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COUNSEL OF
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December 21, 2009

Camille Leung, Planner III
Planning and Building Department
County of San Mateo
455 County Center, Second Floor
Redwood City, CA 94063

**Re: Granada Sanitary District Responsible Agency Comments on DEIR
and Proposed Wastewater-Related Mitigation Measures for Big Wave
Wellness Center and Office Park**

Dear Ms. Leung:

This comment letter follows and supplements the Granada Sanitary District (“District” or “GSD”) October 30, 2009 Initial Comment Letter on the Draft Environmental Impact Report (“DEIR”) for the Big Wave Wellness Center and Office Park Project (“Project”). The main purpose of that October 30, 2009 letter was to formally object to the DEIR’s failure to treat the District as a Responsible Agency under the California Environmental Quality Act (“CEQA” Pub. Res. Code §21000 *et seq.*). That objection is renewed here.

We also note that since our initial comment letter, a recent published appellate court decision by the First District Court of Appeal has reaffirmed the requirement for a lead agency to accord responsible agencies the status to which they are entitled under CEQA during the environmental review process. *Schellinger Brothers v. City of Sebastapol* 2009 Cal. App. LEXIS 1928 (Cal. App. 1st Dist. Dec. 2, 2009); Slip Op. at p. 11; Pub. Res. C. § 21153, subd. (a)..

Even more importantly for the processing of the Big Wave application, *Schellinger Brothers* holds that the County (as lead agency) is not precluded from taking longer than one year from the date of filing a project application to finalize and certify an EIR, particularly where, as here, the [lead agency] was facing a project application that may not have been well enough defined ‘to provide meaningful information for environmental assessment.’ [Citations].” See, Slip. Op. p. 25. **At least with regard to wastewater matters, the Big Wave project is not well enough defined to provide meaningful information for environmental assessment.** Indeed, the project description does not comply with the CEQA requirement that it be consistent and stable. Thus, in order to comply with CEQA and to enable GSD to address wastewater aspects of

the proposed project as a responsible agency, the County should require the Applicant to address the significant issues raised by GSD (and to identify in the DEIR GSD and others (particularly the SFRWQCB) who should have been accorded status as Responsible Agencies. Thereafter, the County should recirculate the DEIR for comments if and when the deficiencies have been addressed and all responsible agencies have been properly identified and accorded their rights under CEQA.

Notwithstanding the objections outlined above, the District submits the following additional comments on the Big Wave Project DEIR and submits Proposed Wastewater-Related Mitigation Measures to the very limited extent feasible given the lack of necessary information, consistency, and sufficient description of the project contained in the DEIR.

The proposed Project is required to obtain a sewer connection permit to connect to the District's sewer system.

The proposed Project is located within the District's jurisdictional boundary and would therefore be required to connect to the District's sewer system in accordance with District Ordinance. *See*, District Ordinance Code, particularly Sections 500 and 501¹. The DEIR acknowledges this fact at Page IV.N-16, as follows:

Impact UTIL-3 Granada Sanitary District Regulations

The proposed project lies within the designated Urban Zone of the service area of the Granada Sanitary District, a local wastewater permitting agency. The District Wastewater Ordinance covers the use of private wastewater systems (i.e., onsite septic systems) as well as connections to the public sewers owned and maintained by the District. According to District Ordinance (Section 501) the Big Wave project site, which lies within the Urban Zone of the District, would be required to connect to public sewer and would not be permitted to operate a private onsite wastewater system. Therefore, the wastewater plans for the project are in conflict with the District Ordinance. While to date no efforts have been made to resolve this regulatory conflict, the project would be required to comply with all applicable requirements of local permitting agencies. Therefore, this is a ***less-than-significant*** impact and no mitigation measures are required. (Underline added).

Despite acknowledging that Big Wave would be required to connect to the District public sewer and would not be permitted to operate a private onsite wastewater system under current District regulations, the DEIR proposes the construction and operation of an

¹ *See, also* Regional Water Quality Control Board Resolution 81-9 IX.(D), providing, in part, "That no disposal facilities shall be permitted where the County, City ***or District*** has adopted an ordinance compelling sewer connection and the public sewer is available in accordance with the terms of the ordinance

onsite wastewater system. *See, generally, DEIR p. IV.N-11 – N.13.* A project results in a significant impact on the environment where it conflicts with any applicable land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect, as stated in the Guidelines for the Implementation of the California Environmental Quality Act, Cal. Code Regs., tit. 14, appen. G, § IX, subd. (b). *See Pocket Protectors v. City of Sacramento* (2004) 124 Cal. App. 4th 903. Hence this conflict is a significant impact and cannot be found to be a less-than-significant impact as stated in the DEIR since this regulatory conflict has not been resolved (indeed, as the DEIR states, the Applicant has made no efforts to resolve such conflict).

The District Ordinance code is replete with regulations adopted for the purpose of avoiding or mitigating environmental effects. The DEIR fails to provide adequate information or analysis to enable GSD to evaluate whether the Big Wave Project conflicts with a substantial number of these regulations. The District is of the opinion that the Project may conflict with at least some of such regulations and that mitigation measures will be required.

One example of the foregoing is District Ordinance No. 146 (Code Sections 602 and 603) which precludes GSD from issuing a sewer connection permit for: **“any proposed dwelling unit not included in buildout calculations under the County of San Mateo Local Coastal Program**, unless a variance is obtained..

(1)

Page IV.N-14 of the DEIR identifies another impediment to the proposed private onsite treatment facility. Since it would be classified as a “community wastewater system,” the DEIR cites to legal authority that a public entity would be required to own and operate the facility per Regional Water Quality Control Board regulations. However, the Applicant has not approached the District regarding securing such an agreement.

Finally, it should be noted that the Project is located within GSD’s voter-approved Assessment District. Thus, the Project will still be subject to all fees and regulations associated with that Assessment District, including the assessment of a Contingent Assessment for each Equivalent Residential Unit of flow generated by the project and a Noncontingent Assessment for each ERU over and above assessments currently made against the Big Wave property.

The Big Wave Project may or may not need variance(s). It may or may not need additional mitigation measures. It may or may not need changes in the District Ordinance Code. The District cannot make the necessary determinations regarding the above because inadequate information has been provided in the DEIR.

It is the District's position that the issue of how the Project will dispose of its wastewater needs to be resolved prior to the close of the comment period on the DEIR so that:

- (1) the DEIR can be revised to address a clearly defined project and County decision-makers can know what they are considering and can make an informed decision on this important issue.
- (2) The District can prepare adequate Wastewater-Related Mitigation Measures; and
- (3) The District can comment on the DEIR in a meaningful way.

There are a number of potential wastewater-related environmental impacts which may result from the Big Wave Project, but which the DEIR fails to address at all or addresses inadequately. These include, but are not limited to: increasing wet weather sanitary sewage overflows ("SSOs") the serious health and safety nature of which has been identified by the U.S. EPA in its August 2006 Report on NPDES Compliance; and the disposal of wastewater in leachfields near the coast and with high groundwater..

**GSD'S BEST ATTEMPT TO MAKE COMMENTS AND
PROPOSED MITIGATION MEASURES
IN LIGHT OF INADEQUACY OF DEIR**

In the event that the comment period on the DEIR closes on December 24, 2009, and for some reason revision and recirculation of the DEIR is not required², the District submits the following questions, comments and proposed mitigation measures on the DEIR for this Project as to matters within GSD's jurisdiction:

1. *Will the project description be revised to require that the Project be hooked up to the District's public sewer system? If not, will the resulting conflict with District regulations be identified in the EIR as a significant environmental impact and analyzed as such? If not, why not?*
2. *If the conflict described in item #1 above remains, and is treated as anything but a "less-than-significant" environmental impact, will the DEIR be revised to provide such information to the public, and, if so revised, will the DEIR be recirculated and a new 30 day comment period provided?*

Will the DEIR be revised to analyze all requirements for obtaining a sewer connection permit from the District (including required findings and any potential impacts from complying with foreseeable conditions of approval and mitigation

² Because of the major inadequacies of the DEIR and the failure of the DEIR to accord Responsible Agency status to the District, the District submits its comments and proposed Mitigation Measures under protest and reserves the right to submit additional or revised comments and proposed Mitigation Measures within a reasonable time after the needed information is provided to it and it is accorded Responsible Agency status.

measures) and necessary amendments to District Ordinances (if any) to enable granting of such sewer connection permit for the Project? If not, why not?

3. **Proposed Mitigation Measure.** *GSD requests that the EIR include a mitigation measure requiring the Applicant to connect to the District's public sewer system for all wastewater generated by the Project, and to obtain all required permits for connection. Alternatively, the Applicant may request an amendment to the District Ordinance Code authorizing an alternative wastewater collection, transmission, treatment and disposal system and obtain approval of any related permits for such alternative system. No such request has been received by the District and such an amendment would require compliance with CEQA and all applicable clean water laws.*

4. *If the Project still includes a private onsite alternative wastewater collection, transmission, treatment and disposal system, will the DEIR take the position that the Applicant must obtain a permit for same from the District and all other agencies having jurisdiction and will the DEIR be revised to analyze all impacts of the system and all requirements for obtaining a private wastewater disposal system from the District (including required findings and any potential impacts from complying with foreseeable conditions of approval and mitigation measures) and necessary amendments to District Ordinances (if any) to enable granting of such private wastewater disposal system for the Project? If not, why not?*

If the Project still includes such a private onsite alternative system, will the DEIR analyze how the operation would potentially impact water quality in coastal waters and coastal resources in the wetlands and other environmentally sensitive habitat areas (ESHA) on site and nearby? If not, why not?

*If the Project still includes such a private onsite alternative system, will the DEIR consider and analyze any such alternative system in light of the attached scientific paper recently published in the journal *Limnology and Oceanography*,³ which appears to present compelling evidence that septic tanks near coastal waters in Northern California may leak nitrates and phosphates into the ocean triggering unhealthy algal blooms? If not, why not?*

5. **Proposed Mitigation Measure.** *GSD requests that the EIR include a mitigation measure requiring that if the Project still lawfully includes a private onsite alternative wastewater collection, transmission, treatment and disposal system, the Applicant will have to:*

³ "Submarine Discharge of nutrient-enriched fresh groundwater at Stinson Beach, California is enhanced during neap tides", by Nicholas R. de Sieyes, Kevan M. Yamahara, Blythe A. Layton, Elizabeth H. Joyce, and Alexandria B. Boehm, Environmental Water Studies, Department of Civil and Environmental Engineering, Stanford University, Stanford, California 94305-4020.

- (a) obtain all required permits for such alternative system (including but not limited to a Private Wastewater Disposal System Permit from the District;
- (b) actually construct and operate such alternative system for that portion of the wastewater generated by the Project shown by the final Project Description to be transmitted to such alternative system
- (c) Construct and operate such system in a manner reducing all environmental impacts to a level of less than significant; and
- (d) comply with any and all conditions of approval and mitigation measures imposed by every agency having jurisdiction with respect thereto.

The Project Description as to Wastewater Collection, Transmission, Treatment and Disposal Violates CEQA Because such Description is Not Finite, Consistent, and/or Stable

One of the important requirements of CEQA is that the project description not be confusing, shifting, or open-ended. This is to ensure that project impacts are analyzed properly and accurately. “An accurate, stable and finite project description is the *sine qua non* of an informative and legally sufficient EIR.” *County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185, 193. CEQA also requires the City to analyze the “whole of an action.” 14 C.C.R. § 15378. The DEIR fails to meet CEQA’s mandate in this respect.

The *Schellinger Brothers* case cited above speaks directly to this issue stating that because practical realities must be acknowledged, the constantly changing scope and contents of the project meant that the City was facing a project application that may not have been “well enough defined ‘to provide meaningful information for environmental assessment.’” (*Save Tara v. City of West Hollywood, supra*, 45 Cal.4th 116, 135, 139, quoting CEQA Guidelines § 15004(b).) *Schellinger Brothers v. City of Sebastopol, supra*, Slip Op. at p. 25.

In this case, the applicant’s analysis of how it will deal with sewer utilities issues is likewise contradictory and inconsistent. One example of inconsistency is the **January 1, 2009 Facilities Plan Draft II** emphatically states that: “During wet period, we will discharge into the sanitary sewer system” yet does not list a GSD sewer connection permit as a required permit in Section 15.0 at page 128. In addition, the **April 2009 Vesting Tentative Parcel Map** lists the Granada Sanitary District as the Sanitary Sewer Utility, but also shows plans for an onsite treatment system. Likewise, the **October 22, 2009 DEIR** acknowledges that the project is required to connect to the sewer under District Ordinance, but elsewhere asserts that the Applicant had not conceded that GSD necessarily possesses all of the regulatory authority that GSD asserts over the project. Finally, a **November 6, 2009 E-mail** from Big Wave Group representative Scott Holmes indicated that “the project will have one owner for the Wellness Center and one to multiple owners for the commercial properties. The commercial properties’ 70% of the estimated flow will most likely connect to GSD if connections are available. If not we

will pursue onsite treatment.” Yet this statement appears to be in direct conflict with the *November 18, 2009 County Staff Report* which states that “[t]he applicant proposes to use an on-site wastewater treatment plant with disposal through agricultural irrigation, recycling (use in toilet flushing and landscaping), and infiltration. . . . As a secondary option, the project, which is within the boundaries of the Granada Sanitary District (GSD), would connect to the GSD for discharge and treatment of sewage and sludge.” (underline added).

These inconsistencies and contradictions in the DEIR with respect to the wastewater system make lawful and adequate environmental review unachievable at this time. Similar to the *Schellinger Brothers*, a significant portion (indeed in the case of Big Wave the entirety) of the confusing, shifting, open-ended, inaccurate, unstable and nonfinite project description is solely attributable to Big Wave. For more than a year GSD has communicated in writing its request for Big Wave to meet with the District General Manager to discuss the wastewater system and connection to the District’s public sewer system. GSD provided Big Wave with copies of its various communications to the County regarding same, which communications explained GSD’s needs for additional information from Big Wave and much of how the wastewater issues would be analyzed. The only contact made by Big Wave to the General Manager was a 15 minute phone call in early November of 2009 in which Big Wave continued to be unable or unwilling to provide much of the information needed by the District.

Big Wave’s inadequate project description precludes GSD from providing meaningful comments on the DEIR and proposed mitigation measures as a Responsible Agency under CEQA.

Finally, the lack of a finite project also inhibits informed self government. 14 CCR § 15090, subd.(a) provides:

The EIR is also intended “to demonstrate to an apprehensive citizenry that the agency has, in fact, analyzed and considered the ecological implications of its action.” [Citation]. Because the EIR must be certified or rejected by public officials, it is a document of accountability. If CEQA is scrupulously followed, the public will know the basis on which its responsible officials either approve or reject environmentally significant action, and the public, being duly informed, can respond accordingly to action with which it disagrees. [Citation]. The EIR process protects not only the environment but also informed self-government.

Laurel Heights Improvement Assn. v. Regents of University of California (1988) 47 Cal.3d 376, 392; *see also* 14 CCR § 15003. Because the County, through its Board, must find the DEIR to be adequate and comply with CEQA, and determine that it reflects its independent judgment, the Applicant’s failure to provide a legally adequate project description for the DEIR requires a revised DEIR containing a finite and stable project as

required by CEQA, at which time the Revised DEIR should be recirculated for public comment.

6. *What is the actual Project that GSD should be commenting on and proposing mitigation measures to? Specifically, does the Applicant propose to connect to the sewer system, or build on onsite system, or both? If the Applicant proposes both, how many gallons per day would be allocated to each? When does the Applicant plan on resolving the “regulatory conflicts” identified in the DEIR with respect to whether the Applicant is required to obtain a sanitary sewer connection and ownership of the proposed onsite treatment system? Will the Project Description be revised to be consistent with the Vesting Tentative Maps filed with the County and clearly define in a consistent and stable manner how and to what extent the wastewater generated will be collected, transmitted, treated and disposed of? If not, why not?*

There is no new Miramar Pump Station being designed.

At page IV.N-3 the DEIR states:

A new Miramar Pump Station is being designed to pump sewage from Miramar directly to the SAM gravity main that runs to the treatment plant. When implemented, this will reduce the pumping demand on the El Granada Pump Station and provide improved capacity for wet weather flows.

The District is not aware of any plans for a new Miramar Pump Station. Nor is there an “El Granada” Pump Station. Instead, the existing Naples Beach Pump Station will have its forcemain re-routed directly to the Sewer Authority Mid-Coastside (“SAM”) Intertie Pipeline which runs to the treatment plant. This will reduce the flow going to the SAM Portola Pump Station.

7. *Given the erroneous assumption that there will be a new Miramar Pump Station which will reduce demand on the Portola Pump Station, will the DEIR be revised to contain accurate information and analysis of the environmental impacts based thereon and recirculated thereafter? The DEIR should be revised to indicate that there is a Naples Beach Pump Station project planned to direct flow to the Sewer Authority Mid-Coastside Intertie pipeline instead of to the Portola Pump Station. ?*

The question of GSD and SAM’s sewer capacity for flow from the entire development must be determined.

At page IV.N-9, the DEIR states that “[t]his document is not intended to resolve regulatory authority, but if it is ultimately determined that GSD will serve or may serve the project, the applicant will need to secure a determination that the GSD has sufficient

capacity to serve the project.” As previously discussed, the Project will be required to obtain a sewer connection permit from the District, thus the Revised DEIR will need to analyze (with complete input from GSD and SAM) whether the District and SAM have capacity for wastewater flow generated by the Project. Will the foregoing be done and if not, why not?

8. ***Proposed Mitigation Measure.*** *The Project should include a mitigation measure that Big Wave will obtain all requisite permits to construct any and all necessary infrastructure capacity improvements to the District’s and SAM’s sewer capacity in order for the District’s system to be able to accept wastewater flow from the entire project, including the additional capacity of the 8" sewer main proposed in Stanford Ave and at the Princeton Pump Station. Such improvements must be engineered to be adequate to prevent wet weather sewage overflows being caused in part by the wastewater generated from the Project.*

The DEIR fails to address impacts to SAM’s flow capacity.

At Page IV.N-15, the DEIR discusses potential impacts to Wastewater Collection System Capacity. However, there is no discussion of the SAM transmission capacity in this section, *i.e.* the Portola Pump Station and the Intertie Pipeline.

9. *See, Proposed Mitigation Measure identified in #8, above.*

The DEIR contains numerous inconsistent statements regarding wastewater and recycling flow figures and does not provide an adequate basis for the figures used.

At page IV.N-18, the DEIR discusses wastewater and recycling water flow estimates as follows:

As discussed under Water Supply Impact UTIL-8, the projected volume of wastewater recycling for toilet flushing appears to have been overestimated by the project applicant. The applicant estimates that approximately 16,000 gpd of recycled water will be used for toilet flushing at the Office Park and Wellness Center. Per the discussion under UTIL-8, the corrected estimate of water for toilet flushing could be two-thirds this amount. The estimates of toilet flushing flows have been used by the applicant to estimate: (a) the amount of recycled water available for irrigation uses; and (b) the total amount of wastewater flow to be disposed of by other means (*i.e.*, leachfield beds) during the winter non-irrigation period. As a consequence of overestimating the toilet flushing flows, further analysis is needed to determine whether or not there are sufficient irrigation areas and necessary capacity in the drain fields for the corrected (larger) amount of wastewater flow. This is a ***potentially significant*** impact.

This discussion highlights the District's earlier comments about overstated toilet flow. See, comments 13, 14 and 15, above. It then states that further analysis is needed to determine whether the Project can actually dispose of the surplus wastewater flow. It is not possible for the District to comment on an analysis and possible mitigation measure or solution that has not yet been completed.

10. *How can the District provide meaningful comments and mitigation measures when the Project's analysis of wastewater flows appear to lack any basis and are otherwise inconsistent and incomplete? Will a Revised Draft EIR be prepared to include consistent and complete analysis of wastewater flow? If not, why not?*

The DEIR contains inconsistent statements regarding the proposed Project's cumulative impacts to sewer infrastructure.

At page IV.N-20, the DEIR addresses cumulative project impacts as follows:

By providing a self-contained onsite wastewater treatment, recycling and disposal system, the project will not add to the demand for wastewater treatment capacity at the SAM facility, and will, therefore, not contribute to cumulative wastewater treatment impacts. However, since the project will rely on the regional wastewater system for periodic or short-term emergency and surplus wet weather flows, the project will contribute to cumulative impacts on Granada Sanitary District and SAM collection system. This is a potentially significant cumulative impact, since bottlenecks and infiltration and inflow in the sewage collection system has [*sic*] been a chronic source of wet weather sewage overflow problems in the recent past and is the subject of continuing corrective efforts by SAM and its member agencies. By having to rely on the SAM sewer system as a wet weather contingency, the project has the potential to impact the SAM and GSD collection systems already fully loaded and strained.

As previously stated, the proposed Project will be required to obtain a permit for sewer hook-up from the District. Nevertheless, assuming an onsite wastewater treatment facility is constructed and operated, the DEIR's statement that the Project will "not add to the demand for wastewater treatment capacity" contradicts the statement in the last sentence of the paragraph: "...the project has the potential to impact collection system flows during the most vulnerable times."

11. *See, Proposed Mitigation Measure identified in #8, above.*

The DEIR does not set forth an adequate basis for its Wastewater flow estimates.

At Page IV.N-5, the DEIR indicates that wastewater flows for the Project are estimated to be approximately 26,000 gpd and that the facilities would be permitted and governed by the requirements of the Regional Water Quality Control Board (“RWQCB”). However, there is no clear, adequate breakdown of the flows generated from the project to allow the District to analyze whether this flow number is correct.

12. *Additional information is needed to adequately analyze the flow estimates in the DEIR. For example, what is the basis for flow figures shown for food service/catering, laundry, fitness center and dog grooming? Will flow estimates and the basis for these estimates be provided for a Revised DEIR quantified as to each use and the proposed intensity thereof? If not, why not?*
13. *Was the RWQCB, also a CEQA Responsible Agency, identified as a Responsible Agency in the DEIR and accorded its legal rights as such (including (without limitation) being provided with a Notice of Availability so that it could comment on the DEIR? If not, why not?*

Assuming an alternative private onsite wastewater system is lawfully constructed, the recycled water should comply with all federal, state and local recycled water and greywater regulations.

At page IV.N-7, the DEIR indicates that recycled water for toilet flushing and unrestricted landscape irrigation requires “disinfected tertiary recycled water”. Among other things, this requires that, following secondary (biological) treatment, the oxidized wastewater must be filtered and disinfected by an approved process.

14. *Does the Project intend to comply with federal, state and local recycled water and greywater laws and regulations? If so, a Revised DEIR should be prepared to describe applicable laws and regulations and also indicate how the Applicant proposes to ensure that the required standards are to be met. Thereafter the Revised DEIR should be recirculated for public and agency comment, including comment by GSD and RWQCB. Will the foregoing occur and if not, why not?*

The DEIR shows leaching beds closer to buildings than the 10’ setback requirement set forth in District regulations.

At page IV.N-18, the DEIR identifies the fact that the cross-section detail of the proposed project does not indicate a set-back between the leaching bed and adjacent buildings in violation of District regulations. In addition the soils analysis performed by the Project’s soils consultants, found in Appendix F, recommend that the soils near building foundations be kept dry by directing surface and subsurface water away from building foundations.

15. *If the Applicant constructs the onsite treatment system, does it intend to comply with District set back requirements regarding the proximity of leaching beds and adjacent buildings?*

The DEIR appears to underestimate the amount of biosolids generated by the proposed onsite treatment system.

At page IV.N-43, the DEIR states that the proposed wastewater treatment plant would generate approximately 10 pounds of dry solids per day (50 pounds of wet solids, or about 450 gallons of liquid sludge, 12 percent solids); these biosolids would be composted and recycled agriculturally or hauled to Ox Mountain. It has been the District's consultants experience in designing MBR plants that rather than producing 10 pounds/day of dry solids in 450 gallons of 12% solids sludge, the a facility of similar size would typically produce about 54 pounds/day of dry solids in 650 gallons of liquid sludge, 1% solids.

The DEIR fails to adequately analyze the proposed wastewater recycling

The DEIR provides guidelines for designing a drain field system but does not provide any information as to whether this site meets these guidelines. *See*, DEIR p. IV.N-6. Likewise, an assumed percolation rate (0.6 gpd/sf) was used to size the leachfields without having any percolation tests performed at the site.

16. *Does the Project include recycling of all wastewater in a manner that is legal and does not result in any significant environmental impacts?*

17. ***Proposed Mitigation Measure.*** *The Project should include a mitigation measure requiring that the Project Site meet the minimum guidelines for designing a drainfield system, including an assessment of the actual percolation rate at the site.*

The DEIR identifies the Applicant's wastewater recycling flow estimates as artificially high.

At page IV.N-14, the DEIR states that approximately 16,000 gpd (out of the 26,000 gpd total) will be recycled for toilet flushing in the Office Park and the Wellness Center buildings. This is based on the assumption that the amount of water use for toilet flushing will be 70 percent in the Office Park (14,000 gpd) and 30 percent in the Wellness Center (approximately 2,000 gpd), and that the remaining flow of approximately 10,000 gpd of recycled water would be available for landscape and crop irrigation, or for percolation via the onsite infiltration (drain field) systems.

The DEIR states later on, at page IV.N-36, that Questa Engineering Corporation's review of the Applicant's flow figures identified inconsistencies in applicant's

assumptions that significantly affect the calculated net potable water demand for the project, including:

1. The applicant estimates that 70 percent of the 20,000 gpd water use at the Office Park (i.e., 14,000 gpd) would be for toilet flushing, which can be supplied by recycled water. However, the water demand estimates only indicate that a total flow of approximately 12,500 gpd would be for restroom use (780 employees at 16 gpd per employee). The balance of the water use assigned to the Office Park is for Miscellaneous (showers, light manufacturing uses, water treatment reject). It is possible that up to 70 percent of the restroom use may be for toilet flushing; giving a potential recycled water use rate of 8,750 gpd for the Office Park, rather than 14,000 gpd.

2. The applicant estimates that 30 percent of the 6,000 gpd water use at the Wellness Center (approximately 2,000 gpd) would be for toilet flushing that can be supplied by recycled water. However, there is insufficient information provided by the applicant to evaluate how this was determined, and whether or not it is realistic. The Wellness Center would have far fewer employees and restrooms than the Office Park. Also, it is not clear from the project documents whether or not recycled water is proposed to be supplied for toilet flushing in the residence quarters, and has been counted as part of the water recycling budget.

3. The project plans provide for the operation of a limited commercial laundry at the Wellness Center that would be available for use by residents of the Wellness Center and employees of the Office Park. The water demand estimates do not include any information indicating how or if the laundry use is accounted for in the projected flows.

District staff agrees that 16,000 gpd of toilet flushing seems high. Even at 10,000 gpd (with 2 gal/flush toilets and 800 people) that would still be more than twelve (12) flushes per day per person. Also, it appears that the use of recycled water for toilet flushing causes a closed “loop” system where the water is never actually disposed of.

18. *What is the basis of the Applicant’s estimate of 16,000 gpd for toilet flushing?*
19. *Wouldn’t the use of recycled water for toilet flushing cause a “loop” system where the water never really goes away and the 16,000 gallons are actually constantly being recirculated? If so, how does the Applicant propose to dispose of surplus water?*

20. *How can these inconsistencies be reconciled with the DEIR's statements on Page IV.N-12 that the proposed project would recycle all wastewater, through onsite treatment/water recycling and for use in toilet flushing and agricultural irrigation.*

The DEIR's discussion of solid waste impacts fails to identify the District as the Responsible Agency for solid waste disposal.

Despite previous comments on this subject, the DEIR's section on solid waste does not discuss the District and fails to identify the fact that the District has a franchise agreement with Seacoast. Nor does it clearly state that Seacoast will be responsible for hauling. Mandatory garbage collection service by the District's Franchisee (Seacoast Disposal) is required under such franchise agreement and the District Ordinance Code.

21. *The DEIR should be revised to expressly identify the District as the Responsible Agency for solid waste disposal, identify the District's franchise agreement with Seacoast Disposal, and state that the District's Franchisee will be responsible for the Project's solid waste disposal.*

The DEIR is required to analyze future project impacts for identified and anticipated future expansion.

At page IV.N-12, the DEIR states that the applicant proposes to build a treatment plant sized to handle double the required capacity for redundancy "***and to allow potential future expansion.***" Since the Applicant anticipates a future expansion of the Project facilities, the DEIR is required to analyze the Project to include the impacts of such a future expansion.

22. *Does the DEIR address the Applicant's anticipated future expansion? If not, why not? If so, does the DEIR quantify the wastewater to be generated by such future expansion and the potential impacts of a future expansion on wastewater disposal and solid waste disposal? Also, how would such an expansion impact the DEIR's current findings regarding level of significance for wastewater disposal and solid waste disposal?*

The DEIR references documents that were not included in the DEIR thereby thwarting meaningful public review.

At page IV.N-17, and in other locations, the DEIR references documents, such as preliminary plans, that are apparently not included in the DEIR, making meaningful review unacceptably difficult, if not impossible.

23. *The DEIR should be revised to include all documents that are referenced and relied on and should then be recirculated for public comment*

Thank you for the opportunity to provide comments on this Project.

Sincerely,
WITTWER & PARKIN, LLP

Jonathan Wittwer
District Counsel
Granada Sanitary District

cc: Applicant (via E-mail)
GSD Board of Directors (via E-mail)
GSD General Manager (via E-mail)
County of San Mateo Planning Commission (via E-mail)
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