations fail under CEQA as they are far too insubstantial and virtually meaningless.

1. *Alternatives that Can Achieve All or Most of the Objectives In An Environmentally Superior Manner Must Be Considered And Analyzed.*

CEQA, “is to be interpreted to afford the fullest possible protection to the environment within the reasonable scope of the statutory language.” *Friends of Mammoth v. Board of Supervisors (1972) 8 Cal.3d 247, 259.* In the instant case, however, due to the deficiencies described above, the DPEIR fails to consider and analyze alternatives that could achieve all or most of the project’s objectives in the most environmentally protective manner.

As currently stated, the listed alternatives provide a set of false choices. Members of the public are lead to believe that the only way this area of San Diego can achieve long-term water supply sustainability through development of infrastructure that includes non-potable recycled water. Other than “No Project”, the only proposed alternatives essentially equate to either “we go it alone”, or “no potable reuse”; neither of which are desirable from an independent water supply standpoint that adequately considers environmental protection. An example of the type of alternative that must be required to “afford the fullest possible protection to the environment” is an alternative that includes aggressive conservation measures aimed at reducing demand. This would achieve most, if not all, of the objectives put forth with far fewer environmentally significant impacts than the proposed project or the Coalition’s alternatives. Conservation, in short, offers the most environmentally advantageous alternative approach to meeting the projects stated objectives.

By specifically seeking to meet *non-potable* demands, the objectives have been artificially constrained and narrowed so as to require large scale construction of non-potable infrastructure as the goal rather than means to an end. Conversion of water-dependent ornamental landscapes, implementation of innovative agricultural conservation measures, and rate structures that incentivize conservation would serve the purposes of the project in the most environmentally protective manner. In fact, many of these measures are now required under the Governor’s emergency drought orders and State Water Resources Control Board emergency regulations.

Well planned, aggressive conservation could potentially save enough water to meet most, if not all, of the plan’s objectives. Conservation increases water supply availability and reliability using already existing structures. The water made available from conservation can then serve those existing and future demands that depend on potable water after aggressive conservation measures are taken across residential, commercial, industrial, and agricultural sectors. Where conservation efforts fall short, potable

recycled water projects, which could update and use already-existing infrastructure, could be implemented. This alternative would avoid the significant environmental impacts that would result from non-potable projects which would include the construction of an entirely new, secondary infrastructure. The use of potable pipes would save money and resources. Further, because non-potable reuse demands often vary drastically between seasons, the project as proposed includes significant impacts – including the likely increase of outfall discharges - resulting from infrastructure that will likely remain under-utilized in the winter months. Conservation and potable reuse alone would serve to avoid these resulting significant impacts.

Conservation could be especially effective considering there are Coalition members whose per capita usage is currently over 426 gallons per day (Santa Fe) and whose usage has actually increased (including Escondido and Santa Fe) during the state of emergency brought about by the current drought. Further, the governor has mandated a 25% decrease in water use, with several of the Coalition member agencies subject to reductions up to 36%. Aggressive conservation efforts by Coalition members would not only be effective in saving water, but are required by law. Member cities such as Escondido, Vista, Oceanside, and Carlsbad also state in their Drought Response Plans that level 3 drought response mandates no additional water meters be issued and no land be annexed to the cities. Given the new State Water Board conservation mandates, implementation of drought level 3 restrictions are expected in the project area. These new regulations could effectively end any new development for which this project claims to be anticipating demand. Further, all of the cities are currently in Drought Response Level 2 which mandates up to 20% reduction which is below the mandatory state levels. However, no coalition member has achieved even that low quota. As such, all coalition members must enact strict conservation restrictions by law. Such conservation measures would include the large-scale conversion of turf and water-dependent landscaping to drought tolerant and native species that require far less water and maintenance than those that would be served by purple pipe. Thus, rather than continue the wasteful practices of irrigating ornamental turf and water-intense landscapes in our region, multi-beneficial landscape transformation programs that also serve to capture and infiltrate storm water could eliminate the need for much, if not all, of this project’s anticipated and existing “demands”. This approach is environmentally superior but is not proposed in the Draft PEIR. The DPEIR must be rewritten to consider achieving the objectives in a manner that prevents or minimizes significant environmental impacts.

Where conservation alone might not meet the existing post-conservation demands, an additional alternative should be included and analyzed that contemplates “conservation and potable reuse only”. Potable reuse is environmentally superior to non-potable reuse insofar as it would eliminate the need for duplicative infrastructure given the fact that non-potable and potable water necessitate different treatment and delivery systems. Thus, alternatives exist that have not yet been explored or analyzed in the DPEIR that would avoid or substantially lessen environmental impacts of the project. While recognizing that agencies need not consider every possible alternative, the alternatives discussed here should be included in the Final EIR to comply with CEQA and related case law.

Before the Coalition moves forward with investing enormous amounts of time and money in projects that aim to increase water supply in our region through non-potable delivery systems and use, the DPEIR should first properly analyze whether those demands are appropriate under the existing water conservation regulations and the likelihood of a prolonged drought.

D. The Assumptions Upon Which The Project Are Based Rely Upon Inaccurate Predictions Of Demand Within The Project Area And Thus Do Not Represent Existing Conditions On The Ground.

The Draft EIR states that the project will “meet existing and future recycled water demands.” DPEIR at 2-11. Table 2-5 of the PEIR claims to show the average existing and future water demands of Coalition members. Id at 53. The table states that existing demand for all Coalition members is 10,810 AFY and that the demand will increase by 35,470 AFY by 2035. Id. The DPEIR fails to explain how the Coalition reached these numbers, citing to an equally unsupported and unexplained chart in the appendix. Id at Appendix B. Regardless, these numbers are inaccurate as they fail to account for the mandatory restrictions placed on many of the Coalition members under the state-mandated water-use restrictions. The Coalition members must reduce their water consumption by an average of 27.5%, with some as high as 36%. This is in addition to the fact that Coalition member Escondido increased its water consumption by 20% rather than reduce by 20% as mandated, making it 40% off the mandatory target.

The numbers used by the Coalition to justify the project ignore these mandatory restrictions and falsely conflate the demand in their regions. Table 2-5 indicates that not only will the Coalition members not reduce as mandated, but will increase their use in violation of these new restrictions. It could be argued that these numbers look beyond the temporary drought restrictions, but construction is likely to begin before the drought subsides. To increase development, ignoring the actual circumstances, with numbers inflated by misrepresentative and misleading research is irresponsible and in violation of CEQA which requires a project to be considered against the “real conditions on the ground”. *City of Carmel by the Sea v. Board of Supervisors* (1986) 183 Cal.App.3d 229, 246; *Environmental Planning & Information Council v. County of El Dorado* (1982) 131 Cal.App.3d 350, 354; *County of Amador v. El Dorado County Water Agency* (1999) 76 Cal.App.4th 931 at p. 952; *Galante Vineyards v. Monterey Peninsula Water Management Dist.* (1997) 60 al.App.4th 1109, 1122. The table was also created under the assumption that the project could not go forward without the non-potable recycled water. DPEIR at 2-13. The numbers could be drastically reduced through the aggressive conservation already mandated by the Governor’s orders. Ultimately, the DPEIR is entirely misleading as it fails to use accurate predictions of water demand.

Furthermore, the recycled water demands are for possibly imprudent water uses. “Future recycled water supplies would serve demands associated with irrigation in housing developments, commercial properties such as business parks, and golf courses. A portion of the recycled water demand would serve agricultural customers, mainly those who would be connected to the Easterly Main Extension through the City of Escondido and the Rincon del Diablo MWD project components.” DPEIR p. 2-13. If the Coalition

members are required to cut their water use by up to 36%, it seems unwise to spend millions of dollars on a new infrastructure project that would increase their water use for uses such as watering golf courses and newly developed water-dependent landscapes. For example, in Carlsbad MWD alone the project would include construction of approximately 90,800 linear feet of recycled water pipelines to deliver recycled water to central customers and additional piping would be needed for end-users. In addition to pipelines, other facilities such as recycled water pump stations, storage tanks, pressure reducing stations and valves, and other appurtenances and facilities would need to be constructed, each of which has associated environmental and greenhouse gas impacts the DPEIR concludes would be significant but unavoidable.

CEQA is meant to assess environmental impacts, consider feasible alternatives, and allow decision-makers the tools to create an informed opinion on how a project could be improved from an environmental position. CEQA requires a case by case fact-based analysis of the project, its assumptions, analyses, and its alternatives. *Citizens of Goleta Valley v. Board of Supervisors*, (1990) 52 Cal. 3d. 553, 566. Here, the assumptions in the data and the alternatives based upon them are no longer valid under the new water restrictions and do not consider the baseline environmental circumstances. For the DPEIR to be adequate under CEQA, the document must base its analyses on accurate data and assumptions that consider the new restrictions.

E. Conclusion

Due to the inadequacies with the proposed objectives, alternatives, and assumptions in the draft PEIR, the Coalition must redraft the PEIR to: 1) redefine the project objectives so that they no longer presuppose the use of non-potable recycling, 2) consider project alternatives that would meet the revised objectives in a less environmentally impactful way and include aggressive conservation efforts, 3) base any analytical assumptions upon the government’s conservation goals and reductions in demand that could be achieved through additional conservation efforts, 4) analyze the resulting new and existing alternatives to determine which meets the goals and objectives of the project while avoiding or lessening significant environmental impacts.

Thank you for the opportunity to comment on the North San Diego Water Reuse Coalition Regional Recycled Water Project DPEIR. Please feel free to contact me with any questions or for additional feedback. We look forward to working with all interested parties toward development of a truly sustainable and reliable water supply program in the project area.

Sincerely,



Matt O'Malley
Waterkeeper and Legal & Policy Director

A handwritten signature in black ink, appearing to read 'CJ', with a long horizontal stroke extending to the right.

Catherine Ferguson
Legal and Policy Intern

2.1 Letter 1: Matt O'Malley, San Diego Coastkeeper

Response to Comment 1-1

Comment Summary: Project Description overly narrow, misleading, and artificially constrained, resulting in objectives and alternatives that are likewise narrow, misleading, and constrained. CEQA Guidelines §15124.

CEQA Guidelines §15124 describes various requirements of a Project Description. Pursuant to §15124(b), OMWD has fulfilled its obligation to include a clearly written statement of objectives that, “will help the Lead Agency develop a reasonable range of alternatives to evaluate in the (P)EIR and will aid the decision makers in preparing findings or a statement of overriding considerations, if necessary.” The project objectives stated in the Draft PEIR accomplished the intended purpose of project objectives as identified in CEQA.

The 2012 case of *Habitat and Watershed Caretakers v. City of Santa Cruz* found that objectives were adequate if they:

1. Do not focus on achieving certain approvals as an objective
2. Do not hide the underlying environmental purpose for a project
3. Reveal underlying project purposes in objectives

The objectives for the PEIR were developed to underline the complex, multi-faceted, and programmatic nature of the Proposed Project. As such, the objectives are considered properly defined in that they adequately describe an overall long-term vision for water reuse and water reliability in the Study Area, but do not bind the agencies' governing bodies to determine whether or not to approve the Proposed Project.

The commenter suggests that the objectives of the project could be achieved, “by reducing the amount of irrigation needed by adapting to the local environment, replacing water-dependent ornamental landscapes with more region-specific alternatives, and stressing conservation, mixed with production of potable reuse recycling for those remaining water needs that truly depend on potable water.” As fully described in *Section 3.9 Hydrology and Water Quality*, the potable reuse components of the Proposed Project have not yet been completely defined, the analysis presented in the PEIR is conceptual, and will require further project-level environmental review. Given the programmatic nature of the document, specific project-level details are not currently available. Further, because potable reuse is currently regulated only for groundwater recharge applications (not surface water augmentation or direct potable reuse), additional information and expansion of potable reuse beyond levels described in the Proposed Project is not feasible at this time. The potable reuse project components were included in the PEIR at the conceptual level to fully reflect supply projects under development by the Coalition partners.

As seen in the objectives for the Proposed Project, maximizing reuse is a priority for the Coalition, and the Coalition agrees that potable reuse is an efficient way to achieve this goal. However, given current unknown regulatory and feasibility factors for implementing potable reuse, expansion of potable reuse beyond levels explained in the Project Description is not feasible at this time.

Further, the commenter suggests that project objectives could be fulfilled by reducing irrigation demands rather than expanding non-potable recycled water system components. The Coalition members are already implementing aggressive conservation measures in accordance with Statewide mandates. These conservation measures alone are not sufficient to meet existing and future planned demands for non-potable water. Given that it is not feasible to eliminate irrigation demands with conservation alone, the Proposed Project aims to meet those demands with non-potable recycled water, rather than with existing (largely imported) potable supplies.

Clarification has been added to *Chapter 2: Project Description* of the Draft PEIR to address the issues brought to attention by the commenter. Please refer to *Chapter 3: Errata* of this Final PEIR and the

clarifications that have been made to *Section 2.4.1: Increase in Recycled and Potable Reuse Water Demands* and to *Appendix B*. Specifically, the errata edits clarify that the project is intended to optimize reuse of available wastewater for a primarily existing demand. There is a small amount of new users, but the project would largely serve the existing demand for recycled water. As described above, the Project Description is sufficient under CEQA and clarification has been included in the Final PEIR to demonstrate sufficiency.

Response to Comment 1-2:

Comment Summary: As a Result of Narrow Objectives, the Proposed Alternatives are Artificially Restricted, Overly Narrow, and Misleading.

Specifically, the commenter references six court cases pertaining to alternatives analyses. The first referenced court case is: City of Santee v. County of San Diego (1989) 214 Cal.App.3d 1438, 1455 (in this case, the court upheld petition that EIR was inadequate, finding that the discussion of alternatives was inadequate under CEQA).

The second court case referenced for the alternatives analysis is: Sequoyah Hills Homeowners Association v. City of Oakland (1st Dist. 1993) 23 Cal. App. 4th 704 (in this case, the court upheld previous decisions that CEQA review must consider a reasonable range of alternatives to the project).

The third court case referenced with regard to alternatives is: Mountain Lion Foundation v. Fish and Game Com. (1997) 16 Cal.4th 105, 112; PRC §21000(g) (in this case, the court upheld that under CEQA, the public agency bears the burden of affirmatively demonstrating that, notwithstanding a project's impact on the environment, the agency's approval of the Proposed Project followed meaningful consideration of alternatives and mitigation measures).

The fourth court case referenced in regard to alternatives is: Village Laguna of Laguna Beach v. Board of Supervisors, (4th Dist. 1982) 134 Cal.App.3d 1002, 1028 (in this case, the court ruled that CEQA requires that, before approving a project, the lead public agency find either that the project's significant environmental effects identified in the EIR have been avoided or mitigated, or that the mitigations and alternatives identified in the EIR are infeasible and the unmitigated effects are outweighed by the project's benefits; if the public agency makes the latter finding, it must explain its reasoning in a statement of overriding considerations).

The fifth court case referenced regarding to the alternatives is: Mann v. Community Redevelopment Agency, (2^d Dist. 1991) 233 Cal.App.3d 1143 (in this case, the court upheld previous decisions that alternatives of an EIR must represent enough of a variation to allow informed decision making).

The sixth and final case referenced for alternatives is: San Bernardino Valley Audubon Society v. County of San Bernardino (1984) 155 Cal.App.3d 738, 750 – 51 (in this case, the court upheld that an EIR shall describe all reasonable alternatives to the site which could possibly achieve the basic objectives of the project and state why they were rejected, and that the discussion of alternatives shall focus on alternatives capable of eliminating or reducing any adverse environmental effects, even if they substantially impede the project or are more costly. (14 Cal.Admin.Code, § 15126(d), formerly § 15143(d).) However, the court also found that EIRs are not required to be perfect or to discuss project alternatives beyond what is realistically possible).

In relation to the aforementioned court cases, the commenter states that,

“At no point are environmentally preferred alternatives, such as conservation, listed or analyzed. Measures aimed at achieving a substantial lessening of demand could include the adoption of rate structures that incentivize aggressive conservation, as well as landscape modification requirements, both of which are environmentally superior and aimed at reducing demand. By implementing conservation measures aimed at drastically reducing the need for water, and

especially non-potable water, the project could avoid and lessen the need for the required dual infrastructure and immense energy usage that would necessarily result in significant environmental impacts.

Further, besides the No Project Alternative, there exists no option that does not contemplate the use of non-potable recycled water for irrigation purposes; purposes which often are not the most beneficial use of water and can result in significant environmental impacts, including the introduction of excess nutrients into water bodies.”

As explained in Response to Comment 1-1, the project objectives stated in the Draft PEIR accomplished the intended purpose of project objectives as identified in CEQA. For this reason, the alternatives analysis is not artificially constrained as suggested by the commenter.

With regard to the findings of court case *City of Santee v. County of San Diego* (1989) 214 Cal.App.3d 1438, 1455, the court specifically found that alternatives should be considered pursuant to *Laurel Heights Improvement Assn. v. Regents of University of California*, supra, 47 Cal.3d 376, 406-407, 253 Cal.Rptr. 426, 764 P.2d 278. The latter case has established that an EIR is not required to consider every conceivable alternative to a Proposed Project. Rather, it must consider a reasonable range of potentially feasible alternatives that will foster informed decision-making and public participation. Given that the PEIR includes a reasonable range of potentially feasible alternatives, the alternatives analysis cannot be deemed insufficient simply because it does not include one specific type of alternative recommended by the commenter (conservation).

With regard to the findings of the court case *Sequoyah Hills Homeowners Association v. City of Oakland* (1st Dist. 1993) 23 Cal. App. 4th 704, the court upheld previous decisions that CEQA review must consider a reasonable range of alternatives to the project, or to the location of the project, which:

- 1) Offer substantial environmental advantages over the project proposal
- 2) May be 'feasibly accomplished in a successful manner' considering the economic, environmental, social and technological factors involved

The alternatives analysis included in the PEIR includes an alternative that would reduce the significance of impacts relative to the Proposed Project (No Project Alternative), and also includes alternatives that could be feasibly accomplished. With respect to case law, the concept of “feasibility” also encompasses the question of whether a particular alternative or mitigation measure promotes the underlying goals and objectives of a project (in *Sierra Club v. County of Napa* (2004) 121 Cal.App.4th 1490, 1506-1509, the court upholds CEQA findings rejecting alternatives in reliance on applicant’s project objectives); see also *California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 1001 (CNPS) (“an alternative ‘may be found infeasible on the ground it is inconsistent with the project objectives as long as the finding is supported by substantial evidence in the record’”) (quoting Kostka & Zischke, *Practice Under the Cal. Environmental Quality Act* [Cont.Ed.Bar 2d ed. 2009] (Kostka), § 17.309, p. 825); *In re Bay-Delta Programmatic Environmental Impact Report Coordinated Proceedings* (2008) 43 Cal.4th 1143, 1165, 1166 (*Bay-Delta*) (“[i]n the CALFED program, feasibility is strongly linked to achievement of each of the primary program objectives;” “a lead agency may structure its EIR alternative analysis around a reasonable definition of underlying purpose and need not study alternatives that cannot achieve that basic goal”). Moreover, “‘feasibility’ under CEQA encompasses ‘desirability’ to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, legal, and technological factors.” (*City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 410, 417 (*City of Del Mar*); see also CNPS, supra, 177 Cal.App.4th at p. 1001 (after weighing “‘economic, environmental, social, and technological factors,’ ... ‘an agency may conclude that a mitigation measure or alternative is impractical or undesirable from a policy standpoint and reject it as infeasible on that ground’”) (quoting Kostka, supra, § 17.29, p. 824).

As stated in Response to Comment 1-1, the Coalition partners are already implementing conservation measures in accordance with Statewide conservation mandates, which cannot feasibly eliminate irrigation demands. Given that the Proposed Project will largely provide non-potable water for existing irrigation demands that are projected to exist even with planned conservation, it is not technically feasible that additional conservation measures would meet the objectives or purpose of the Proposed Project. Additionally, due to current regulatory barriers, the Coalition cannot feasibly expand potable reuse to the levels suggested by the commenter within the timeframe considered for the PEIR. The significant and unavoidable emissions that would result from implementation of the Proposed Project (for air quality and greenhouse gases) would be high due to the large scale of planned infrastructure improvements for ten Coalition agencies, but they would generally be temporary in nature for project construction. Expansion of water treatment facilities to include additional advanced treatment for purposes of potable reuse would also have short-term air quality and GHG impacts during construction and would increase operational energy requirements, which could potentially result in long-term (operational) impacts to air quality and greenhouse gas emissions. For these reasons, it is not realistic or feasible to develop an alternative that completely avoids the significant and unavoidable impacts (for air quality and greenhouse gas emissions) that would result from implementation of the Proposed Project.

With regard to the findings of the court case *Mountain Lion Foundation v. Fish and Game Com.* (1997) 16 Cal.4th 105, 112; PRC §21000(g), the court upheld that public agencies are responsible for demonstrating that project approval followed meaningful consideration of alternatives and mitigation measures. As explained in *Chapter 1* of this Final PEIR, Olivenhain MWD and the Coalition have implemented a robust public process to vet the PEIR. Further, the objectives provided in the analysis do not in themselves limit project approval to selection of the Proposed Project.

In light of the findings of the aforementioned court cases, the alternatives analysis provided in the PEIR accomplished the intended purpose of project alternatives as identified in CEQA and supported by case law. The alternatives included in the PEIR represent a reasonable range of alternatives, offer substantial environmental advantages over the project proposal, may be feasibly accomplished in a successful manner considering various factors, represent enough of a variation to allow informed decision making, and describe why additional alternatives were not selected.

With regard to determining adequacy of an EIR, CEQA Guidelines §15151 explain that the courts, “have not looked for perfection but for adequacy, completeness, and a good faith effort at full disclosure.” The Legislature has made clear that an EIR is “an informational document” and that “the purpose of an environmental impact report is to provide public agencies and the public in general with detailed information about the effect which a Proposed Project is likely to have on the environment; to list ways in which the significant effects of such a project might be minimized; and to indicate alternatives to such a project.” (§ 21061; Guidelines, § 15003, subs. (b)-(e).) We recognize that the PEIR did not consider all potential alternatives (including the one recommended by commenter); however, the PEIR is not required to consider every conceivable alternative to a Proposed Project. Rather, it must consider a reasonable range of potentially feasible alternatives that will foster informed decision-making and public participation. The commenter’s suggested alternative was not provided in the scoping process, and therefore was not considered or rejected as part of the analysis. In actuality, the only scoping comment received with regard to alternatives requested an expansion of non-potable facilities into the City of San Marcos. As explained above, the conservation-based alternative recommended by the commenter is not feasible in that it would not be sufficient to meet the purpose of the Proposed Project. Given that the alternatives represent a reasonable range of alternatives to support a future decision by the lead agency regarding the project, additional alternatives are not required.

Response to Comment 1-3:

Comment Summary: The Draft PEIR’s alternatives analysis is deficient. Commenter contends that the alternatives analysis is deficient, citing Laurel Heights Improvement Assoc. v. University of California

(1988) 47 Cal.3d 376, 404 (for this case, the court found that an EIR does not need to consider every conceivable alternative to a project, but that meaningful analysis of alternatives allows the courts and public to fulfill their proper roles in the CEQA process).

The commenter also notes that the amount of specificity in a PEIR should correspond to the specificity involved in the underlying activity, as referenced in *Al Larson Boat Shop, Inc. v. Board of Harbor Commissioners* (2d Dist. 1993) 18 Cal.App.4th 729, 746.

Further, the commenter suggests that case law disfavors EIRs that do not consider feasible alternatives brought to the attention of the lead agency per *Save San Francisco Bay Association v. San Francisco Bay Conservation and Development Commission* (1st Dist. 1992) 10 Cal.App.4th 908.

The commenter also notes that the alternatives analysis is deficient, citing *Friends of Mammoth v. Board of Supervisors* (1972) 8 Cal.3d 247, 259 (for this case, the court found that CEQA was meant to be interpreted in such manner as to afford the fullest possible protection to the environment within the reasonable scope of the statutory language).

Regarding the current alternatives analysis, the commenter states that the PEIR does not explain how the Coalition came to its decisions. Additionally, commenter states that the alternatives analysis is inadequate in part because, “many Coalition members may soon be unable to expand their water demands under mandatory conservation requirements.” The commenter further notes that the listed alternatives provide a set of false choices, because the only way this area of San Diego can achieve long-term water supply sustainability is through development of infrastructure that includes non-potable recycled water. The commenter then states that an example of the type of alternative that must be required to “afford the fullest possible protection to the environment” is an alternative that includes aggressive conservation measures aimed at reducing demand.

As discussed in Response to Comments 1-1 and 1-2, the PEIR’s alternatives analysis is sufficient and meets the intent of CEQA. While the PEIR did not consider the alternatives requested by the commenter, the alternatives analysis provides a meaningful analysis that will foster informed decision making and public participation in accordance with CEQA standards (see CEQA Guidelines §15126.6). Given the programmatic level of the PEIR in question, and the fact that the project itself was designed to maximize reuse of water in the Study Area, the alternatives analysis is detailed at a level of specificity that corresponds to the current details of the Proposed Project as explained in the Project Description.

Considering that the alternatives suggested by the commenter were not received during the public scoping process, the alternatives analysis did not (and could not conceivably) consider these alternatives. Additional clarification to address comments received by the public has been provided in the Final PEIR; please refer to *Chapter 3: Errata*. As the commenter notes per *Laurel Heights Improvement Association v. The Regents of the University of California* (1988) 47 Cal.3d 376, clarification of additional alternatives in the Final PEIR includes a detailed explanation of why alternatives were deemed infeasible, if applicable (refer to the Errata clarifications for *Section 4.2.1, Alternative Selection*).

With regard to demands, the physical environmental conditions in the vicinity of the project that provide the baseline for the analysis were established at the time that the notice of preparation (NOP) was published (August 11, 2014) in accordance with CEQA Guidelines §15125. The mandatory conservation requirements referenced by the commenter were issued on April 1, 2015, and therefore were not incorporated into the environmental setting of the Proposed Project. The demands included in the analysis were identified by the Coalition Partners via recycled water planning studies or other feasibility analysis, because this was the most comprehensive information available about existing and future demands at the time the NOP was published. By expanding their recycled water systems, each Coalition Partner is doing its part to achieve the conservation mandates in Senate Bill (SB) x7-7, which requires a 20% reduction in potable water use by 2020 (20x2020 mandate). The Proposed Project, by including non-potable water expansion, will help the Coalition in reaching their individual 20x2020 mandates, because non-potable

recycled water can be used to offset potable demands. In this manner, the Proposed Project is consistent with applicable statewide conservation standards that were in place at the time the NOP was published. Additional clarification about demand assumptions for the environmental analysis has been provided in the Final PEIR (please refer to *Chapter 3: Errata* of this Final EIR and the clarifications that have been made to *Section 2.4.1 Increase in Recycled and Potable Reuse Water Demands* and *Appendix B*).

Finally, the alternatives analysis is reasonable, because the alternatives meet requirements of CEQA Guidelines §15126.6 in that they:

1. Are potentially feasible
2. Would feasibly attain most of the basic objectives of the project
3. Would avoid or substantially lessen any of the project's significant effects

The preceding paragraphs explain how the alternatives are feasible and would attain most of the basic objectives of the Proposed Project. In addition, the alternatives considered in the analysis would also avoid or substantially lessen significant effects that could result from implementation of the Proposed Project. Table 4-1: Comparison of Alternatives to the Proposed Project, which is included in the Draft PEIR, demonstrates the potential environmental effects of the three project alternatives compared to the Proposed Project. This table shows that the No Project Alternative would avoid or substantially lessen the project's potential significant effects for the following resource areas: aesthetics, biological resources, cultural resources, land use, noise, public services, recreation, and utilities. Table 4-1 also shows that the No Potable Reuse Alternative would lessen the project's potential significant effects related to Hydrology and Water Quality. As such, the alternatives meet requirements of CEQA Guidelines §15126.6, and the PEIR's alternatives analysis is sufficient in meeting the intent of CEQA.

Response to Comment 1-4

Comment Summary: The assumptions upon which the Project are based rely upon inaccurate predictions of demand within the project area that are not properly explained and do not reflect recent conservation mandates, and thus do not represent existing conditions on the ground.

The commenter notes that projects must consider real conditions on the ground as referenced in the following court cases: City of Carmel by the Sea v. Board of Supervisors (1986) 183 Cal.App.3d 229, 246; Environmental Planning & Information Council v. County of El Dorado (1982) 131 Cal.App.3d 350, 354; County of Amador v. El Dorado County Water Agency (1999) 76 Cal.App.4th 931 at p. 952; Galante Vineyards v. Monterey Peninsula Water Management Dist. (1997) 60 al.App.4th 1109, 1122.

CEQA Guidelines stipulate that the Project Description of an EIR does not need to, "supply extensive detail beyond that needed for evaluation and review of the environmental impact" (CEQA Guidelines §15124). As stated in the previous section, the demand projections that are explained for the Proposed Project are based upon a comprehensive review of existing and projected demands in the Study Area per each Coalition Partners' knowledge of their own service area. These demand projections were current at the time of the NOP (when the environmental setting was determined per CEQA Guidelines §15125). While not explicitly stated, it seems that the conservation mandates that the commenter indicates are those established by Governor Jerry Brown's Executive Order on April 1, 2015, which implements mandatory water reductions in urban areas to reduce potable urban water usage by 25% statewide, and which were adopted well after publication of the NOP.

The commenter contends that the demands for the Proposed Project are inaccurate and fail to account for mandatory restrictions; however, this is not the case. Although these mandatory water reductions were not considered in the analysis, projected demands for the Proposed Project reflect the Coalition Partners' knowledge of how all water use is reduced with conservation messaging; conservation is not strictly limited to potable users. Additionally, the non-potable water that would be developed and supplied as part of the Proposed Project is one method of reducing urban demands for potable water by offloading demands. In

these ways, the Proposed Project is in fact consistent with the Governor's Executive Order, and will help the Coalition Partners meet ongoing (SBx7-7) and drought-related conservation requirements.

All of the court cases referenced by the commenter are cited to support the commenter's claim that an EIR must consider real conditions on the ground. As explained previously, CEQA Guidelines state that, "the environmental setting will normally constitute the baseline physical conditions by which a lead agency determines whether an impact is significant" (CEQA Guidelines §15125(a)). As such, the demand projections provided in the Project Description and the assumptions provided in the PEIR about the baseline (prior to April 1, 2015 conservation mandates) are reasonable and in accordance with requirements of CEQA.

Finally, the commenter asserts that, "CEQA requires a case by case fact-based analysis of the project, its assumptions, analyses, and its alternatives" per the court case *Citizens of Goleta Valley v. Board of Supervisors*, (1990) 52 Cal. 3d. 553, 566. This case law asserts that,

"...there is no ironclad rule governing the nature or scope of the alternatives to be discussed in an EIR, other than the rule of reason. The wisdom of approving this or any other development project, a delicate task which requires a balancing of interests, is necessarily left to the sound discretion of the local officials and their constituents who are responsible for such decisions. The law as we interpret and apply it simply requires that those decisions be informed, and therefore balanced. Concurrently, we caution that rules regulating the protection of the environment must not be subverted into an instrument for the oppression and delay of social, economic, or recreational development and advancement."

As indicated above, the analysis need not consider all potential alternatives. Rather, the analysis must be sufficient to allow decision-makers and members of the public to understand the project and provide a balanced decision. As described in this letter, the analysis provided is sufficient to meet the intent of CEQA and was conducted in accordance with the CEQA Guidelines and applicable case law.

Conclusion

In summary, the Coalition would like to thank Coastkeeper for their comments. We are in agreement with the comments that potable reuse is a cost-effective and environmentally-beneficial water source, and are actively seeking to maximize reuse in the North County. At this time, however, there are a variety of technical and regulatory hurdles to overcome to implement the kind of large-scale and comprehensive potable reuse requested by Coastkeeper and we anticipate that the potable reuse components of the Proposed Project will move more slowly than the non-potable components. Expanding potable reuse beyond levels explained in the PEIR is infeasible, and the agencies are actively seeking to meet non-potable demands within their service areas through the Proposed Project. The Coalition Partners are committed to ensuring that all non-potable reuse also achieves applicable conservation requirements in place at the time of the NOP and will remain compliant with existing and future conservation mandates.



15 June 2015

Kimberly Thorner
Olivenhain Municipal Water District
1966 Olivenhain Road, Encinitas, CA 92064
(by e-mail to kthorner@olivenhain.com)

Subject: Comments on DEIR for North San Diego Water Reuse Coalition, Regional Recycled Water Project

Dear Ms. Thorner,

Please accept these comments from the Sierra Club North County Coastal Group on behalf of over 2,400 Sierra Club members in the communities of Del Mar, Solana Beach, Rancho Santa Fe, Encinitas, Carlsbad, and Oceanside.

First, we would like to commend all of the agencies included in the North San Diego Water Reuse Coalition for their collaborative approach to the issue of water reuse. We support your efforts to develop a regional plan to make the best use of water resources.

However, we believe that there is a serious deficiency in the current draft plan and the supporting DEIR. The analysis of alternatives fails to include an option that would move more aggressively towards potable reuse. Such an alternative would have far less environmental impact than the alternatives examined in the DEIR. The extensive reliance on a non-potable "purple pipe" approach results in significant impacts from the construction of a redundant parallel delivery system. Most of these impacts could be avoided or minimized through earlier adoption of potable reuse approaches using the existing water delivery network.

Comment 2-1

Furthermore, expansion of the "purple pipe" system encourages perpetuation of a variety of wasteful practices. When the region is faced with significant increases in the cost of water driven by rising energy costs and the high cost of desalinated water, it is counterproductive to make unlimited amounts of water available for growing grass in a desert.

Comment 2-2

Finally, while cost is not an environmental impact, we believe that large investments in laying purple pipe are not in the best interests of your ratepayers. Those investments will most likely be stranded by the inevitable shift to potable reuse. It would be more prudent to invest now in a system with a better future.

Comment 2-3

In summary, we urge you to redraft the DEIR to include a true alternative that would avoid the impacts associated with non-potable reuse.

David Grubb, Chair North County Coastal Group, Sierra Club San Diego

DavidGrubb@sbcglobal.net

760-753-0273

2.2 Letter 2: David Grubb Sierra Club San Diego

Response to Comment 2-1

Comment Summary: The analysis of alternatives fails to include an option that would move more aggressively toward potable reuse.

As explained in Response to Comment 1-1, expanding the potable reuse components of this project beyond that included in this PEIR is infeasible at this time. As described in *Section 3.9 Hydrology and Water Quality*, the potable reuse components of the Proposed Project have not yet been completely defined, the analysis presented in the PEIR is conceptual, and will require further project-level environmental review. Given the programmatic nature of the document, specific project-level details are not currently available. Further, because the processes, infrastructure, permits, and other factors needed to successfully implement potable reuse are highly variable, depending upon many factors, including regulations that are currently being promulgated, additional information and expansion of potable reuse beyond levels described in the Proposed Project is not feasible at this time. Specifically, it would not be feasible to propose direct potable reuse projects that go beyond what is currently described in the Proposed Project, because regulations for such facilities are not available at this time. The Coalition is pleased to receive support from the Sierra Club San Diego for potable reuse efforts, but until regulatory issues regarding this type of water supply have been resolved, the Coalition must move forward with feasible non-potable reuse projects to reduce overall potable water demands within the region.

As seen in the objectives for the Proposed Project, maximizing reuse is a priority for the Coalition, and the Coalition agrees that potable reuse is an efficient way to achieve this goal. However, given current unknown regulatory and feasibility factors for implementing potable reuse, expansion of potable reuse beyond levels explained in the Project Description is not feasible at this time.

The Legislature has made clear that an EIR is "an informational document" and that "the purpose of an environmental impact report is to provide public agencies and the public in general with detailed information about the effect which a Proposed Project is likely to have on the environment; to list ways in which the significant effects of such a project might be minimized; and to indicate alternatives to such a project." (§ 21061; Guidelines, § 15003, subds. (b)-(e).) We recognize that the PEIR did not consider all potential alternatives (including the one recommended by commenter); however the PEIR is not required to consider every conceivable alternative to a Proposed Project. Rather, it must consider a reasonable range of potentially feasible alternatives that will foster informed decision-making and public participation. The commenter's suggested alternative was not provided in the scoping process, and therefore was not considered or rejected as part of the analysis. Given that the alternatives represent a reasonable range of alternatives to support a future decision by the lead agency regarding the project, additional alternatives are not required.

The alternatives analysis does provide a meaningful analysis that will foster informed decision making and public participation in accordance with CEQA standards (see Response to Comment 1-3).

Given the programmatic level of the PEIR in question and the fact that the project itself was designed to maximize reuse of water in the Study Area, the alternatives analysis is detailed at a level of specificity that corresponds to the current details of the Proposed Project as explained in the Project Description.

Response to Comment 2-2

Comment Summary: Expansion of the "purple pipe" system encourages perpetuation of a variety of wasteful practices.

As explained in Response to Comment 1-1, at this time there are a variety of technical and regulatory hurdles to overcome to implement the kind of large-scale and comprehensive potable reuse program requested in the comment. As such, expanding potable reuse beyond levels explained in the PEIR is

infeasible, and the agencies must find ways to meet demands within their service areas. Our analysis reasonably assumes demand estimates based on projections from the Coalition Partners, which assume that water demands will be reduced by 20% by 2020. The Coalition agrees with and supports water conservation efforts and will offset potable water use, reducing the use of imported water, by expanding recycled water deliveries where feasible.

The Proposed Project would provide non-potable water to meet existing and planned demands, with very little new growth included. In this way, it does not perpetuate wasteful practices, but improves water use practices for existing uses. Pursuant to recycled water use regulations and permits, application of recycled water is highly regulated, and no runoff is permitted. Coalition members report that installation of recycled water irrigation systems reduces overall water use. Further, Coalition members have and will continue to implement conservation measures in accordance with Statewide conservation mandates to reduce overall water demands in the region.

Response to Comment 2-3

Comment Summary: The investments made in laying purple pipe will be stranded by the inevitable shift to potable reuse.

As explained in Response to Comment 2-2, non-potable water delivered by this project would meet existing and planned demands. Clarification of the demands has been provided in *Chapter 3: Errata* of this Final PEIR (Final PEIR *Chapter 3: Errata* shows clarifications that have been made to Draft PEIR *Section 2.4.1 Increase in Recycled and Potable Reuse Water Demands* and *Appendix B*). As explained in Response to Comment 1-1, expansion of potable reuse beyond what is currently included in the PEIR is infeasible at this time. It is a priority of the Coalition to reduce potable water use and develop sustainable water supplies, including conversion to non-potable water for non-potable use. Identified non-potable demands and customers have been clarified in the Final PEIR. Non-potable water customers would include municipal parks, recreation areas, and other community resources, whose non-potable demands are not anticipated to decrease substantially. For many reasons, including energy concerns and accountability to ratepayers, water is currently treated only to the level necessary for use.

Conclusion

In summary, the Coalition would like to thank the Sierra Club San Diego for their comments. We are in agreement with the comments that potable reuse is a cost-effective and environmentally-beneficial water source, and are actively seeking to maximize reuse in the North County. At this time, however, there are a variety of technical and regulatory hurdles to overcome to implement the kind of large-scale and comprehensive potable reuse requested in the comment.



County of San Diego

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June 15, 2015

Ms. Kimberly Thorner
Olivenhain Municipal Water District
1966 Olivenhain Road
Encinitas, CA 92024

Via email to kthorner@olivenhain.com

COMMENTS ON THE DRAFT EIR FOR THE NORTH SAN DIEGO WATER REUSE COALITION, REGIONAL WATER PROJECT

Dear Ms. Thorner,

The County of San Diego (County) has received the Olivenhain Municipal Water Districts (District) Draft EIR for the North San Diego Water Reuse Coalition, Regional Water Project (Project) and appreciates this opportunity to comment. County Planning & Development Services and the Department of Public Works have completed their review and have the following comments regarding the project.

Transportation

- The following transportation comments only address short-term components of the Project because the Draft PEIR only evaluated short-term components. Any long-term components, and associated transportation impacts, will need to be evaluated as a separate project.
- The PEIR identifies 20 Arterial/Major Roads within the County's jurisdiction that the Project will impact (Table 3.16-1). The County appreciates that the Project, per the PEIR (Page 3.16-4), will restore all impacted roadways "to their pre-project conditions or better upon completion of the Proposed Project."
 - County staff looks forward to coordinating with the Project's staff on the following requirements (as previously mentioned in our September 9, 2014 letter):
 - A grading permit is required if earthwork exceeds 200 cubic yards.
 - Excavation and encroachment permits are required for any work within public road right-of-way.
 - Traffic control plans will be required for any proposed work in the public road right-of-way.
 - Full sets of construction plans must be submitted to the County for review and approval for all works within the public road right-of-way.
 - Repaving the entire travel lane shall be required over the trenched area in segments of the County maintained road.

Comment 3-1

Comment 3-2

- Ensure compliance with State Construction and San Diego Regional Municipal
 - Separate Storm Sewer Systems (MS4) permit.
 - Grading plans will be required for any grading in the unincorporated area if the earthwork exceeds 200 cubic yards.
 - The contractor shall coordinate the work across private driveways with the individual property owners.
- The PEIR should update the reference to the Traffic Guidelines. The 2001 Traffic Guidelines were recently updated in March of 2015. Link: [http://www.sandiegocounty.gov/content/dam/sdc/dpw/PERMITS FORMS CHARTS DRAWINGS MANUALS TEMPLATES GUIDES/trficguide.pdf](http://www.sandiegocounty.gov/content/dam/sdc/dpw/PERMITS_FORMS_CHARTS_DRAWINGS_MANUALS_TEMPLATES_GUIDES/trficguide.pdf)

Comment 3-2, cont. Comment 3-3

The County appreciates the opportunity to participate in the environmental review process for this project. We look forward to providing additional assistance at your request. If you have any questions regarding these comments, please contact Eric Lardy, Planning Manager, at (858) 694- 3052, or via email at eric.lardy@sdcounty.ca.gov

Sincerely,



ANDREW SPURGIN, Chief
Advance Planning Division
Planning & Development Services

Email cc:

Mel Millstein, Acting Chief of Staff, Board of Supervisors, District 3
Chris Livoni, Policy Advisor, Board of Supervisors, District 5
Chris Champine, Policy Advisor, Board of Supervisors, District 5
Conor McGee, CAO Staff Officer, LUEG
Richard Chin, Associate Transportation Specialist, Department of Public Works
Jeff Kashak, Environmental Planner, Department of Public Works
Peter Eichar AICP, Land Use/Environmental Planner, Planning & Development Services

2.3 Letter 3: Andrew Spurgin County of San Diego, Planning and Development Services

Response to Comment 3-1

Comment Summary: Any long-term components and associated transportation impacts will need to be evaluated as a separate project.

As described in *Chapter 2: Project Description* of the Draft PEIR on page 2-11, “The long-term components are not included as part of the Proposed Project, but are provided for informational purposes to reflect the Facilities Plan/Feasibility Study build-out condition and demonstrate long-term water reuse efforts that are being planned by the Coalition members. Implementation of any of the long-term components are subject to separate CEQA documentation, as they are not addressed in this PEIR.”

Section 3.16: Transportation and Traffic of the Draft PEIR states that the environmental analysis provided was prepared for short-term components of the Proposed Project. Additionally, operational traffic impacts are not anticipated as a result of this project as each facility would have minimal operational traffic. Traffic impacts are expected to be limited to the construction phases of the project. Projects implemented under this programmatic-level EIR will need additional environmental review and traffic impacts of long-term facilities will be evaluated at the project level at that time.

Response to Comment 3-2

Comment Summary: Project staff will need to coordinate with County staff for project work involving the restoration of impacted roadways.

Clarification has been made to Mitigation Measure MM 3.1-1a: Restoration to Pre-Construction Conditions in the PEIR (Final PEIR *Chapter 3: Errata* shows clarifications that have been made to Draft PEIR *Section 3.1: Aesthetics*, Mitigation Measure 3.1-1a: Restoration to Pre-construction Conditions). Additions have been made to clarify that Coalition members/contractors will coordinate with relevant agencies for applicable project work.

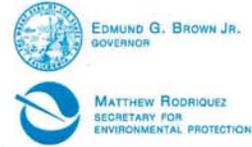
Response to Comment 3-3

Comment Summary: Reference to Traffic Guidelines should be updated to reflect the most recent update in March of 2015.

The Draft PEIR references the Traffic Guidelines on page 3.16-5 and states, “For those Groups with pipelines located within the County of San Diego whose construction would require road closures, the traffic management plan shall incorporate the relevant policies and measures applicable to road closures as described in the County of San Diego’s Traffic Guidelines.” The Traffic Guidelines reference has been updated in the Final PEIR (Final PEIR *Chapter 3: Errata* shows additions to Draft PEIR *Chapter 7, References*) to reflect the most recent update in March 2015.

Conclusion

In summary, the Coalition would like to thank the County of San Diego Planning and Development Services Department for their comments. The Coalition agrees that traffic impacts are important and will coordinate with the County of San Diego and any other applicable agency to follow appropriate procedures and policies.



State Water Resources Control Board

APR 21 2015

Kimberly A. Thorner
Olivenhain Municipal Water District
1966 Olivenhain Road
Encinitas, CA 92024



Dear Ms. Thorner:

PROGRAM ENVIRONMENTAL IMPACT REPORT (PEIR); OLIVENHAIN MUNICIPAL WATER DISTRICT (DISTRICT); NORTH SAN DIEGO WATER REUSE COALITION, REGIONAL RECYCLED WATER PROJECT (PROJECT); SAN DIEGO COUNTY; STATE CLEARINGHOUSE NO. 2014081028

We understand that the District may be pursuing Clean Water State Revolving Fund (CWSRF) financing for this Project. 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 the following information and comments for the environmental document prepared for the Project.

The State Water Board, Division of Financial Assistance, is responsible for administering the CWSRF Program. The primary purpose for the CWSRF Program is to implement the Clean Water Act and various state laws by providing financial assistance for wastewater treatment facilities necessary to prevent water pollution, recycle water, correct nonpoint source and storm drainage pollution problems, provide for estuary enhancement, and thereby protect and promote health, safety and welfare of the inhabitants of the state. The CWSRF Program provides low-interest funding equal to one-half of the most recent State General Obligation Bond Rates with a 30-year term. Applications are accepted and processed continuously. Please refer to the State Water Board's CWSRF website at: www.waterboards.ca.gov/water_issues/programs/grants_loans/srf/index.shtml.

The CWSRF Program is partially funded by the United States Environmental Protection Agency and requires additional "CEQA-Plus" environmental documentation and review. Three enclosures are included that further explain the CWSRF Program environmental review process and the additional federal requirements. For the complete environmental application package, please visit: http://www.waterboards.ca.gov/water_issues/programs/grants_loans/srf/srf_forms.shtml. The State Water Board is required to 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 financing commitment for the proposed Project. For further information on the CWSRF Program, please contact Mr. Ahmad Kashkoli, at (916) 341-5855.

It is important to note that prior to a CWSRF financing commitment, projects are subject to provisions of the Federal Endangered Species Act (ESA), and must obtain Section 7 clearance from the United States Department of the Interior, Fish and Wildlife Service (USFWS), and/or the United States Department of Commerce National Oceanic and Atmospheric Administration, National Marine Fisheries Service (NMFS) for any potential effects to special status species.

Comment 4-1.1

Comment 4-1.2

FELICIA MARCUS, CHAIR | THOMAS HOWARD, EXECUTIVE DIRECTOR



Please be advised that the State Water Board will consult with the USFWS, and/or the NMFS regarding all federal special-status species that the Project has the potential to impact if the Project is to be financed by the CWSRF Program. The District will need to identify whether the Project will involve any direct effects from construction activities, or indirect effects such as growth inducement, that may affect federally listed threatened, endangered, or candidate species that are known, or have a potential to occur in the Project site, in the surrounding areas, or in the service area, and to identify applicable conservation measures to reduce such effects.

In addition, CWSRF projects must comply with federal laws pertaining to cultural resources, specifically Section 106 of the National Historic Preservation Act (Section 106). The State Water Board has responsibility for ensuring compliance with Section 106 and the State Water Board must consult directly with the California State Historic Preservation Officer (SHPO). SHPO consultation is initiated when sufficient information is provided by the CWSRF applicant. The District must retain a consultant that meets the Secretary of the Interior's Professional Qualifications Standards (http://www.nps.gov/history/local-law/arch_stnds_9.htm) to prepare a Section 106 compliance report.

Note that the District will need to identify the Area of Potential Effects (APE), including construction and staging areas, and the depth of any excavation. The APE is three-dimensional and includes all areas that may be affected by the Project. The APE includes the surface area and extends below ground to the depth of any Project excavations. The records search request should extend to a ½-mile beyond Project 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 vicinity.

Other federal environmental requirements pertinent to the Project under the CWSRF Program include the following (for a complete list of all environmental requirements please visit: http://www.waterboards.ca.gov/water_issues/programs/grants_loans/srf/docs/forms/application_environmental_package.pdf):

- A. Compliance with the Federal Clean Air Act: (a) Provide air quality studies that may have been done for the Project; and (b) if the Project is in a nonattainment area or attainment area subject to a maintenance plan; (i) provide a summary of the estimated emissions (in tons per year) that are expected from both the construction and operation of the Project for each federal criteria pollutant in a nonattainment or maintenance area, and indicate if the nonattainment designation is moderate, serious, or severe (if applicable); (ii) 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.
- B. Compliance with the Coastal Zone Management Act: Identify whether the Project is within a coastal zone and the status of any coordination with the California Coastal Commission.
- C. Protection of Wetlands: Identify any portion of the proposed Project area that should be evaluated for wetlands or United States waters delineation by the United States Army Corps of Engineers (USACE), or requires a permit from the USACE, and identify the status of coordination with the USACE.
- D. Compliance with the Farmland Protection Policy Act: Identify whether the Project will result in the conversion of farmland. State the status of farmland (Prime, Unique, or Local Statewide Importance) in the Project area and determine if this area is under a Williamson Act Contract.
- E. Compliance with the Migratory Bird Treaty Act: List any birds protected under this act that may be impacted by the Project and identify conservation measures to minimize impacts.

- F. Compliance with the Flood Plain Management Act: Identify whether or not the Project is in a Flood Management Zone and include a copy of the Federal Emergency Management Agency flood zone maps for the area.
- G. Compliance with the Wild and Scenic Rivers Act: Identify whether or not any Wild and Scenic Rivers would be potentially impacted by the Project and include conservation measures to minimize such impacts.

Following are specific comments on the District's draft PEIR:

- 1. Page 3.1-3 states "The Pacific Ocean is located approximately 1,000 west of the Carlsbad WRF and Encina WPCF sites." Please indicate what units of measurement were intended in this sentence.
- 2. Page 3.4-35 of the PEIR states that there is a slight potential for impacts as a result of "frac-out." Please consider including a frac-out contingency plan to mitigate this potential.
- 3. Please include the date on which the USFWS, California Native Plant Society, and California Natural Diversity Database species lists were accessed and include these lists in the PEIR as they pertain to the Project area.
- 4. The cultural resources report identifies that a ¼ mile radius buffer beyond the Project site is used in the cultural resource searches. Please note that if the District is seeking CWSRF funding for the Proposed Project, a ½ mile radius beyond the Project APE will be requested.
- 5. Please include a FEMA designated 100-year flood zone map of the Project area in the PEIR.

Comment
4-2
Comment
4-3
Comment
4-4
Comment
4-5
Comment
4-6

Please provide us with the following documents applicable to the proposed Project if seeking CWSRF or other State Water Board funding: (1) one copy of the draft and final PEIR, (2) the resolution certifying the PEIR and a Mitigation Monitoring and Reporting Program (MMRP) making California Environmental Quality Act (CEQA) findings, (3) all comments received during the review period and the District's response to those comments, (4) the adopted MMRP, and (5) the Notice of Determination filed with the San Diego County Clerk and the Governor's Office of Planning and Research, State Clearinghouse. In addition, we would appreciate notices of any hearings or meetings held regarding environmental review of any projects to be funded by the State Water Board.

Thank you for the opportunity to review the District's draft PEIR. If you have any questions or concerns, please feel free to contact me at (916) 341-5855, or by email at Ahmad.Kashkoli@waterboards.ca.gov, or contact Elysar Naja at (916) 327-9117, or by email at Elysar.Naja@waterboards.ca.gov.

Sincerely,



Ahmad Kashkoli
Senior Environmental Scientist

Enclosures (3)

1. Clean Water State Revolving Fund Environmental Review Requirements
2. Quick Reference Guide to CEQA Requirements for State Revolving Fund Loans
3. Basic Criteria for Cultural Resources Reports

cc: State Clearinghouse
(Re: SCH# 2014081028)
P.O. Box 3044
Sacramento, CA 95812-3044

National Historic Preservation Act (NHPA)

Section 106 of the NHPA requires an analysis of the effects on "historic properties." The Section 106 process is designed to accommodate historic preservation concerns for federal actions with the potential to affect historic properties. Early consultation with appropriate government agencies, Indian tribes, and members of the public, will ensure that their views and concerns are addressed during the planning phase.

Historic properties (i.e., buildings, structures, objects, and archaeological sites 50 years or older) are properties that are included in the National Register of Historic Places or meet the criteria for the National Register.

Required Documents:

- ✓ A draft State Historic Preservation Officer consultation request letter; and
- ✓ A cultural resources report on historic properties conducted according to the Secretary of the Interior's Standards, including:
 - A clearly defined Area of Potential Effect (APE), specifying the length, width, and depth of excavation, with a map clearly illustrating the project APE;
 - A records search, less than one year old, extending to a half-mile beyond the project APE;
 - Written description of field methods;
 - Identification and evaluation of historic properties within the project's APE; and
 - Documentation of consultation with the Native American Heritage Commission and local Native American tribes.

ADDITIONAL INFORMATION

If your project has the potential to affect biological resources or historic properties, the consultation process can be lengthy. Please contact the State Water Board staff early in your planning process to discuss what additional information may be needed for your specific project.

Please contact your State Water Board Project Manager or Mr. Ahmad Kashkoli at (916) 341-5855 or Ahmad.Kashkoli@waterboards.ca.gov for more information related to the CWSRF Program environmental review process and requirements.



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Environmental Review Requirements

State Water Resources Control Board
Division of Financial Assistance

ENVIRONMENTAL REVIEW REQUIREMENTS

The Clean Water State Revolving Fund (CWSRF) Program is partially funded by the United States Environmental Protection Agency (EPA), and is subject to federal environmental regulations as well as the California Environmental Quality Act (CEQA). All applicants seeking CWSRF financing must comply with both CEQA and the federal cross-cutting regulations. The "**Environmental Package**" provides the forms and instructions needed to complete the environmental review requirements for CWSRF financing. The forms and instructions are available at: http://www.waterboards.ca.gov/water_issues/programs/grants_loans/srf/srf_forms.shtml.

Lead Agency/Applicant

The applicant will generally act as the "Lead Agency" for environmental review. It will prepare, circulate, and consider the environmental documents prior to approving the project. It also provides the State Water Board with copies of the CEQA documents, and a completed "**Environmental Evaluation Form for Environmental Review and Federal Coordination**" (http://www.waterboards.ca.gov/water_issues/programs/grants_loans/srf/docs/forms/application_environmental_package.pdf) with supporting documents as part of the "**Environmental Package**."

Responsible Agency/State Water Board

The State Water Board acts on behalf of EPA to review and consider the environmental documents before approving financing. The State Water Board may require additional studies or documentation to make its own CEQA findings, as well as circulate CEQA documents and other environmental reports to relevant federal agencies for consultation before making a determination about the project financing.

The Applicant must address all relevant federal agencies' comments before project financing is approved.

FEDERAL CROSS-CUTTING REGULATIONS

The CWSRF Program requires consultation with relevant federal agencies on the following federal environmental regulations, if applicable to the project:

- Clean Air Act
- Coastal Barriers Resources Act
- Coastal Zone Management Act
- Endangered Species Act
- Environmental Justice
- Farmland Protection Policy Act
- Floodplain Management
- Magnuson-Stevens Fishery Conservation and Management Act
- Migratory Bird Treaty Act
- National Historic Preservation Act
- Protection of Wetlands
- Safe Drinking Water Act, Sole Source Aquifer Protection
- Wild and Scenic Rivers Act

The following is a brief overview of requirements for some of the key regulations.

Clean Air Act (CAA)

The CAA general conformity analysis only applies to projects in areas not meeting the National Ambient Air Quality Standards or subject to a maintenance plan.

If project emissions are below the federal "de minimis" levels then:

- A general conformity analysis is not required.

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

- A general conformity determination for the project must be made. A general conformity determination can be made if facilities are sized to meet the needs of current population projections used in an approved State Implementation Plan for air quality.

- Using population projections, applicants must explain how the proposed capacity increase was calculated.

An air quality modeling analysis is necessary of all projects for the following criteria pollutants, regardless of attainment status:

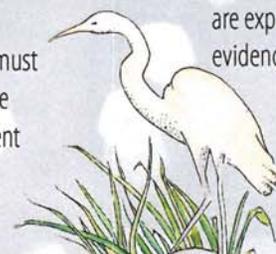
- Carbon monoxide
- Lead
- Oxides of nitrogen
- Ozone
- Particulate matter (PM2.5 and PM10)
- Sulfur dioxide

Endangered Species Act (ESA)

The ESA requires an analysis of the effects on federally listed species. The State Water Board will determine the project's potential effects on federally listed species, and will initiate informal/formal consultation with the United States Fish and Wildlife Service (USFWS) and/or the National Marine Fisheries Service, as necessary under Section 7 of the ESA.

Required Documents:

- ✓ A species list, less than one year old, from the USFWS and the California Department of Fish and Wildlife's Natural Diversity Database;
- ✓ A biological survey conducted during the appropriate time of year;
- ✓ Maps or documents (biological reports or biological assessments, if necessary); and
- ✓ An assessment of the direct or indirect impacts to any federally listed species and/or critical habitat. If no effects are expected, explain why and provide the supporting evidence.



Basic Criteria for Cultural Resources Report Preparation

State Water Resources Control Board
Division of Financial Assistance

For Section 106 Consultation with the State Historic Preservation Officer (SHPO) under the National Historic Preservation Act

CULTURAL RESOURCES REPORT

The Cultural Resources Report must be prepared by a qualified researcher that meets the Secretary of the Interior's Professional Qualifications Standards. Please see the Professional Qualifications Standards at the following website at: http://www.cr.nps.gov/local-law/arch_stnds_9.htm

The Cultural Resources Report should include one of the four "findings" listed in Section 106. These include:

"No historic properties affected"

(no properties are within the area of potential effect (APE; including below the ground).

"No effect to historic properties"

(properties may be near the APE, but the project will not have any adverse effects).

"No adverse effect to historic properties"

(the project may affect "historic properties", but the effects will not be adverse).

"Adverse effect to historic properties"

Note: Consultation with the SHPO will be required if a "no adverse effect to historic properties" or an "adverse effect to historic properties" determination is made, to develop and evaluate alternatives or modifications to the proposed project that could avoid, minimize or mitigate adverse effects on "historic properties."

RECORDS SEARCH

- A records search (less than one year old) extending to a half-mile beyond the project APE from a geographically appropriate Information Center is required. The records search should include maps that show all recorded sites and surveys in relation to the APE for the proposed project, and copies of the confidential site records included as an appendix to the Cultural Resources Report.
- The APE is three-dimensional (depth, length and width) and all areas (e.g., new construction, easements, staging areas, and access roads) directly affected by the proposed project.



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NATIVE AMERICAN and INTERESTED PARTY CONSULTATION

- Native American and interested party consultation should be initiated at the planning phase of the proposed project to gather information to assist with the preparation of an adequate Cultural Resources Report.
- The Native American Heritage Commission (NAHC) must be contacted to obtain documentation of a search of the Sacred Lands Files for or near the project APE.
- All local Native American tribal organizations or individuals identified by the NAHC must be contacted by certified mail, and the letter should include a map and a description of the proposed project.
- Follow-up contact should be made by telephone and a phone log maintained to document the contacts and responses.
- Letters of inquiry seeking historical information on the project area and local vicinity should be sent to local historical societies, preservation organizations, or individual members of the public with a demonstrated interest in the proposed project.

Copies of all documents mentioned above (project description, map, phone log and letters sent to the NAHC and Native American tribal organizations or individuals and interested parties) must be included in the Cultural Resources Report.

Contact Information: For more information related to the CWSRF Program Cultural Resources and Requirements, please contact Mr. Ahmad Kashkoli at 916-341-5855 or Ahmad.Kashkoli@waterboards.ca.gov

PRECAUTIONS

A finding of **“no known resources”** without supporting evidence is unacceptable. The Cultural Resources Report must identify resources within the APE or demonstrate with sufficient evidence that none are present.

“The area is sensitive for buried archaeological resources,” followed by a statement that **“monitoring is recommended.”** Monitoring is not an acceptable option without good-faith effort to demonstrate that no known resource is present.

If **“the area is already disturbed by previous construction”** documentation is still required to demonstrate that the proposed project will not affect “historic properties.” An existing road can be protecting a buried archaeological deposit or may itself be a “historic property.” Additionally, previous construction may have impacted an archaeological site that has not been previously documented.

SHPO CONSULTATION LETTER

Submit a draft consultation letter prepared by the qualified researcher with the Cultural Resources Report to the State Water Resources Control Board. A draft consultation letter template is available for download on the State Water Board webpage at: http://www.waterboards.ca.gov/water_issues/programs/grants_loans/cwsrf_requirements.shtml



California Environmental Quality Act Requirements

State Water Resources Control Board
Division of Financial Assistance

The State Water Resources Control Board (State Water Board), Division of Financial Assistance, administers the Clean Water State Revolving Fund (CWSRF) Program. The CWSRF Program is partially funded by grants from the United States Environmental Protection Agency. All applicants seeking CWSRF financing must comply with the California Environmental Quality Act (CEQA), and provide sufficient information so that the State Water Board can document compliance with federal environmental laws. The "Environmental Package" provides the forms and instructions needed to complete the environmental review requirements for CWSRF Program financing. It is available at:

http://www.waterboards.ca.gov/water_issues/programs/grants_loans/srf/srf_forms.shtml



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Contact Information: For more information related to the CWSRF Program environmental review process and requirements, please contact your State Water Board Project Manager or Mr. Ahmad Kashkoli at 916-341-5855 or Ahmad.Kashkoli@waterboards.ca.gov

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 generally a "Responsible Agency" under CEQA. As a "Responsible Agency," the State Water Board must make findings based on information provided by the "Lead Agency" before financing a project.

ENVIRONMENTAL REVIEW

The State Water Board's environmental review of the project's compliance with both CEQA and federal cross-cutting regulations must be completed before a project can be financed by the CWSRF Program.

DOCUMENT REVIEW

Applicants are encouraged to consult with State Water Board staff early during preparation of CEQA document if considering CWSRF financing. Applicants shall also send their environmental documents to the State Water Board, Environmental Review Unit during the CEQA public review period. This way, any environmental concerns can be addressed early in the process.

REQUIRED DOCUMENTS

The Environmental Review Unit requires the documents listed below to make findings and complete its environmental review. Once the State Water Board receives all the required documents and makes its own findings, the environmental review for the project will be complete.

- ✓ Draft and Final Environmental Documents: Environmental Impact Report, Negative Declaration, and Mitigated Negative Declaration as appropriate to the project
- ✓ Resolution adopting/certifying the environmental document, making CEQA findings, and approving the project
- ✓ All comments received during the public review period and the "Lead Agency's" responses to those comments
- ✓ Adopted Mitigation Monitoring and Reporting Plan, if applicable
- ✓ Date-stamped copy of the Notice of Determination or Notice of Exemption filed with the County Clerk(s) and the Governor's Office of Planning and Research
- ✓ CWSRF Evaluation Form for Environmental Review and Federal Coordination with supporting documents



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2.4 Letter 4: Ahmad Kashkoli State Water Resources Control Board

Response to Comment 4-1

This comment has been addressed via four separate sub-comments for each bullet in the comment letter.

Response to Comment 4-1.1

Comment Summary: In order to receive CWSRF funding for this project, additional “CEQA-Plus” environmental documentation and review will be required.

CWSRF funding will be applied for on a project-level basis. All requirements for CWSRF funding have been noted by the Coalition will be addressed in the project-level analysis if funding through this program is pursued.

Response to Comment 4-1.2

Comment Summary: Prior to a CWSRF financing commitment, projects are subject to provisions of the Federal Endangered Species Act (ESA), Fish and Wildlife Service (USFWS), and/or the United States Department of Commerce National Oceanic and Atmospheric Administration, National Marine Fisheries Service (NMFS) for any potential effects to special status species.

As described under Comment 4-1.1, all requirements for CWSRF funding will be addressed in the project-level analysis if funding through this program is pursued.

Response to Comment 4-1.3

Comment Summary: CWSRF projects must comply with federal laws pertaining to cultural resources, specifically Section 106 of the National Historic Preservation Act (Section 106).

As described under Comment 4-1.1, all requirements for CWSRF funding will be addressed in the project-level analysis if funding through this program is pursued.

Response to Comment 4-1.4

Comment Summary: Refer to list A-G for additional federal requirements under the CWSRF Program.

As described under Comment 4-1.1, all requirements for CWSRF funding will be addressed in the project-level analysis if funding through this program is pursued.

Response to Comment 4-2

Comment Summary: Page 3.1-3 states “The Pacific Ocean is located approximately 1,000 west of the Carlsbad WRF and Encina WPCF sites.” Please indicate what units of measurement were intended in this sentence.

Units of measurement have been indicated as noted in the Final PEIR (Final PEIR Chapter 3: Errata shows edits that have been made to Draft PEIR Section 3.1 Aesthetics). The statement on page 3.1-3 has been clarified to read “The Pacific Ocean is located approximately 1,000 feet west of the Carlsbad WRF and Encina WPCF sites.”

Response to Comment 4-3

Comment Summary: Page 3.4-35 of the PEIR states that there is a slight potential for impacts as a result of “frac-out.” Please consider including a frac-out contingency plan to mitigate this potential.

The Coalition has considered the inclusion of a frac-out contingency plan and has included mitigation for project components that may lead to issues related to frac-out. Mitigation Measure 3.4-3 Complete Jurisdictional Determination and Mitigation as Applicable, on page 3.4-36 of the Draft PEIR, states “If potential jurisdictional features are avoided through jack and boring and/or HDD methods, the following

measure shall be incorporated into the project... A plan to deal with potential frac-out release or other emergency shall be prepared by the contractor (or project engineer) for submittal to USACE, RWQCB, and CDFW, if requested, prior to the activities outlining the project as well as the provisions in place to avoid/contain pollutants in case of an accident (e.g., should frac-out release occur).”

Response to Comment 4-4

Comment Summary: Please include the date on which the USFWS, California Plant Society, and California Natural Diversity Database species lists were accessed and include these lists in the PEIR as they pertain to the Project area.

Specification of the dates the species lists were accessed has been included in the Final PEIR (Final PEIR Chapter 3: Errata shows clarifications that have been made to Draft PEIR Section 3.4, Biological Resources). A list of sensitive species identified by the Multiple Habitat Conservation Plan, South County Multiple Species Conservation Plan (MSCP), draft North County MSCP, California Natural Diversity Database (CNDDDB), federally or state listed as threatened or endangered under FESA or CESA, or had a CNPS California Rare Plant Rank of 2 or less, was provided in Appendix D Biological Resources Analysis.

The California Natural Diversity Database was accessed on May 27, 2014. The USFWS species account database and the California Native Plant Society Online Inventory of Rare and Endangered Plants database were also accessed on May 27, 2014.

Response to Comment 4-5

Comment Summary: The cultural resources report identifies that a ¼ miles radius buffer beyond the Project site is used in the cultural resource searches. Please note that if the District is seeking CWSRF funding for the Proposed Project, a ½ miles radius beyond the Project APE will be requested.

The radius buffer for cultural resources will be expanded in the additional project-level environmental review if the Coalition decides to seek CWSRF funding for future projects.

Response to Comment 4-6

Comment Summary: Please include a FEMA designated 100-year flood zone map of the Project area in the PEIR.

A FEMA designated 100-year flood zone map of the Project area has been included in the Final PEIR (Final PEIR Chapter 3: Errata shows a new **Figure 3.9-2** which has been added to Draft PEIR Section 3.9, Hydrology and Water Quality).

Conclusion

In summary, the Coalition would like to thank the State Water Resources Control Board for their comments. The Coalition agrees that further consideration should be taken with regard to CWSRF funding for individual projects and the comments regarding CWSRF funding will be considered at the project level if funding under this program is pursued. Clarification to address the comments specific to the Draft PEIR will be incorporated as described in the response sections.

Rosalyn Prickett

From: Kim Thorner <KThorner@olivenhain.com>
Sent: Tuesday, June 16, 2015 1:51 PM
To: Rosalyn Prickett; Scott Goldman; Joseph Randall; Mike Thornton
Subject: FW: Comments on North San Diego Water Reuse Coalition Regional Recycled Water Project Draft Programmatic Environmental Impact Report (DPEIR); SCH #2014081028

FYI

From: Kim Thorner
Sent: Tuesday, June 16, 2015 1:51 PM
To: 'Elizabeth Taylor'
Subject: RE: Comments on North San Diego Water Reuse Coalition Regional Recycled Water Project Draft Programmatic Environmental Impact Report (DPEIR); SCH #2014081028

Thank you for the comments. We will get back to you with a response through the CEQA process over the next few months. I was talking to Lani Lutar this morning and she indicated that you are the new Chair of Coastkeeper. (I think I heard that correct, but forgive me if I have it wrong.) Our Coalition will likely be meeting with Matt O'Malley in the coming month on his comment letter from Coastkeeper and maybe we can have you join in that meeting as well. We will be in touch once we have met on the comment letters with the coalition members. Kim

From: Elizabeth Taylor [<mailto:etaylor7@gmail.com>]
Sent: Monday, June 15, 2015 8:54 PM
To: Kim Thorner
Subject: Comments on North San Diego Water Reuse Coalition Regional Recycled Water Project Draft Programmatic Environmental Impact Report (DPEIR); SCH #2014081028

Dear Ms. Thorner,

As an Encinitas resident and OMWD customer, I applaud the fact that this coalition has formed to work together to advance recycled water in North County. However, I am concerned that the Draft PEIR does not adequately address the need for potable reuse and overemphasizes non-potable reuse. In a region that imports over 90% of its water from supplies that we know will be drastically diminished in the near future, we should be aggressively pursuing the highest and best use for this scarce resource. The current Draft PEIR invests significant funds toward expanding non-potable reuse infrastructure- for uses such as golf courses and HOA landscaping. These are not the highest and best use for our increasingly limited water supply. By investing in non-potable reuse today, we are impeding our ability to quickly move toward potable reuse. The technology is available, we simply lack the political will to do so. This will change as the severity of the water crisis becomes increasingly evident. Our region continues to undervalue water as a resource- as reflected in our current water usage. The coalition should adopt aggressive measures, reflected in pricing and incentives, to move toward significant water conservation and shifts in our usage patterns.

Comment 5-1

Comment 5-2

Thank you for your consideration of my comments.

Elizabeth Taylor
726 Foxglove St
Encinitas CA 92024

2.5 Letter 5: Elizabeth Taylor Private Citizen

Response to Comment 5-1

Comment Summary: The Draft PEIR does not adequately address the need for potable reuse and overemphasizes non-potable reuse.

As explained in Response to Comment 1-1, expansion of potable reuse beyond what is currently included in the PEIR is infeasible at this time. It is a priority of the Coalition to reduce potable water use and develop sustainable water supplies, including conversion to non-potable water for non-potable use. Identified non-potable demands and customers have been clarified in the Final PEIR (Final PEIR *Chapter 3: Errata* shows clarifications that have been made to Draft PEIR *Section 2.4.1 Increase in Recycled and Potable Reuse Water Demands* and *Appendix B*). Non-potable water customers would include municipal parks, recreation areas, and other community resources, whose non-potable demands are not anticipated to decrease substantially. For many reasons, including energy concerns and accountability to ratepayers, water is currently treated only to the level necessary for use.

As seen in the objectives for the Proposed Project, maximizing reuse is a priority for the Coalition, and the Coalition agrees that potable reuse is an efficient way to achieve this goal. However, given current unknown regulatory and feasibility factors for implementing potable reuse, expansion of potable reuse beyond levels explained in the Project Description is not feasible at this time.

Response to Comment 5-2

Comment Summary: The Coalition should adopt aggressive measures, reflected in pricing and incentives, to move toward significant water conservation and shifts in our usage patterns.

The demands included in the analysis are based upon demand estimates from the Coalition Partners, based on recycled water planning efforts and their knowledge of demands within their service areas. Non-potable water delivered by this project would meet existing and planned demands. Clarification of the demands has been provided herein (Final PEIR *Chapter 3: Errata* shows clarifications that have been made to Draft PEIR *Section 2.4.1 Increase in Recycled and Potable Reuse Water Demands* and *Appendix B*). Further, the Proposed Project, by including non-potable water expansion, will help the Coalition in reaching their individual 20x2020 mandates, because non-potable recycled water can be used to offset potable demands. In this manner, the Proposed Project is consistent with applicable statewide conservation standards that were in place at the time the NOP was published.

The Coalition agrees with moving toward significant water conservation and the Proposed Project will move the partner agencies in that direction by providing non-potable water for non-potable uses, thereby reducing potable water demands and helping to achieve State water conservation mandates.

Conclusion

In summary, the Coalition would like to thank Elizabeth Taylor for their comments. We are in agreement with the comments that potable reuse is a cost-effective and environmentally-beneficial water source, and are actively seeking to maximize reuse in the North County. At this time, however, there are a variety of technical and regulatory hurdles to overcome to implement the kind of large-scale and comprehensive reuse requested. The Proposed Project will allow for future potable reuse projects to be readily implemented when feasible.

3. Errata

This chapter represents changes and corrections to the PEIR. Text to be deleted from the Draft PEIR is shown in ~~strikeout~~, and text that has been inserted in the Final PEIR is shown in underline. The Executive Summary and Chapters 2, 3, 4, and 7 in the Draft PEIR address the Executive Summary, Project Description, Environmental Analysis, Alternatives and References, respectively. Although these chapters are not reprinted in this Proposed Final PEIR, changes to clarify these chapters based on public comment are identified in this chapter.

Executive Summary

Starting on page ES-5, several additions have been made to “**Table ES-1: Summary of Potentially Significant Impacts and Mitigation Measures for the Proposed Project.**” Revisions are provided in the following table:

Impact	Significance before Mitigation	Mitigation Measures	Relevant Grouping(s)	Relevant Treatment Plant(s)	Significance after Mitigation
<p>Cultural Resources Impact 2: Potential to cause a substantial adverse change in the significance of an archaeological resource</p>	PS	<ul style="list-style-type: none"> MM 3.5-2a Conduct a Phase I Archaeological Resources Assessment. Requires that a Phase I Archaeological Resources Assessment be conducted of improvement footprints to identify any archaeological resources within the footprint or immediate vicinity to support the project-level CEQA environmental document. Additional mitigation measures will be required to reduce impacts if archaeological resources are discovered. 	A, C, D, <u>E</u> , G, H, I, J, K, M, N, O	El Corazon Site, San Luis Rey WWTP and AWT, Carlsbad WRF, Gafner WRF, Encina WPCF, Meadowlark WRF and AWT, San Elijo WRF, HARRF, Escondido AWTF, Harmony Grove WRF	LTS
<p>Cultural Resources Impact 4: Potential to directly or indirectly destroy a unique paleontological resource or site or unique geologic feature. Potential to disturb any human remains.</p>	PS	<ul style="list-style-type: none"> MM 3.5-4 Cease Ground-Disturbing Activities and Notify County Coroner If Human Remains Are Encountered. Requires that if human remains are unearthed during implementation of the Proposed Project, the landowner must complete actions to comply with State Health and Safety Code Section 7050.5. 	A, C, D, E, G, H, I, J, K, M, N, O	El Corazon Site, San Luis Rey WWTP and AWT, Carlsbad WRF, Gafner WRF, Encina WPCF, Meadowlark WRF and AWT, San Elijo WRF, HARRF, Escondido AWTF, Harmony Grove WRF	LTS

Impact	Significance before Mitigation	Mitigation Measures	Relevant Grouping(s)	Relevant Treatment Plant(s)	Significance after Mitigation
<p>Greenhouse Gas Impact 3: Potential to generate greenhouse gas emissions that may have a significant impact on the environment. Result in a net increase of operational greenhouse gas emissions, either directly or indirectly, at a level exceeding 2,500 MT CO_{2e} per year.</p>	PS	<ul style="list-style-type: none"> Implement Air Quality Mitigation Measure MM 3.3-2(see above). 	See above	See above	SU

Chapter 2 Project Description

2.1 Proposed Project Objectives

On page 2-2, under “2.1 Proposed Project Objectives,” a new list has been provided, which clarifies the anticipated benefits that would accrue from implementing a project that meets the established objectives. This section has been revised as follows:

The overall purpose of the Proposed Project is to expand recycled water use within the combined service areas of the Coalition Partners. The objectives of the Proposed Project are to:

- Optimize reuse of available wastewater resources to reduce ocean discharges and offset demands for potable water supplies that are generally imported into the region;
- Proactively plan for facilities that would be needed to meet and offset projected non-potable and potable demands for existing and planned growth within the Coalition members’ service areas;
- Combine resources and work together to maximize water reuse for the Coalition members at a level beyond what each member could supply and utilize individually; and
- Increase water supply availability and reliability, and sustainability beyond existing conditions.

With implementation of the Proposed Project that meets the above-listed objectives, several benefits will accrue. Anticipated benefits include the following:

- Coordination of water reuse infrastructure planning and development among ten water and wastewater agencies;
- Increased water supply reliability for all ten agencies related to development and expansion of a local, drought-proof source of water;
- Sharing of information and facilities in order to maximize reuse of wastewater for both potable and non-potable uses;
- Expansion of wastewater treatment capacity in order to further reuse available flows;
- Reduction in wastewater discharged via ocean outfalls to the Pacific Ocean;
- Coordinated feasibility and environmental analysis related to serving existing non-potable demands, which provides basis for Federal funding pursuit; and

- Cost savings associated with construction of interconnections between agencies where water demands and supplies are in close proximity.

2.4.1 Increase in Recycled and Potable Reuse Water Demands

On page 2-13, under “2.4.1 Increase in Recycled and Potable Water Demands,” a new paragraph has been added between paragraph 1 and 2 to clarify how demands were determined, and a new paragraph was added after paragraph 3 (now paragraph 4) to clarify that with the exception of potable reuse, all demands served by this project offset existing or planned potable use. This section has been revised as follows:

As shown below in Table 2-5, estimated existing recycled water demands associated with the Proposed Project for the Coalition are 10,810 AFY. Additional existing, known demands associated with non-Coalition members may also be served by local treatment plants; however, those demands are not presented herein. Future demands for recycled water and potable reuse water associated with the Proposed Project are anticipated to increase by up to 18,808 AFY by 2025 to a total of 29,618 AFY, and by another 16,662 AFY by 2035 to a total of 46,280 AFY. Appendix B includes a table of the existing and planned recycled water and potable reuse water demands listed by each supply source (treatment plant); the demands listed in Appendix B form the basis for the groupings presented in Table 2-5 and described in detail in the following sections.

The demands in Table 2-5 were determined through an analysis of potential large recycled water customers for each of the ten Coalition agencies. The basis for this analysis was the North San Diego County Regional Recycled Water Project Feasibility Study (2012) which identified potential demands based on a combination of previous studies and staff estimates. Individual customers were identified for each of the ten Coalition agencies, and primarily represent existing potable water irrigation users with substantial demands, including but not limited to, existing golf courses, HOA common areas, parks, and business parks. Demands served by the Proposed Project that are not currently existing potable demands are developments that have already been approved or are anticipated to be approved in the near future (following appropriate water use approvals from agencies).

The estimated demands presented in Table 2-5 are based on the assumption that the “purple pipe” approach would continue to be utilized for the Proposed Project. The purple pipe approach includes use of tertiary-treated recycled water for non-potable purposes such as irrigation and industrial purposes as defined in Title 22 of the California Code of Regulations. In addition, potential changes in the current regulatory environment may make it possible that a regional potable reuse and delivery strategy can be implemented, which would significantly increase the potential demand and ability to use future available potable reuse supplies. Estimated recycled water demands included for the Proposed Project also includes this regional strategy for potable reuse. As shown in Table 2-4, it is anticipated that potable reuse will provide up to 7,940 AFY of water by 2025 and an additional 6,520 AFY of water by 2035 for a total of 14,460 AFY by 2035. The potable reuse sites in Table 2-4 are also shown in Table 2-5 within the groupings for each applicable member of the Coalition.

Future recycled water supplies would serve demands associated with irrigation in housing developments, commercial properties such as business parks, and golf courses. A portion of the recycled water demand would serve agricultural customers, mainly those who would be connected to the Easterly Main Extension through the City of Escondido and the Rincon del Diablo MWD project components. Table 2-5 shows the existing, 2025, and 2035 recycled water demands for each member of the Coalition, as well as the applicable wastewater facility that would serve those demands. Figure 2-3 shows the Proposed Project with all of its components, including potential demand at each proposed user site.

Estimated increases in future recycled water demand are primarily based on the offset of potable water use for existing non-potable uses and do not represent an increase in water consumption. In fact, regulatory requirements for use of recycled water dictate that conservation measures are in place such that no irrigation

overspray leaves the users' site. Expansion of the recycled water systems will serve available non-potable water for non-potable uses, thereby increasing recycled water demands and reducing potable water consumption.

2.4.2 Short-Term Project Components

On page 2-16, under "2.4.2 Short-Term Project Components," a new paragraph has been added between paragraph 2 and 3 to clarify the programmatic-level analysis and explain why this approach was taken vs. preparing a project-level analysis. This section has been revised as follows:

The short-term (2025) project components associated with the Proposed Project and shown in **Figure 2-3** have been grouped into various categories, which are described below and are also referenced above in **Table 2-5**. The information provided below focuses on pipeline alignments that would be required for each grouping; further details about treatment plant expansions or improvements associated with the Proposed Project are provided in Section 2.4.4. The following section also includes information about short-term potable reuse components, which are shown on **Figure 2-3**. While **Figure 2-3** shows the potable reuse sites (groundwater basins and surface reservoirs) associated with the Proposed Project, **Figure 2-3** and information provided below do not include the proposed pipelines or facilities potentially associated with potable reuse as the location of those facilities is not known at this time.

The information provided below only pertains to the groups that have short-term demands; long-term demands are included in Section 2.4.3 below and are described in limited detail for informational purposes only, because the long-term components are not part of the Proposed Project.

As described in Chapter 1, Introduction, the analysis conducted for the Proposed Project was done at a programmatic level rather than a project level. The programmatic approach was taken due to uncertainties regarding the location and specificity of operations for the short-term project components. It is anticipated that this PEIR will be used as a base document off of which project-level analyses will be tiered. This approach allows for comprehensive analysis of the Coalition's coordinated recycled water program, yet also allows the individual agencies included within the Coalition to conduct their individual project-level analysis as necessary.

Appendix B includes a table of the existing and planned recycled water demands listed by each supply source (treatment plant); the water demands listed in **Appendix B** form the basis for the groupings presented below.

Chapter 3 Environmental Analysis

3.1 Aesthetics

City of Carlsbad

On pages 3.1-2 and 3.1-3, in Section 3.1 Aesthetics, under "City of Carlsbad," paragraph two has been revised as follows:

The City of Carlsbad, located south of Oceanside, contains a diverse visual character due to its location along the Pacific Ocean and the varied topography that exists within the City. A number of roadways within the City are considered scenic because they provide vistas of the ocean, lagoons, open space, back country, and urban activities. The City of Carlsbad Scenic Corridor Guidelines (1988) identifies three tiers of scenic corridors within the City. These corridors, which provide scenic vistas, include:

- Community Theme Corridors: El Camino Real, Carlsbad Boulevard, and Palomar Airport Road

- Community Scenic Corridors: College Boulevard, Interstate 5, Cannon Road, Poinsettia Lane/Carrillo Way, Olivenhain Road/Rancho Santa Fe Road, La Costa Avenue, Faraday Avenue, and Elm Avenue
- Natural Open Space and Recreation Corridors: Adams Streets/Park Drive, Batiquitos Lane, and Jefferson Street.

Four treatment plants that are part of the Proposed Project are located within the City of Carlsbad: Carlsbad WRF, Encina WPCF, Gafner WRP, and Meadowlark WRF. The existing Carlsbad WRF is located west of Interstate 5, off Avenida Encinas. Commercial, open space, and residential uses are located to the east of the Carlsbad WRF. The Encina WPCF is located to the north of the Carlsbad WRF, and an undeveloped parcel is located to the south. Open space and Carlsbad Seapointe Resort are located to the west. The Pacific Ocean is located approximately 1,000 feet west of the Carlsbad WRF and Encina WPCF sites. The existing Gafner WRP is located off La Costa Avenue. The Gafner WRP is surrounded by a shopping center to the west, the La Costa Country Club to the north, and residential uses to the east and south. The existing Meadowlark WRF is located west of South Rancho Santa Fe Road. The Meadowlark WRF is surrounded to the north by residential uses, and open space on all other sides. However, graded lots to the west and southeast suggest new development will be built in the vicinity of the plant.

Impact 3.1-1 Potential to have a substantial adverse effect on a scenic vista

On page 3.1-14, under “Impact 3.1-4”, “Mitigation Measures,” Mitigation Measure 3.1-1a is revised as follows:

MM 3.1-1a: Restoration to Pre-construction Conditions. Disturbed areas associated with pipeline and associated below-ground facility installation shall be restored to their pre-construction conditions, to the extent consistent with pipeline operations, so that short-term construction disturbance does not result in long-term impacts. Coalition members/ contractors will coordinate with relevant agencies for applicable project work.

3.4 Biological Resources

Sensitive Plant Species

On page 3.4-8, under “Biological Resources – Special Status Species”, “Sensitive Plant Species” has been revised as follows:

Plant species with the potential to occur in the Study Area were identified using database searches (May 27, 2014) and review of the North County and South County MSCPs; focused plant surveys were not conducted. A complete list of species is provided in **Appendix D**. Two species are of particular interest due to the presence of suitable habitat:

- Nevins barberry (*Berberis nevinii*): federal endangered, State endangered, South County MSCP narrow endemic, draft North County MSCP targeted conserved, and found in scrub and chaparral
- Encinitas baccharis (*Baccharis vanessae*): federal threatened, State endangered, South County MSCP narrow endemic, North County MSCP targeted conserved, and found in southern maritime chaparral.

Sensitive Wildlife Species

On page 3.4-9, under “Sensitive Wildlife Species”, paragraph 1 has been revised as follows:

Wildlife species with the potential to occur in the Study Area were identified using database searches (May 27, 2014), and review of the North County and South County MSCPs; focused surveys were not conducted.

A complete list of species is provided in **Appendix D**. A list of species of particular interest is provided below.

3.9. Hydrology and Water Quality

Flood Hazards

*On page 3.9-8, under “Physical Environmental Setting – Hydrology and Water Quality”, “Flood Hazards” has been revised to include a new **Figure 3.9-2** that shows the 100-year flood zones within the Study Area. **Figure 3.9-2** has been included on the last page of this Errata.*

Figure 3.9-2 shows the 100-year flood zones within the Study Area.

3.17. Utilities and Service Systems

Impact 3.17-1 Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board...

On page 3.17-6, under “Impact 3.17-1”, “Mitigation Measures”, the text has been revised as follows:

Mitigation Measures MM 3.8-1 (see Section 3.8 Hazards and Hazardous Materials) shall apply to all above-ground facilities and **Mitigation Measure MM 3.9-3** (see Section 3.9 Hydrology and Water Quality) shall apply to the potable-reuse components of the Proposed Project all above-ground facilities. Both mitigation measures and shall be implemented by the lead agency for each individual project component.

Chapter 4 Alternatives

4.2.1 Alternative Selection

On page 4-1, under “4.2.1, Alternative Selection,” four additional paragraphs have been added at the end of the section as follows:

The process undertaken to select alternatives first included a discussion among the Coalition Partners to determine realistic and feasible water reuse programs that could be implemented to satisfy most of the Proposed Project objectives and meet the requirements of CEQA Guidelines §15126.6. In addition to the “No Project Alternative” required for all CEQA analyses, the Coalition Partners determined that it would be appropriate to select two additional alternatives.

Considering the existing demands for non-potable and potable water in the Study Area, the Coalition Partners indicated that if they did not implement the Proposed Project as a group, they would likely continue to develop reuse projects on an individual basis. Given that individual projects would not allow the Coalition members to maximize existing supplies on a regional basis, the Coalition indicated that this alternative would likely involve reuse at a smaller scale compared to the Proposed Project. The individual reuse projects would be similar to those described in each agency’s 2010 Urban Water Management Plan and other long-term supply planning documents, and would be implemented to meet existing and short-term demands. This project-specific alternative that does not involve collaboration among the Coalition is defined as the “No Coalition Alternative” in Section 4.2.3.

The Coalition Partners also indicated that without implementation of the Proposed Project, they would likely continue non-potable portions of the Proposed Project. Given current regulatory constraints and the fact that surface water augmentation regulations and direct potable reuse regulations have not yet been developed, on a short-term basis, the Coalition members could realistically and feasibly continue to expand existing non-potable reuse infrastructure and could wait for potable reuse regulations to be finalized to

expand potable reuse components of the Proposed Project. This project-specific alternative that does not involve potable reuse is defined as the “No Potable Reuse Alternative” in Section 4.2.4.

In accordance with CEQA Guidelines §15126.6, the Coalition Partners reviewed the proposed alternatives to ensure that they were 1) potentially feasible, 2) would feasibly attain most of the basic objectives of the project, and 3) would avoid or substantially lessen any of the project’s significant effects. The information provided in the preceding paragraphs details the feasibility of selected alternatives. Information in Section 4.3 explains the ability for each alternative to meet defined objectives for the project. The analysis provided in *Chapter 4, Alternatives Analysis* and summarized in **Table 4-1** indicates that two alternatives: the No Project Alternative and the No Potable Reuse Alternative would avoid or substantially lessen the project’s potentially significant environmental effects.

Chapter 7 References

7.16. Transportation and Traffic

On page 7-24, under “7.16. Transportation and Traffic,” reference eight has been revised as follows:

County of San Diego. ~~2004~~2015. Traffic Guidelines. ~~September~~March. Available:

http://www.sandiegocounty.gov/content/dam/sdc/dpw/PERMITS_FORMS_CHARTS_DRAWINGS_MANUALS_TEMPLATES_GUIDES/trfcguide.pdf

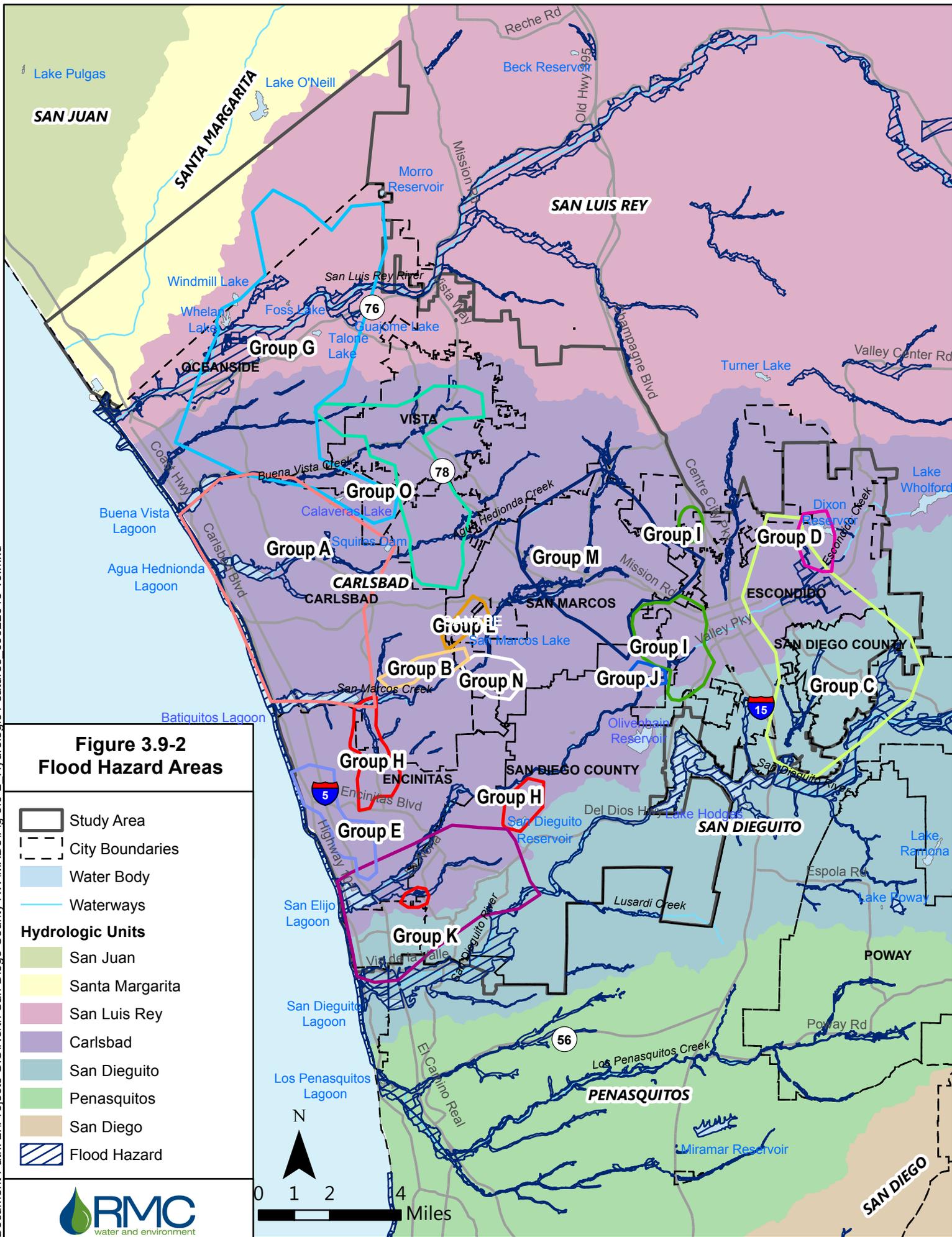
Appendix B

*Appendix B has been revised to include a new table that clarifies the individual customer demands, by Coalition agency. The revised **Appendix B** has been attached to this Errata.*

Mitigation Monitoring and Reporting Program

On page 3.1-14, under “Mitigation Measures,” the Mitigation Measure 3.1-1a is revised as follows:

MM 3.1-1a: Restoration to Pre-construction Conditions. Disturbed areas associated with pipeline and associated below-ground facility installation shall be restored to their pre-construction conditions, to the extent consistent with pipeline operations, so that short-term construction disturbance does not result in long-term impacts. Coalition members/ contractors will coordinate with relevant agencies for applicable project work.



Appendix B - Proposed Project Supply and Demand Tables

Group	Recycled Water Retailer Wastewater Treatment Plant	Existing		Planning Year 2025		Planning Year 2035		Total (Ex+ST+LT) Average Demand (AFY)	Total (Ex+ST+LT) Max Month Demand
		Average Demand (AFY)	Max Month Demand (MGD)	Average Demand (AFY)	Max Month Demand (MGD)	Average Demand (AFY)	Max Month Demand (MGD)		
	Camp Pendleton	385	0.7	0	0.0	0	0.0	385	0.7
N/A	So. Regional TTP	385	1	0	0.0	0	0.0	385	0.7
	Carlsbad MWD	4,150	6.0	1,752	2.7	1,585	2.4	7,487	11.0
A	Carlsbad WRF/Gafner WRF	1,900	3	1,752	2.7	1,398	2.1	5,050	7.8
A	Gafner WRF	250	0	0	0.0	0	0.0	250	0.4
B	Meadowlark WRF	2,000	2	0	0.0	187	0.2	2,187	2.7
	City of Escondido	771	1.4	6,870	10.3	3,035	5.4	10,676	17.1
D	Escondido AWT		0	2,200	2.0	0	0.0	2,200	2.0
C	Hale Avenue RRF	771	1	4,670	8.3	3,035	5.4	8,476	15.1
	City of Oceanside	300	0.5	4,717	6.1	4,490	5.0	9,507	11.7
N/A	El Corazon WRF		0	0	0.0	0	0.0	0	0.0
G	San Luis Rey WWTP	300	1	837	1.4	1,130	2.0	2,267	4.0
G	San Luis Rey WWTP - AWT		0	2,240	2.0	3,360	3.0	5,600	5.0
G	San Luis Rey WWTP/So. Regional TTP		0	1,640	2.7	0	0.0	1,640	2.7
	City of San Diego (Del Mar)	100	0	0	0.0	0	0.0	100	0.2
N/A	San Elijo WRF/Gafner WRF	100	0	0	0.0	0	0.0	100	0.2
	Olivenhain MWD	1,100	1.4	1,400	1.5	1,030	0.9	3,530	3.9
N/A	Meadowlark WRF	1,000	1	0	0.0	0	0.0	1,000	1.2
H	San Elijo WRF - AWT		0	1,100	1.0	1,030	0.9	2,130	1.9
H	San Elijo WRF/Gafner WRF	100	0	300	0.5	0	0.0	400	0.7
	Rincon Del Diablo MWD	3,279	3.5	920	1.3	0	0.0	4,199	4.8
I	Hale Avenue RRF	3,279	4	500	0.9	0	0.0	3,779	4.4
I	Hale Avenue RRF - AWT		0	200	0.2	0	0.0	200	0.2
J	Harmony Grove WRF		0	220	0.2	0	0.0	220	0.2
	San Dieguito WD	700	1.2	80	0.1	0	0.0	780	1.3
E	San Elijo WRF/Gafner WRF	700	1	80	0.1	0	0.0	780	1.3
	Santa Fe ID	510	0.9	1,140	1.1	1,030	0.9	2,680	2.9
K	San Elijo WRF - AWT		0	1,100	1.0	1,030	0.9	2,130	1.9
K	San Elijo WRF/Gafner WRF	510	1	40	0.1	0	0.0	550	1.0
	Vallecitos WD		0.0	1,674	2.0	2,892	3.7	4,566	5.7
L	Carlsbad WRF		0	0	0.0	454	0.6	454	0.6
M	Hale Avenue RRF		0	574	1.0	922	1.6	1,496	2.7
N	Meadowlark WRF		0	0	0.0	416	0.5	416	0.5
N	Meadowlark WRF - AWT		0	1,100	1.0	1,100	1.0	2,200	2.0
	Vista ID		0.0	255	0.4	2,600	4.1	2,855	4.5
O	San Luis Rey WWTP/Carlsbad WRF		0	255	0.4	2,600	4.1	2,855	4.5
	Grand Total with CP and Del Mar Ex.Dnd	11,295	15.9	18,808	25.4	16,662	22.5	46,765	63.8
	Grand Total without CP & Del Mar Ex. Dnd (Pr	10,810		18,808		16,662			

1. Agriculture demands served by City of Escondido and Rincon Del Diablo MWD is grouped as one demand and is defined under City of Escondido/Hale Avenue RRF (not under Rincon Del Diablo MWD/Hale Avenue RRF).

2. All flows from San Elijo WRF/Gafner WRF are NPR. The flows are allocated as follow:

- Ex: 100% by San Elijo WRF

- ST: 40% by San Elijo WRF; 60% by Gafner WRF

- LT: 100% by Gafner WRF

Info from 4/7/14 Meeting

3. In the ST, So. Regional TTP will supply 25% and San Luis Rey WWTP will supply 75% of the NPR demands. In the LT, San Luis Rey WWTP will serve 100% of the NPR demands.

Table 4-2: Grouped Projected Demands by Recycled Water Retailer

Recycled Water Retailer	Customer or Customer Group Name	Annual Demand (AFY)			
		Existing	Short-Term	Long-Term	Total Demand
Carlsbad MWD	Existing RW Customers	1,900	0	0	1,900
	Existing RW Customers	250	0	0	250
	Existing RW Customers	2,000	0	0	2,000
	Users by Existing RW line	0	878	0	878
	Carlsbad - Segment 1A Users	0	99	0	99
	Carlsbad - Segment 2 Users	0	71	782	853
	Carlsbad - Segment 3 Users	0	0	333	333
	Carlsbad - Segment 5 Users	0	454	0	454
	Carlsbad - Segment 6 Users	0	0	20	20
	Carlsbad - Segment 7 Users	0	114	0	114
	Carlsbad - Segment 8 Users (La Costa Resort Group)	0	20	0	20
	Carlsbad - Segment 9 Users	0	91	0	91
	Carlsbad - Segment 10 Users	0	0	82	82
	Carlsbad - Segment 11 Users	0	0	120	120
	Carlsbad - Segment 12 Users	0	0	41	41
	Carlsbad - Segment 13 Users	0	0	32	32
	Carlsbad - Segment 14 Users	0	0	58	58
	Carlsbad - Segment 15 Users	0	0	22	22
	Carlsbad - Segment 16 Users	0	0	10	10
	Carlsbad - Segment 17 Users	0	0	85	85
Carlsbad - Segment 18 Users	0	25	0	25	
Subtotal		4,150	1,752	1,585	7,487
City of Escondido	Existing RW Customers	771	0	0	771
	Eagle Crest Golf Course	0	0	338	338
	Escondido East Ag Block	0	4,350	0	4,350
	Escondido North Ag Block	0	0	2,250	2,250
	Escondido Users - South	0	100	0	100
	Oak Hill Memorial Park	0	220	0	220
	Wild Animal Park	0	0	447	447
	Escondido PR (Lake Dixon/Lake Wohlford)	0	2,200	0	2,200
Subtotal		771	6,870	3,035	10,676
City of Oceanside	Existing RW Customers	300	0	0	300
	Oceanside PR (Mission Basin)	0	2,240	3,360	5,600
	SLRWRP - Phase 1	0	660	0	660
	SLRWRP - Phase 2	0	590	0	590
	Morro Hills Development/SLRWRP - Phase 3	0	390	0	390
	Ocean Hills Country Club	0	277	0	277
	EC Area - Phase 1	0	560	0	560
	EC Area - Phase 2	0	0	370	370
	EC Area - Phase 3	0	0	110	110
	EC Area - Phase 4	0	0	230	230
	EC Area - Phase 5	0	0	420	420
Subtotal		300	4,717	4,490	9,507

Table 4-2: Grouped Projected Demands by Recycled Water Retailer

Recycled Water Retailer	Customer or Customer Group Name	Annual Demand (AFY)			
		Existing	Short-Term	Long-Term	Total Demand
Olivenhain MWD	Existing RW Customers	1,000	0	0	1,000
	Bridges Golf Course	0	0	0	0
	Village Park	100	285	0	385
	OMWD Private Customers	0	15	0	15
	Olivenhain PR (San Elijo Valley Basin)	0	550	515	1,065
	Olivenhain PR (San Dieguito Basin)	0	550	515	1,065
Subtotal		1,100	1,400	1,030	3,530
Rincon Del Diablo MWD	Existing RW Customers	3,279	0	0	3,279
	Valiano Development/Agriculture	0	200	0	200
	Escondido Country Club	0	70	0	70
	Harmony Grove Meadows Development	0	80	0	80
	Rincon Business Park	0	150	0	150
	Rincon DDMWD PR (Escondido Valley Basin)	0	200	0	200
	Harmony Grove	0	220	0	220
Subtotal		3,279	920	0	4,199
Santa Fe ID	Existing RW Customers (SFID)	510	0	0	510
	Existing RW Customers (San Dieguito)	700	0	0	700
	Rancho Santa Fe Golf Course	0	0	0	0
	SFID HOAs	0	40	0	40
	SEJPA/SDWD Demand	0	80	0	80
	SFID PR (San Dieguito Reservoir)	0	1,100	1,030	2,130
Subtotal		1,210	1,220	1,030	3,460
Vallecitos WD	VWD 1	0	274	0	274
	VWD 2	0	0	305	305
	VWD 4	0	0	257	257
	VWD 5	0	0	150	150
	VWD 8	0	0	147	147
	VWD 9	0	0	63	63
	VWD Future Development	0	300	0	300
	VWD 6	0	0	220	220
	VWD 7	0	0	196	196
	VWD 3	0	0	454	454
	Vallecitos WD PR (San Marcos Basin)	0	1,100	1,100	2,200
Subtotal		0	1,674	2,892	4,566
Vista ID	Shadowridge Golf Course (Carlsbad Segment 4A)	0	255	0	255
	VID 2	0	0	950	950
	VID 4	0	0	490	490
	VID 5	0	0	440	440
	VID 1	0	0	620	620
	VID 3	0	0	100	100
Subtotal		0	255	2,600	2,855
Total		10,810	18,808	16,662	46,280

1. Agriculture demands served by City of Escondido and Rincon Del Diablo MWD is grouped as one demand and is defined under City of Escondido/Hale Avenue RRF (not under Rincon Del Diablo MWD/Hale Avenue RRF).
2. Morro Hills/SLRWRP Phase 3 is served in the ST by So. Regional TTP and in the LT by San Luis Rey WRP.
3. The Maximize Potable Reuse Scenario was chosen from San Elijo WRF; therefore SFID and OMWD non-potable customers have zero demand