

Comment Letter J



Via Email and Overnight Delivery

April 8, 2016

Myra Hermann  
City of San Diego  
1010 Second Avenue, Suite 1200, East Tower, MS 413  
San Diego, CA 92101  
PlanningCEQA@sandiego.gov

RE: Comment on the Draft Environmental Impact Report for the Pure Water Program (Project No. 438188/SCH No. 201411088)

Dear Ms. Hermann:

I am writing on behalf of Laborers International Union of North America, Local Union No. 89 and its members living in San Diego County (collectively "LIUNA Local Union No. 89" or "LIUNA") or "Commenters") regarding the Draft Program Environmental Impact Report ("PEIR") prepared for the Pure Water San Diego Program, Project No. 438188, State Clearinghouse No. 201411088 ("Program").

J-1

We have reviewed the PEIR with the assistance of Hydrogeologist Matthew Hagemann, C.Hg., MS, and Jessie Jaeger of Soil/Water/Air Protection Enterprise (SWAPE). Mr. Hagemann and Ms. Jaeger have prepared written comments that are attached hereto as Exhibit A, and which are incorporated in their entirety. The City of San Diego ("City") should respond to the expert comments separately. These experts and our own independent review demonstrate that the PEIR is inadequate and that a new supplemental EIR is required to be prepared and recirculated for public comment. In particular, the EIR suffers from the following significant errors and omissions, among others:

J-2

- AIR QUALITY The PEIR fails to adequately analyze and mitigate significant construction air quality impacts and fails to properly analyze health risks associated with toxic air contaminants and hazardous air pollutants from construction activities.

J-3

Response to Comment Letter J

Lozeau Drury LLP, on behalf of LIUNA  
Local Union No. 89  
Richard T. Drury, Lozeau Drury  
April 8, 2016

- J-1 Comment noted.
- J-2 Comment noted. As described in more detail in the following response to this letter, none of the conditions presented in the CEQA Guidelines Section 15088.5 triggering recirculation have been met, and hence recirculation of the DPEIR is not required.
- J-3 These general comments about potential air quality impacts and health risks are introduced here with more specific details offered later in the comment letter. Refer to Response J-12.
- J-4 These general comments about potential hazards and hazardous waste impacts are introduced here with more specific details offered later in the comment letter. Refer to Responses J-13 through J-23.
- J-5 Please see Responses J-12 and J-21; the DPEIR does not require revisions to include a health risk assessment or environmental site assessments.

Comment Letter on Pure Water Program Draft EIR  
April 8, 2016  
Page 2 of 12

- **HAZARDS AND HAZARDOUS WASTE.** The PEIR fails to adequately identify potential contaminants that may be present in water following treatment at the proposed advanced water purification facilities or to analyze potential health impacts of such contaminants in drinking water. The PEIR also fails to identify potential contaminants in the brine and sludge produced from the water purification process, or to analyze potential impacts of such contaminants to surface and ground water. Finally, the PEIR fails to identify hazardous waste sites in areas of infrastructure associated with the Program, such as pipelines and booster stations.

J-4

Commenters urge the City to revise the EIR to adequately describe, analyze, and mitigate the Program and its impacts, including preparation of health risk assessments and environmental site assessments for construction of Program components.<sup>1</sup> The revised EIR should be recirculated to allow public review and comment.

J-5

J-6

**I. PROGRAM DESCRIPTION**

The Pure Water Program would use advanced water purification technology to produce potable water from recycled water to provide a drinking water supply for the City. The Program consists of the design and construction of new advanced water purification facilities ("AWPFs"), a new water reclamation plant, upgrades to existing water reclamation and wastewater treatment facilities and design and construction of new pump stations and pipelines. The PEIR analyzes the following Program components as they are currently contemplated but notes that such components are subject to change during future project-level design.

The Program would construct AWPFs at the existing North City Water Reclamation Plant ("NCWRP") and South Bay Water Reclamation Plant ("SBWRP") and a third AWPF and a new water reclamation plant (Central Area Water Reclamation Plant ("CAWRP")) would also be constructed. Upgrades would occur at the existing NCWRP and SBWRP to provide sufficient tertiary effluent for the AWPFs. Pump station and pipeline facilities would convey different types of flows, to and from the treatment facilities for (1) diverting wastewater flows to water reclamation facilities, (2) conveying recycled water to the AWPFs, (3) conveying purified water from AWPFs to either the San Vicente or Lower Otay Reservoirs, and (4) transporting waste flows (brine and sludge) from treatment processes to solids handling facilities or back into the Metro System. Upgrades would also occur at Metropolitan Biosolids Center and Point Loma Wastewater Treatment Plant ("PLWTP") to handle the additional brine and sludge produced by the WRP expansions and advanced water purification process.

J-7

We reserve the right to supplement these comments at later hearings and proceedings for this Project (See, *Galante Vineyards v. Monterey Water Dist.*, (1997) 60 Cal. App. 4th 1109.)

**J-6**

The City does not believe that any of the conditions presented in Section 15088.5 of the CEQA Guidelines which trigger recirculation have been met; therefore, recirculation of the Draft PEIR is not required.

**J-7**

Comment noted. The comment provides general information regarding the project description, standing, and legal standards and does not specifically raise an issue pertinent to the content or adequacy of the DPEIR.

Refer to Responses J-13 through J-23.

A reasonable range of alternatives has been provided in the Draft PEIR in compliance with the CEQA Guidelines Section 15126.6(a). The City of San Diego has previously analyzed a variety of water supply alternatives, including, but not limited to, conservation, desalination and reclaimed water use. As discussed in Section 11.2, Water Supply Alternatives Planning, these alternatives were analyzed in depth by the City and can be reviewed in the Water Reuse Study (City of San Diego 2006) and Recycled Water Study (City of San Diego 2012).

**J-8**

The City disagrees that the DPEIR fails to analyze significant impacts and mitigation; rather, the DPEIR fully analyzes and discloses all significant impacts

Comment Letter on Pure Water Program Draft EIR  
April 6, 2016  
Page 3 of 12

The Program is projected to create 83 million gallons per day (MGD) of potable water and to reduce flows to the PLWTP, which in turn would reduce total suspended solids discharged to the ocean.

**II. STANDING**

Members of Local Union No. 89 live, work, and recreate in the immediate vicinity of the Project site and/or areas that will be affected by air pollution and health hazards created by construction of Program components. These members will suffer the impacts of a poorly executed or inadequately mitigated Project, just as would the members of any nearby homeowners association, community group, or environmental group.

In addition, construction workers will suffer many of the most significant impacts from the Program as currently proposed, such as from air pollution emissions from poorly maintained or controlled construction equipment. Therefore, LIUNA Local Union No. 89 and its members have a direct interest in ensuring that the Program is adequately analyzed and that its environmental and public health impacts are mitigated to the fullest extent feasible.

**III. LEGAL STANDARDS**

**A. EIR**

CEQA requires that an agency analyze the potential environmental impacts of its proposed actions in an environmental impact report ("EIR") (except in certain limited circumstances). See, e.g., Pub. Res. Code § 21100. The EIR is the very heart of CEQA. *Dunn-Edwards v. BAAQMD* (1992) 9 Cal.App.4th 644, 652. "The foremost principle" in interpreting CEQA is that the Legislature intended the act to be read so as to afford the fullest possible protection to the environment within the reasonable scope of the statutory language." (*Comms for a Better Env't v. Calif. Resources Agency* (2002) 103 Cal. App. 4th 96, 109.)

CEQA has two primary purposes. First, CEQA is designed to inform decision makers and the public about the potential, significant environmental effects of a project. (14 Cal. Code Regs. ("CEQA Guidelines") § 15002(a)(1).) "Its purpose is to inform the public and its responsible officials of the environmental consequences of their decisions before they are made. Thus, the EIR 'protects not only the environment but also informed self-government.'" (*Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal. 3d 553, 564.) The EIR has been described as "an environmental 'alarm bell' whose purpose it is to alert the public and its responsible officials to environmental changes before they have reached ecological points of no return" (*Berkeley Keep Jets Over the Bay v. Bd. of Port Comm'rs.* (2001) 81 Cal. App. 4th 1344, 1354 ("Berkeley Jets"); *County of Inyo v. Yorb* (1973) 32 Cal.App.3d 796, 810.)

J-7  
Cont.

and mitigation in compliance with the CEQA Guidelines. None of the conditions presented in Section 15088.5 of the CEQA Guidelines triggering recirculation have been met; therefore, recirculation of the DPEIR is not required.

**J-9**

Comment noted.

**J-10**

None of the conditions presented in Section 15088.5 of the CEQA Guidelines triggering recirculation have been met; therefore, recirculation of the DPEIR is not required.

**J-11**

Comment noted. The comment provides general information regarding CEQA requirements and does not specifically raise an issue pertinent to the content of the PEIR.

**J-12**

A health risk assessment (HRA) with regards to the construction of Program facilities is not warranted for multiple reasons. First, construction of Program facilities would not include stationary sources that would require a permit. Secondly, the California Air Resources Board (ARB) regulates diesel particulate matter, which is the greatest potential for toxic air contaminants (TAC). Additionally, although the Office of Environmental Health Hazard Assessment (OEHHA) guidance calls for a HRA to be conducted for construction projects two months or greater, it does

Comment Letter on Pure Water Program Draft EIR  
April 8, 2016  
Page 4 of 12

Second, CEQA requires public agencies to avoid or reduce environmental damage when "feasible" by requiring "environmentally superior" alternatives and all feasible mitigation measures. (CEQA Guidelines § 15002(a)(2) and (3); see also *Berkeley Jets*, 91 Cal. App. 4th at 1354, *Citizens of Soleta Valley*, 52 Cal.3d at 564.) The EIR serves to provide agencies and the public with information about the environmental impacts of a proposed project and to "identify ways that environmental damage can be avoided or significantly reduced." (CEQA Guidelines §15002(a)(2).) If the project will have a significant effect on the environment, the agency may approve the project only if it finds that it has "eliminated or substantially lessened all significant effects on the environment where feasible" and that any unavoidable significant effects on the environment are "acceptable due to overriding concerns." (Pub. Res. Code ("PRC") § 21081 CEQA Guidelines § 15092(b)(2)(A) & (B).)

The EIR is the very heart of CEQA. (*Dunn-Edwards v. BAAQMD* (1992) 9 Cal. App. 4th 644, 652.) CEQA requires that a lead agency analyze all potentially significant environmental impacts of its proposed actions in an EIR. (PRC § 21100(b)(1); CEQA Guidelines § 15126(a). *Berkeley Jets*, 91 Cal. App. 4th 1344, 1354.) The EIR must not only identify the impacts, but must also provide "information about how adverse the impacts will be." (*Santiago County Water Dist. v. County of Orange* (1981) 118 Cal. App. 3d 818, 831.) The lead agency may deem a particular impact to be insignificant only if it produces rigorous analysis and concrete substantial evidence justifying the finding. (*Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal. App. 3d 692.) "The 'foremost principle' in interpreting CEQA is that the Legislature intended the act to be read so as to afford the fullest possible protection to the environment within the reasonable scope of the statutory language." (*Comms. for a Better Envir.* (2002) 103 Cal. App. 4th at 109.)

While the courts review an EIR using an "abuse of discretion" standard, "the reviewing court is not to uncritically rely on every study or analysis presented by a project proponent in support of its position. A 'clearly inadequate or unsupported study is entitled to no judicial deference.'" (*Berkeley Jets*, 91 Cal. App. 4th at 1355 (emphasis added), quoting *Laurel Heights Improvement Assn. v. Regents of Univ. of Cal.* (1988) 47 Cal.3d 376, 391 409, fn. 12.) A prejudicial abuse of discretion occurs "if the failure to include relevant information precludes informed decisionmaking and informed public participation, thereby thwarting the statutory goals of the EIR process." (*San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal. App. 4th 713, 722), *Galante Vineyards v. Monterey Peninsula Water Management Dist.* (1997) 60 Cal. App. 4th 1109, 1117; *County of Amador v. El Dorado County Water Agency* (1999) 76 Cal. App. 4th 931, 946.)

J-7  
Cont.

not require this. Ultimately, it is not the intent of the OEHHA health risk guidance to require a HRA for nearly every discretionary action.

However, a HRA was performed at the Central AWPf to support the findings presented in the DPEIR. The HRA was performed at the Central AWPf location because it is the only proposed facility site with sensitive receptors within 1,000 feet of the proposed facility construction area. As such, this facility was used as the worst case scenario, with the understanding that if construction health risk was below applicable thresholds for this facility, then health risk would similarly be below applicable threshold for the other facilities. The specifics of the HRA modeling analysis methods are provided in the technical health risk assessment memorandum for this comment response (Attachment A). The specific modeling data, which are attachments to the technical memorandum, will be made available upon request via email to the Planning Department at [PlanningCEQA@sandiego.gov](mailto:PlanningCEQA@sandiego.gov).

The HRA confirmed the child MEIR (exposure starting in 3rd trimester) and the associated chronic hazard index for the child MEIR would not exceed the County significance thresholds. Since emissions of DPM generated by construction at the Central AWPf facility

Comment Letter on Pure Water Program Draft EIR  
April 6, 2016  
Page 5 of 12

**B. SUPPLEMENTAL EIR**

Recirculation of an EIR prior to certification is required "when the new information added to an EIR discloses: (1) a new substantial environmental impact resulting from the project or from a new mitigation measure proposed to be implemented (cf. CEQA Guidelines, § 15162, subd. (a)(1), (3)(B)(1)); (2) a substantial increase in the severity of an environmental impact unless mitigation measures are adopted that reduce the impact to a level of insignificance (cf. CEQA Guidelines, § 15162, subd. (a)(3)(B)(2)); (3) a feasible project alternative or mitigation measure that clearly would lessen the environmental impacts of the project, but which the project's proponents decline to adopt (cf. CEQA Guidelines, § 15162, subd. (a)(3)(B)(3), (4)), or (4) that the draft EIR was so fundamentally and basically inadequate and conclusory in nature that public comment on the draft was in effect meaningless." (*Laurel Heights Improvement Assn. v Regents of University of California* (1983) 6 Cal. 4th 1112, 1130, citing *Mountain Lion Coalition v. Fish & Game Comm'n* (1989) 214 Cal.App.3d 1043.)

Significant new information requiring recirculation can include:

- (1) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.
- (2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.
- (3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the project, but the project's proponents decline to adopt it.
- (4) The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

(CEQA Guidelines, § 15088.5(a).)

The PEIR fails to analyze significant environmental impacts pertaining to the Project and to fully consider available mitigation measures to address those impacts. A revised EIR is required to be prepared and recirculated to address these deficiencies.

J-7  
Cont.

J-8

**J-13**

would result in cancer and noncarcinogenic risk below the applicable thresholds, the impact would be less than significant. In addition, as noted previously, since the Central AWPf site was used as the worse-case exposure scenario, the health risk impacts associated with construction of facilities at the other sites (North City AWPf, Central Area WRP, and the South Bay AWPf) would also be less than significant.

The DPEIR summarizes the extensive testing and monitoring activities that occurred at the Water Purification Demonstration Project facility. As stated in the DPEIR, Chapter 2.0, "testing at the AWPf was conducted from June 2011 until August 2012 and included measurements for 342 constituents and parameters (231 regulated constituents and 111 non-regulated constituents)". Testing at the demonstration facility "included almost 30,000 tests (including 9,000 tests during initial testing completed in 2012) of the purified water at various points in the treatment process and for 342 different constituents. The water quality of the purified water was compared to regulatory limits, verifying that purified water met all applicable water quality standards." Table 2-1 in the DPEIR summarizes the monitoring results from the Demonstration Project.

Comment Letter on Pure Water Program Draft EIR  
April 8, 2016  
Page 6 of 12

The PEIR states that it is intended to allow the City to consider broad policy alternatives and Program-wide mitigation measures at an early time and to streamline subsequent environmental review of the Program components. It further states that it is not intended to evaluate project-level impacts associated with future implementation of any of the treatment facilities or pipelines, and that any subsequent activities proposed for the Program, such as approvals and implementation of individual Program components, will be further evaluated separately under individual project-level CEQA/NEPA review processes. (PEIR, p. ES-10).

J-9

Notwithstanding its commitment to perform additional CEQA review for project-level components of the Program, the City should prepare and circulate a supplemental EIR to address the deficiencies set forth in this letter.

J-10

**IV. THE PEIR FAILS TO ANALYZE AND MITIGATE ALL POTENTIALLY SIGNIFICANT IMPACTS.**

An EIR must disclose all potentially significant adverse environmental impacts of a project. (Pub. Resources Code, § 21100(b)(1); CEQA Guidelines, § 15126(a); *Berkeley Jets*, 91 Cal. App. 4th 1344, 1354.) CEQA requires that an EIR must not only identify the impacts, but must also provide "information about how adverse the impacts will be." (*Santiago County Water Dist.*, 118 Cal.App.3d at 831). The lead agency may deem a particular impact to be insignificant only if it produces rigorous analysis and concrete substantial evidence justifying the finding. (*Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692.)

J-11

CEQA requires public agencies to avoid or reduce environmental damage when "feasible" by requiring mitigation measures. (CEQA Guidelines, § 15002(a)(2) and (3); See also, *Berkeley Jets*, 91 Cal. App. 4th at 1354; *Citizens of Goleta Valley*, 52 Cal.3d at 564.) The EIR serves to provide agencies and the public with information about the environmental impacts of a proposed project and to "identify ways that environmental damage can be avoided or significantly reduced." (CEQA Guidelines, § 15002(a)(2).) If the project will have a significant effect on the environment, the agency may approve the project only if it finds that it has "eliminated or substantially lessened all significant effects on the environment where feasible" and that any unavoidable significant effects on the environment are "acceptable due to overriding concerns." (Pub. Resources Code, § 21081; CEQA Guidelines, § 15092(b)(2)(A) & (B).)

In general, mitigation measures must be designed to minimize, reduce, or avoid an identified environmental impact or to rectify or compensate for that impact. (CEQA Guidelines, § 15370.) Where several mitigation measures are available to mitigate an impact, each should be discussed and the basis for selecting a particular measure should be identified. (*Id.*, at § 15126 4(a)(1)(B).) A lead agency may not make the required CEQA findings unless the administrative record clearly shows that all

Quarterly Testing Report No. 4, provides a comprehensive list of all potential drinking water contaminants and the monitoring results of the level of contaminants present in purified water after advanced treatment (<https://www.sandiego.gov/sites/default/files/legacy/water/purewater/pdf/projectreports/awpfappendixb.pdf>). In general two categories of parameters were monitored over the testing period: (1) contaminants selected based on regulatory considerations for a potential full scale facility and (2) non-regulated contaminants. Potential drinking water contaminants monitored include, but are not limited to: formaldehyde, ammonia, nitrates, phosphorus, total dissolved solids, fecal coliform, total organic carbon, E. coli, bacteriophage, chlorides, sulfates, sodium, manganese, boron, fluoride, asbestos, benzene, cyanide, lead, mercury, radionuclides, and other chemicals of emerging concern (CECs). The water quality monitoring met or exceeded all requirements for regulated water quality contaminants. Of the 111 non-regulated constituents sampled for at the Demonstration Project, only six were found to be quantifiably detected at low levels in the purified water at any time, including three constituents from the 2012 EPA Unregulated Contaminant Monitoring Rule (UCMR3) and three CECs.

Comment Letter on Pure Water Program Draft EIR  
April 8, 2016  
Page 7 of 12

uncertainties regarding the mitigation of significant environmental impacts have been resolved.

CEQA requires the lead agency to adopt feasible mitigation measures that will substantially lessen or avoid the Project's potentially significant environmental impacts (Pub. Resources Code, §§ 21002, 21081 (a)), and describe those mitigation measures in the CEQA document. (Pub. Resources Code, § 21100(b)(3); CEQA Guidelines, § 15126.4.) A public agency may not rely on mitigation measures of uncertain efficacy or feasibility. (*Kings County*, 221 Cal.App.3d at 727 (finding groundwater purchase agreement inadequate mitigation measure because no record evidence existed that replacement water was available).) "Feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social and technological factors. (CEQA Guidelines, § 15364.) To demonstrate economic infeasibility, "evidence must show that the additional costs or lost profitability are sufficiently severe as to render it impractical to proceed with the project." (*Citizens of Goleta Valley*, 197 Cal.App.3d at 1181.) The EIR must provide evidence and analysis to show that the project is not economically viable. (*Kings County*, 221 Cal.App.3d at 734-737.) This requires not just cost data, but also data showing insufficient income and profitability. (See *Burger v. County of Mendocino* (1975) 45 Cal.App.3d 322, 327 (infeasibility claim unfounded absent data on income and expenditures showing project unprofitable); *San Franciscans Upholding the Downtown Plan v. City and County of San Francisco* (2002) 102 Cal.App.4th 656, 694 (upholding infeasibility finding based on analysis of costs, projected revenues, and investment requirements).) Mitigation measures must be fully enforceable through permit conditions, agreements, or other legally binding instruments. (CEQA Guidelines, § 15126.4, subd. (a)(2).)

A lead agency may not conclude that an impact is significant and unavoidable without requiring the implementation of all feasible mitigation measures to reduce the impacts of a project to less than significant levels. (CEQA Guidelines, §§ 15126.4, 15091.)

**A. HEALTH IMPACTS FROM AIR EMISSIONS DURING CONSTRUCTION HAVE NOT BEEN ADEQUATELY ANALYZED OR MITIGATED.**

The PEIR concludes that the health risk posed to nearby sensitive receptors from exposure to diesel particulate matter (DPM) emissions released during construction would be less than significant, yet fails to quantify the risk and compare it to applicable thresholds (PEIR, p. 5.2-36). Moreover, the PEIR makes this conclusion without performing any health risk assessment.

The PEIR states that "generation of criteria pollutants and [toxic air contaminants] were found to be less than significant and associated impacts to sensitive receptors would be considered less than significant at the program level." (PEIR, p. 5.2-36.) The PEIR attempts to justify this conclusion by stating that construction of Program

J-11  
Cont.

J-12

Three UCMR3 list constituents, bromochloromethane, hexavalent chromium, and strontium, were quantifiable detected in the purified water. The first two of these constituents can be considered disinfection byproducts and may have been formed at low levels within the treatment processes. The third constituent is a naturally occurring metal used as a dietary supplement and in manufacturing. Only three CECs were detected at quantifiable concentrations in the purified water. These compounds were iohexal (contrasting agent used in x-ray), acesulfame-k (widely used artificial sweetener), and triclosan (antibacterial agent). In all cases where constituents were detected, concentrations were significantly below the Drinking Water Equivalent level (bromochloromethane, iohexal, and triclosan), below the CDPH detection limit (hexavalent chromium), below the Food and Drug Administration Acceptable Daily Intake (acesulfame-k), or lower than the EPA's Contaminant Candidate List 3 (CCL3) Health Reference Level (strontium).

As stated in the DPEIR, Chapter 1.0, the PEIR is intended to evaluate the potential components of the Program at a general programmatic level. It is not intended or structured to evaluate project-level impacts associated with future implementation of any of the

Comment Letter on Pure Water Program Draft EIR  
April 8, 2016  
Page 8 of 12

components would not require "extensive use" of diesel equipment, and that construction would occur in "periodic and short term" phases. (PEIR, p. 5 2-35.) However, the failure to quantify and analyze health risks based on an assumption that construction will be short term and periodic is inconsistent with the most recent guidance published by the California Office of Environmental Health Hazard Assessment (OEHHA), with respect to preparing health risk assessments.<sup>2</sup> In that document, OEHHA recommends that all short-term projects lasting at least two months be evaluated for cancer risks to nearby sensitive receptors. As the PEIR points out, construction of Program components would occur in three phases of 2-3 years each. Accordingly, pursuant to OEHHA's recommendations, an assessment of health risks to nearby sensitive receptors from construction should be included in a revised EIR.

The expert analysis by SWAPE includes a screening-level health risk assessment ("HRA"), which demonstrates that construction-related emissions may in fact result in significant health risks to sensitive receptors. SWAPE prepared a preliminary HRA of the construction emissions for the NCAWPF (North City Advanced Water Purification Facility), CAAWPF (Central Area Advance Water Purification Facility), CAWRP (Central Area Water Reclamation Plant), and SBAWPF (South Bay Advanced Water Purification Facility). SWAPE utilized the annual exhaust emission estimates from the PEIR's CalEEMod models, set forth in Appendix E of the PEIR for these facilities. According to the construction schedules utilized in the CalEEMod model construction of each of these facilities will take approximately two years and continue through July 2031. SWAPE calculated the excess cancer risks at each location for adults, children and infants using the applicable HRA methodologies published by OEHHA, and compared that risk to the San Diego Air Pollution Control District's ("SDAPCD") threshold of 10 in one million. This analysis found the following:

- At the NCAWPF, the excess cancer risk for sensitive receptors within 150 meters is 12.3 and 69.7 in one million for children and infants, respectively. At 300 meters, the excess cancer risk for infants is 23.8 in one million. Each of these exceed the SDAPCD threshold of 10 in one million.
- At the CAAWPF, the excess cancer risk for infants is 37.7 in one million at a distance of 150 meters, and 12.0 in one million at a distance of 300 meters, both of which exceed the SDAPCD threshold of 10 in one million.

<sup>2</sup> Risk Assessment Guidelines: Guidance Manual for Preparation of Health Risk Assessments. OEHHA, February 2015.

J-12  
Cont.

J-14

treatment facilities or pipelines, although the PEIR may provide information and analyses that could be used in conjunction with future project-level environmental reviews of such improvements. Any subsequent activities proposed for the Program, such as approvals and implementation of individual components of the Program, will be further evaluated separately under individual project-level CEQA/National Environmental Policy Act review processes. As such, the City believes that the level of detail provided in the DPEIR was adequate to provide for sufficient analysis at the programmatic level. The information included in this response is provided at the request of the commenter, but no revisions to the PEIR are necessary.

As discussed in Chapter 2 of the DPEIR, Environmental Setting, 111 unregulated constituents were monitored during the Demonstration Project. Only 6 out of 111 unregulated constituents were detected in the purified water in at least one sampling event and all six were 10 million times to 18 times lower than the associated Drinking Water Equivalent Level or the EPA-identified Health Reference Level. While the advanced treatment process employed at the Demonstration Facility resulted in levels of unregulated constituents well below levels that could present a potential health hazard, purified water would



Comment Letter on Pure Water Program Draft EIR  
April 6, 2016  
Page 9 of 12

- At the CAWRP, the excess cancer risk for infants is 24.8 in one million at a distance of 150 meters, and 13.6 in one million at a distance of 300 meters, both of which exceed the SDAPCD threshold of 10 in one million
- At the SBAWPF, the excess cancer risk for infants located 150 meters away is 22 in one million, in excess of the SDAPCD threshold of 10 in one million.

Based on this analysis, the City should revise the PEIR to include health risk assessments that characterize the risk from air emissions associated with construction of all Program components.

**B. THE PEIR FAILS TO ADEQUATELY IDENTIFY AND EVALUATE CONTAMINANTS THAT MAY BE PRESENT IN TREATED WATER.**

The PEIR includes only a superficial analysis of potential contaminants that may be present in water that is treated by the proposed advanced filtration processes. A revised PEIR should be prepared to list all potential drinking water contaminants that may be present after advanced treatment and the concentrations of the contaminants before dilution in the reservoirs and delivery to consumers

The PEIR mentions some emerging chemicals of concern, but gives no estimate of the concentrations of such chemicals following advanced water purification treatment. The PEIR cites results from a demonstration-scale facility, a 1 million gallon per day "Advanced Water Purification Facility" which began operation in June 2011. This facility included microfiltration or ultrafiltration followed by reverse osmosis, and ultraviolet disinfection and advanced oxidation processing, a process similar to treatment under the proposed Program.

The PEIR fails, however, to disclose the concentrations of the contaminants that were detected in the effluent from the demonstration-scale AWP. Instead, the PEIR only generally states that six out of 111 unregulated constituents were detected in the purified water. The PEIR should be revised to estimate contaminant concentrations of all chemicals reasonably anticipated to be in the recycled water following advanced treatment under the Program. The revised PEIR should also disclose what those contaminants are, their concentrations and how the concentrations would be reduced to levels below those which represent a concern through the 100-fold dilution (p 2-20) when treated water is mixed with reservoir water.

J-12  
Cont.

J-13

J-14

J-15

J-16

J-15

additionally be diluted to at least 10:1 in a reservoir over any 24 hour period. Additional testing of the reservoir is planned to verify dilution under all possible scenarios. Please also refer to Response J-13.

Comment noted. The commenter accurately summarizes the information provided in Chapter 2 of the DPEIR regarding the Water Purification Demonstration Project facility.

J-16

Please refer to Response J-13 and J-14. As a result of testing and monitoring conducted at the Demonstration facility, the City has confirmed that all regulated and unregulated constituents would be below water quality standards for regulated constituents or below the Drinking Water Equivalent Level or the EPA-identified Health Reference Level for unregulated constituents following treatment at the AWP. Dilution by mixing with water in the reservoir would further provide assurances against contamination; however, would not be necessary to achieve acceptable water quality standards.

J-17

As described in Chapter 3, Project Description, of the DPEIR, approximately 6.3 MGD AADF of brine would result from the RO process at the North City AWP and would be conveyed via a 20-inch gravity flow line from the NCAWP back to the proposed

Comment Letter on Pure Water Program Draft EIR  
April 8, 2016  
Page 10 of 12

**C. THE PEIR FAILS TO ADEQUATELY ANALYZE CONTAMINANTS IN BY-PRODUCTS OF THE PROGRAM'S WATER TREATMENT PROCESSES.**

The PEIR contains no analysis of the contaminants that might be present in the brine and sludges produced from the purification processes. A revised PEIR should be prepared to disclose all anticipated contaminants that will be present in the brine and sludges and how these wastes will be properly disposed to ensure protection of water resources.

J-17

Brine and sludge will be generated from the Program during advanced water purification and from disposal of other wastes such as filter cartridges and reverse osmosis (RO) membrane elements. For example, the PEIR estimates the North City treatment facility would produce approximately 1.4 million gallons per day of sludge which would be pumped to a biosolids processing facilities before being shipped offsite for land application or landfill cover (p. 2-9).

J-18

The PEIR should be revised to identify anticipated chemical concentrations of all chemicals in the brine and sludge, including chemicals of emerging concern. The PEIR should assess how application of the treated sludges (as biosolids) may potentially impact water quality (both surface water and groundwater) when used in land application or for landfill cover. Any potential impacts should be mitigated through use of best management practices for the control of stormwater discharge and infiltration of landfill wastes and through a monitoring program to ensure chemicals of emerging concern are not present in adjacent waterways, including both surface and groundwater monitoring.

J-19

J-20

**D. THE PEIR FAILS TO IDENTIFY HAZARDOUS WASTE SITES IN AREAS OF INFRASTRUCTURE IMPROVEMENTS.**

The Program will require the construction of pipelines, booster stations, water purification facilities, and solids handling facilities. The Program describes potential pipeline routes that would traverse 50 miles of urban landscape (PEIR, p. 11-16), likely beneath sites that have been contaminated by industrial activities, including gas stations, manufacturing facilities, and military sites. A revised PEIR should be prepared to identify where these contaminated sites are located and what impacts will result from disturbance of soils and groundwater during Program construction.

J-21

Despite the recognition that "Program components would likely be located in the vicinity of areas of known contamination," the PEIR does not include Phase I Environmental Site Assessments ("ESA") to address potential hazardous waste conditions in these areas (PEIR p. 5 3-21.)

Morena Boulevard Pump Station where it would discharge back to the sewer system. The Central Area AWPf and South Bay AWPf would similarly result in brine that would be discharged back to the sewer system. The brine would be treated at the PLWTP and discharged through the Point Loma Ocean Outfall, which is conducted in accordance with an individual NPDES permit (RWQCB Order No. R9-2009-0001).

Section 5.7.7 of the DPEIR addresses treated water discharges. As described in the DPEIR, implementation of the Program would result in reduction of the volume of water discharged at the ocean outfalls, resulting in a beneficial impact with regards to the Program's impact on ocean water quality. Contaminants present in the brine discharged by the AWPfs would be no different than contaminants that are present in the wastewater previously treated by the NCWRP, SBWRP or PLWTP.

As described in Chapter 3, Project Description, of the DPEIR, expansion of the NCWRP and SBWRP and construction of the new CAWRP would all result in the production of sludge that would require upgrades to the existing Metro Biosolids Center and construction of a new sludge processing facility at South Bay. Although upgrades would be required to process additional

Comment Letter on Pure Water Program Draft EIR  
April 8, 2016  
Page 11 of 12

To address potential hazardous waste concerns the PEIR includes mitigation measure MM-HAZ-6 which requires:

Subsequent projects, implemented in accordance with the Program, shall conduct a site-specific record search for the locations and type of hazardous materials to the satisfaction of the City of San Diego. An analysis shall be conducted for each Program component to determine whether a proposed facility is (1) located within 1,000 feet of a known contamination site; (2) located within 2,000 feet of a known 'border zone property' (also known as a 'Superfund' site) or a hazardous waste property subject to corrective action pursuant to the Health and Safety Code; (3) where a DEH site file is closed; (4) located in Centre City San Diego (now known as Downtown San Diego), Barrio Logan or other areas known or suspected to contain contamination sites; (5) located on or near an active or former landfill, or (5) properties historically developed with industrial or commercial uses which involved dewatering. In the event that one of the above conditions is met, the City shall coordinate with the Department of Environmental Health to determine the appropriate corrective action (i.e., remediation) or avoidance measures (i.e., alternative facility siting). (PEIR, p. 5.3-22).

Instead, Phase I ESAs should be conducted now for sites along the proposed pipeline routes and in other areas of infrastructure improvement. In a revised PEIR the results of the Phase I ESAs should be used to estimate impacts that will result when construction of these facilities encounter contaminated soil and groundwater, including:

- Health impacts that would result from construction worker exposure to contaminants;
- Public health impacts resulting from residents and others who may be exposed to contaminated soil and dust in areas where cleanup is necessary; and
- Air emissions that would result from the excavation and transportation of contaminated soil to disposal facilities.

##  
##

J-22

J-23

**J-18**

sludge, the contaminants present in the sludge would be no different than sludge previously generated by the wastewater treatment process.

**J-19**

Refer to response J-17. The DPEIR also analyzes wastes produced by the proposed AWPFS in Section 5.9, Public Utilities, of the DPEIR under the subheading "Solid Waste".

Please refer to Response J-17. Implementation of the additional treatment steps at the AWPFS would not result in changes to the composition of the brine and sludge resulting from the various treatment processes. The proposed Program would reduce the volume of discharges at the ocean outfalls, thereby resulting in a beneficial impact to ocean water quality. No revisions to the DPEIR are required.

**J-20**

As stated in the DPEIR, Chapter 1.0, the PEIR is intended to evaluate the potential components of the Program at a general programmatic level. It is not intended or structured to evaluate project-level impacts associated with future implementation of any of the treatment facilities or pipelines. Please refer to Response J-17.

**J-21**

As stated in the PEIR, Chapter 1.0, the PEIR is intended to evaluate the potential components of the

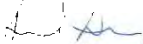
Comment Letter on Pure Water Program Draft EIR  
April 8, 2016  
Page 12 of 12

VIII. CONCLUSION

For the foregoing reasons LIUNA Local Union No. 89 and its members living in the City of San Diego, urge the City to complete a revised PEIR addressing the Project's significant impacts and mitigation measures and recirculate

Thank you for your attention to these comments. Please include this letter and all attachments hereto in the record of proceedings for this project.

Sincerely,



Richard T. Drury  
Lozeau Drury LLP  
Attorneys for LIUNA Local Union No. 89

J-24

J-25

Program at a general programmatic level. It is not intended or structured to evaluate project-level impacts associated with future implementation of any of the treatment facilities or pipelines, although the PEIR may provide information and analyses that could be used in conjunction with future project-level environmental reviews of such improvements. Any subsequent activities proposed for the Program, such as approvals and implementation of individual components of the Program, will be further evaluated separately under individual project-level CEQA/NEPA review processes.

Implementation of Mitigation Framework measure MM-HAZ-6 would require site-specific record searches and the preparation of Phase I ESAs for each Program component during project-level environmental review. As specific locations are not known for all Program facilities and pipeline routes at this time, and because MM-HAZ-6 would ensure potential impacts are reduced to less than significant, the City believes that preparation of Phase I ESAs for each Program component are not required for the PEIR.

J-22 Comment noted.

J-23 Please refer to response J-21.