

May 5, 2009

Mr. David Cuneo  
Senior Environmental Specialist  
Sonoma County Water Agency  
404 Aviation Boulevard  
Santa Rosa, CA 95403

Dear Mr. Cuneo,

This letter addresses both inadequate responses to comments and changed conditions pertaining to the supply of wastewater hypothetically assumed to be available for the NSCARP project.

#### FAILURE TO ADEQUATELY RESPOND TO COMMENTS RE: AVAILABLE WASTEWATER

Numerous comments (among them T-7, T-9, V-2, X-17, X-18, Z-2, AB-4, AB-5, AB-9, AB-10, AB-11, AG-5, and AQ-3 and AQ-4) pointed out that Santa Rosa's Incremental Recycled Water Master Plan (IRWP), developed in 2004, has allocated the Subregional System's wastewater flows to other projects, including Urban Reuse and Geysers Recharge. This would leave no surplus wastewater for the NSCARP Project.

The primary responses from the SCWA are found in Master Response 13 ("MR 13"). These responses are totally inadequate. In fact, to a substantial degree they underscore the fact that there is little or no wastewater committed to NSCARP from any source. MR 13 only talks about potential sources of wastewater for NSCARP as of March 20, 2007 (DEIR date). It doesn't say one word about any actual commitments to supply one drop of wastewater for NSCARP.

A statement in a draft EIR/EIS for Santa Rosa's IRWP that the City had identified the possible use of wastewater for agricultural irrigation in Northern Sonoma County as a project alternative does not translate to a commitment to provide any wastewater for the NSCARP project.

As Fred Corson commented in AB-9, the DEIR presented no credible sources for the wastewater required to make NSCARP even arguably viable. Nothing has been added to the FEIR to change that.

The statements in MR 13 are misleading and omit some key facts:

The fact is that since the DEIR/EIS was issued on March 20, 2007, Santa Rosa has shown absolutely no interest at all in supplying its wastewater for Ag uses in Northern Sonoma County. Instead, the City has given priority to projects like urban reuse which provide 100% potable water offset. It has also selected

projects like Geysers recharge which have a much lower unit cost than agricultural reuse. See Santa Rosa IRWP Master Plan Draft EIR, page 2-6.

The IRWP Master Plan examined three different areas for possible agricultural reuse: City-owned farms on the Santa Rosa plain, lands east of Rohnert Park, and northern Sonoma County. After studying each of these options, the Master Plan concluded that if irrigation were ever to be expanded, City-owned farms would be the most cost-effective option since the distribution infrastructure is already in place. East of Rohnert Park would be the second choice, and North County the last choice because it is the most expensive. (see Table 8, IRWP Master Plan Update, August 2007 [http://ci.santa-rosa.ca.us/doclib/Documents/ut\\_irwp\\_MP\\_DEIR\\_2007\\_August\\_Update\\_Master\\_Plan.pdf](http://ci.santa-rosa.ca.us/doclib/Documents/ut_irwp_MP_DEIR_2007_August_Update_Master_Plan.pdf))

The portfolio of IRWP selected projects fully allocate the projected supply of wastewater which is available in all years, both wet and dry. The surplus wastewater in wetter years is reserved for river discharge, since it cannot be reliably or economically provided to farmers and does not help them cope with drought. Santa Rosa has reduced discharge quantities to zero in drier years. See IRWP Update from Mark Millan, Public Information Coordinator, Dec. 21, 2007, and Discharge Compliance Project Draft EIR Presentation to Board of Public Utilities, April 3, 2008.

Santa Rosa's certified Final EIR (September 2008) for its Discharge Compliance Project conflicts with NSCARP's assertion of available wastewater supply. This is significant new information which requires renote and recirculation of the EIR.

From Response to Comment 403-50:

“The City's IRWP Master Plan indicates that it has no plans to provide the quantities of recycled water SCWA is assuming. In fact, the City's IRWP Master Plan indicates that all recycled water flows have been allocated to uses other than NSCARP, and no additional recycled water is available to provide to NSCARP.”

#### CHANGED CONDITIONS – IRWP MASTER PLAN UPDATES

Comments in the Draft EIR pointed out the inconsistencies between NSCARP and the original 2004 version of the IRWP Master Plan. Since the release of the Draft EIR, there have been two updates to the Master Plan – in March 2007 (to add the Urban Reuse Project) and in August 2007 (to add the Geysers Expansion Project). Fred Corson's October 19, 2007 letter (copy attached) to Randy Poole (SCWA General Manager) highlighted these significant changed conditions and requested that the EIR be revised and recirculated. The Water Agency never responded to this request, nor was this new information included in the FEIR released five months later.

## CHANGED CONDITIONS – WINDSOR

In November 2008, the Windsor Town Council amended its Water Reclamation Master Plan to include its own Geysers Recharge Project. This change has two significant impacts on NSCARP: the assumed wastewater supply from Windsor is no longer available; and Windsor's need for additional storage capacity has been postponed far into the future. See Windsor Town Council Meeting Minutes, November. 5, 2008.

Windsor has contracted with Santa Rosa to provide some of its wastewater for Geysers Recharge over the next 30 years, with annual volumes growing from 193 MG to 455 MG. This new utilization of 455 MG (1396 acre-feet) is more than the 1184 acre-feet cited in the Draft Feasibility Study as potentially available to NSCARP from the Town of Windsor. See Addendum to Town of Windsor Master Reclamation Plan for Treatment, Storage, and Disposal EIR, October 2008, page 2-3, <http://www.ci.windsor.ca.us/DocumentView.aspx?DID=1374&DL=1>

Town Manager Matt Mullan is quoted in the Press-Democrat (Nov. 7, 2008): “Mullan said the Geysers alternative will enable Windsor to put the storage project on hold for up to 15 years.” The Council preferred immediate implementation of the Geysers project, with the later implementation of the Eastside Road Storage Project to construct reservoir T1, which is incorporated by reference in the NSCARP FEIR. This is driven by cost considerations – the Geysers project costs \$15.8M and the storage pond \$35M.

In spite of Windsor postponing construction of its Pond T1, Table 2-6 of the NSCARP Final EIR states (in a note): “The Town of Windsor has committed to store 764 af of water in its reservoirs for the NSCARP project.” The source for this statement is unclear. The May 17, 2007 comment letter from Richard W. Burt, Windsor Public Works Director/Town Engineer, says only that “we are supportive of the goals and related benefits of NSCARP” and “a possible storage site on the Eastside Road Storage Project property should be mentioned in your document”.

Furthermore, Table 2-6, which shows the estimated cost for all NSCARP reservoirs, shows no cost for the Windsor reservoir. Clearly this is unrealistic. If NSCARP were to use 100% of the storage space in Windsor's pond, NSCARP should be allocated 100% of the \$35M cost.

## CONCLUSION

The NSCARP Final EIR's response to comments about the possible supply of wastewater is completely inadequate. No wastewater has been committed to the NSCARP project, and the lead agency only controls a tiny fraction of the hypothetical supply. Furthermore, the FEIR ignores significant changes in conditions resulting from wastewater management decisions by both Santa Rosa and Windsor.

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Sincerely,

A handwritten signature in black ink, appearing to read "D. Ring". The signature is fluid and cursive, with a large initial "D" and a long, sweeping tail.

David Ring

Vice Chair, Clean Water Coalition of Northern Sonoma County