June 5, 2015

Monterey Regional Water Pollution Control Agency
Mr. Bob Holden
Principal Engineer
VIA EMAIL gwr@mrw pca.com

Re: Comments on Draft Environmental Impact Report (“DEIR”) for the Pure Water Monterey Groundwater Replenishment Project

Dear Mr. Holden,

The Surfrider Foundation Monterey Chapter appreciates this opportunity to provide public comments on the Pure Water Monterey Groundwater Replenishment Project (the “Project”) DEIR. Surfrider Foundation is a non-profit 501(c)(3) organization that is dedicated to the protection and enjoyment of oceans, waves and beaches through a powerful activist network. Towards this mission, and specifically in support of protecting water quality and marine ecosystems, the Surfrider Foundation Monterey Chapter has been very engaged in the effort to identify water supply and demand-offsetting solutions for peninsula cities, which would replace the deficit of water that was formerly supplied by the Carmel River and Seaside Groundwater Basin.

The Surfrider Foundation Monterey Chapter (“Surfrider Foundation”) hereby submits the following comments on the DEIR.

Surfrider Foundation supports the beneficial objectives the Project seeks to advance, such as maximizing use of recycled water, reducing urban stormwater and agricultural pollutant loading to the nearshore, and reducing the volume of discharges to Monterey Bay. Surfrider Foundation also supports the Project in that it will offset the need for a larger desalination plant in the related Monterey Peninsula Water Supply Project.

While Surfrider Foundation generally supports the Project in that it will help to provide water resources to the area, and help to put wastewater, stormwater, and agricultural washwater to beneficial uses, Surfrider Foundation wants to ensure that the Project is carried out in a way that avoids significant impacts to the important natural resources in the area, including our waterways and the ocean. Further, Surfrider Foundation emphasizes the importance of continued water conservation in the area, which can help to avoid the negative impacts associated with supplying water in the region.
1. **Alternatives**

   a) **Stormwater Runoff Should be Utilized**

Surfrider Foundation believes that further consideration and a more thorough evaluation of the potential for capture and reuse of urban stormwater runoff is necessary. The DEIR seems to summarily eliminate the potential for use of these alternative sources, citing to a vague lack of sufficient capacity to handle the flows. (DEIR, § 6.2.2.1, 6-18.) Surfrider Foundation would prefer to see these resources be put to beneficial use rather than allow their discharge to the ocean and consequential non-use and waste, which is prohibited by California Constitution Article X, § 2, and California Water Code § 100. This use would help achieve project objectives and avoid significant impacts, and additionally help achieve objectives of MS4 dischargers. The DEIR fails to show how capture and reuse of these runoff sources is infeasible. Thus, this alternative deserves further consideration.

b) **Surfrider Foundation Supports RUWAP Alignment Product Water Conveyance**

Surfrider Foundation also favors the RUWAP Product Water Conveyance alignment, as opposed to the Coastal Alignment option. The RUWAP alignment is located inland and would therefore avoid unnecessary and harmful impacts to coastal resources, including impacts to the riparian, wetland, and coastal dune resources, which could occur from the currently proposed Monterey Pipeline distribution system. It is unlikely the mitigation measures for the proposed Monterey Pipeline are sufficient to mitigate foreseeable significant impacts, particularly Mitigation Measure GS-5, in light of the likelihood of sea level rise in the area where the Monterey Pipeline has been proposed. Any feasible means to avoid impacts to the significant coastal resources in the area must be fully considered and taken.

2. **Mitigation Measures**

As noted above, Surfrider Foundation has concerns related to the potential impacts to species and habitat in the Tembladero Slough, should the diversion there proceed. Surfrider Foundation also has major concerns relating to the proposed brine discharges, which are associated with this Project and the related Cal Am Monterey Peninsula Water Supply Project’s (“MPWSP”) desalination component. All feasible mitigation measures should be implemented with respect to the Project to prevent harms to our water bodies and natural resources in the area. Surfrider Foundation also requests that this EIR consider additional mitigation measures which would avoid using water itself as a mitigation measure.

a) **Brine Discharges Must be Least Harmful and the Cumulative Impacts Must Be Considered**

Mitigation Measure HS-C for brine discharge should be employed in full; that is, Surfrider Foundation believes all measures identified, including pretreatment of brine with granular activated carbon, should be implemented to ensure that our ocean’s water quality is
protected to the maximum extent possible. Furthermore, the EIR must consider any additional mitigation measures with respect to brine discharge, to ensure it is discharged in the least harmful way possible.

The Project, and all associated brine discharges, must comply with the California Ocean Plan.

Moreover, the California Environmental Quality Act ("CEQA") requires an EIR to fully disclose and analyze a project’s cumulative impacts. CEQA defines “cumulative impacts” as “two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts.” CEQA Guidelines § 15355(a). “[I]ndividual effects may be changes resulting from a single project or a number of separate projects.” Id. “Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time.” CEQA Guidelines § 15355(b). The cumulative impacts concept recognizes that “[t]he full environmental impact of a proposed . . . action cannot be gauged in a vacuum.” Whitman v. Bd. of Supervisors (1979) 88 Cal. App. 3d 397, 408.

In addition to the reverse osmosis concentrate generated by the Project and brine from the MPWSP, the EIR identifies other potential sources of brine that will be processed by the Monterey Regional Water Pollution Control Agency ("PCA") and disposed of through the existing ocean outfall. These include trucked-in brine waste (DEIR at 4.11-76) and brine generated by new desalination facilities approved by the Marina Coast Water District. (DEIR at 4.11-96, 4.18-38.) Yet the EIR never analyzes how adding brine from new desalination sources to the outfall’s discharge, or how other potential brine discharges in the area (including Marina Coast Water District brine discharges near Reservation Road and Marina State Beach), could cumulatively contribute to the Project’s marine water quality impacts. At the very least, the EIR must account for all potential sources of brine and reverse osmosis concentrate discharged by the PCA and determine whether these sources, in combination, create new significant impacts or increase the severity of identified significant impacts to marine water quality. After full consideration of all potential brine and concentrate sources, the EIR should also determine whether additional mitigation measures are necessary to reduce the cumulative impacts from such discharges to less-than-significant levels.

b) Species in Reclamation Ditch and Tembladero Slough Must be Protected

If source water from the Reclamation Ditch and Tembladero Slough will be used for this project, the EIR should incorporate specific mitigation measures to ensure that special status species are not harmed by the diversion intake. Surfrider Foundation is concerned that there is no explicit information provided about the diversion intake from either of these water bodies, and that the DEIR concludes that there will be less than significant impacts from such operation. Entrainment and impingement of species in the Reclamation Ditch and Tembladero Slough are very real potential consequences from such a diversion intake structure. While the DEIR provides that the Reclamation Ditch and Tembladero Slough intake structures would be screened, it does not provide the dimensions of the
screen, or the through-screen velocity at the intake structure, which are critical components for determining if, in fact, and to what degree species could be entrained or impinged by the intake. This information must be provided to ensure that impacts are adequately mitigated.

c) Water Should Not be Wasted for Mitigation

Surfrider Foundation requests that additional mitigation measures be included, or mitigation measures revised such that water itself is not used in mitigation, or is done so at the minimum extent. For example, Mitigation Measure AQ-1, which addresses construction dust control, would require watering all active construction areas “at least twice daily,” “preferably from non-potable sources.” Surfrider Foundation believes this may be excessive, particularly when there is rain, or when it is not windy or otherwise may be unnecessary. Further, the EIR should include other alternative dust control measures during construction that do not require use of water, or which minimize quantity of water applied. This could include physical wind-breaking barriers such as solid board fences, burlap fences, hay bales, and similar materials. Barriers placed at right angles to prevailing wind currents at intervals of about 15 times the barrier height are effective in controlling wind erosion.\(^1\) Finally, while Mitigation Measure AQ-1 provides that dust control preferably should come from non-potable sources, Surfrider Foundation argues that if water is used, it must come from non-potable sources.

3. Conclusion

On behalf of the Surfrider Foundation Monterey Chapter, thank you for the opportunity to submit these comments on the DEIR for the Pure Water Monterey Groundwater Replenishment Project. We hope you will seriously consider our requests to proceed with the most environmentally and coastal resource protective Project locations and components, address the mitigation measures related to the Reclamation Ditch and Tembladero Slough diversion, and limit the use of water for mitigation. This Project must be carried out such that our waterways, ocean, and coastal resources are protected to the maximum extent possible for generations to come, and CEQA demands that all feasible alternatives, cumulative impacts, and mitigation measures be considered.

Staley Prom, Esq.
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