



**Sacramento Regional Wastewater
Treatment Plant**

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May 30, 2008

Ms. Delores Brown
Chief, Office of Environmental Compliance
Department of Water Resources
PO Box 942836
Sacramento, CA 94236

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District Manager

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Chief Financial Officer

**Comments in response to Notice of Preparation – Environmental Impact Report
and Environmental Impact Statement for the Bay Delta Conservation Plan**

Dear Ms. Brown:

Sacramento Regional County Sanitation District (District) appreciates the opportunity to offer comments on the Environmental Impact Report/Environmental Impact Statement (EIR/EIS) that will be prepared to evaluate the environmental impacts of a proposed Bay Delta Conservation Plan (BDCP). The BDCP and the associated environmental evaluation are of keen interest to the District.

The District provides wastewater collection and treatment services to 1.3 million residents of the greater Sacramento area. The District designed and operates its treatment system in accordance with its National Pollutant Discharge Elimination System (NPDES) permit, issued by the State of California, providing protection of beneficial uses of the Sacramento River and Sacramento-San Joaquin Delta.

The District is very concerned with the pelagic organism decline (POD) in the Delta and supports the goal of the BDCP to address the decline and improve the long-term ecological productivity and sustainability of the Delta. The District believes that the restoration of the health of the Delta ecosystem should be the top priority of the BDCP and that any changes to the structure or operation of the Delta should be carefully evaluated to ensure that it does not conflict with or hinder such restoration.

Additionally, the District observes that the BDCP process has been lacking in representation by Central Valley stakeholders. The BDCP evaluation and ongoing process should address Central Valley stakeholders and other stakeholders not represented on the BDCP steering committee or other aspects of the ongoing collaboration between state and federal agencies and water agencies.

In concert with an emphasis on Delta ecosystem recovery and sustainable function, and the proper consideration of the concerns of Central Valley residents and other stakeholders, the District's comments on the scope of the EIR/EIS are as follows:

1. The EIR/EIS must address how each alternative impacts Delta fisheries and how the project will remedy, rather than prolong or exacerbate, the POD. The Notice Of Preparation (NOP, March 17, 2008) presumes that incidental take of endangered species will continue to occur in the future as part of a "conservation plan." The EIR/EIS must address and quantify the level of take that the Delta can withstand that will allow the recovery of sustainable fish populations.
2. The Existing Condition for the EIR/EIS should be the legal and regulatory constraints existing at the time of issuance of the NOP. As such, the Existing Condition for this project should include the legal determinations and operational constraints embodied in the Wanger decision and other recent legal decisions.
3. The EIR/EIS should state that an objective of the selected project will be to avoid unintended impacts on third parties. For example, the selected project should either avoid or mitigate changes in water or wastewater treatment for residents of the Central Valley or the Delta that would not otherwise occur in the absence of the projects considered in the BDCP. The impacts of any such changes must be considered in evaluating the environmental costs and benefits, if any, of the BDCP. The beneficiaries of water diversions from the Delta should be accountable for funding any necessary mitigation.
4. The BDCP and EIR/EIS should state that the funding for the selected BDCP project will be fair and equitable to stakeholders in the Central Valley and will be financed, in large part, by the beneficiaries of water diversions from the Delta. The cost estimates and funding mechanisms for the four alternatives should be presented in the EIR/EIS.
5. The EIR/EIS must fully evaluate the alternative BDCP projects for consistency with State and Federal antidegradation policies under the Clean Water Act and the California Water Code. It appears that many or all of the alternatives will result in degraded water quality in the Delta due to the diversion of higher quality Sacramento River flows from the Northern and Central portions of the Delta. Such action would clearly trigger the need for an antidegradation analysis.
6. The proposed abilities of the four Options to meet biological goals are highly dependent on hypothetical habitat restoration activities in zones outside the pathways of through-Delta conveyance. Although general restoration opportunities are described for the four Options, specific restoration projects would certainly require local stakeholder involvement, separate cost-benefit analyses, and environmental review. In debating the relative merits of the proposed alternatives in the EIR/EIS, the greatest weight should be placed on the outcomes which are more certain: changes to baseline hydrology and water quality owing to the timing, location, and quantity of water export. The EIR/EIS should carefully evaluate whether the positive effects of habitat restoration projects inside the Delta will outweigh negative effects of diversion of high-quality Sacramento River water. Technical details should be provided about the number, locations, and types of restoration projects that are necessary to provide the biological benefits ascribed to the Options. The feasibility and sustainability of the restoration projects should be covered in the EIR/EIS, and the responsible parties for implementation identified.
7. In the BDCP Options Evaluations Report of September 2007, the relative costs (infrastructure, operations, management) of implementing the Options are used as one of the performance criteria for comparing the four Options, but apparently only the costs associated with conveyance infrastructure were

considered. The costs for habitat restoration activities embodied in the Options should also be evaluated in the EIR/EIS.

8. A structural approach for achieving water supply reliability (conveyance) was one of two key components used to evaluate the original range of BDCP alternatives. A fifth BDCP alternative should be evaluated in the EIR/EIS in which non-structural approaches for achieving water supply reliability are considered. Non-structural alternatives should include water conservation, water reclamation, localized desalination, increased capture and storage of localized rainfall or other forms of water procurement in lieu of continued or increased Delta deliveries.

9. The energy and greenhouse gas impacts of pumping from the Delta and subsequent pumping along the conveyance alignment must be evaluated, along with all energy and greenhouse gas impacts of all aspects of the BDCP alternatives. This analysis is consistent with the analysis of the sustainability and reliability of continued use of the Delta as the primary water supply source for major population centers in the State.

10. The relationship of the BDCP planning and decision making effort to other ongoing planning efforts (e.g. Delta Vision and the Biological Opinion(s) being performed in response to court orders) should be clearly addressed in the EIR/EIS. The NOP describes the means by which the Governor's Delta Vision process led to the direction to initiate the BDCP California Environmental Quality Act (CEQA)/National Environmental Policy Act (NEPA) process. However, the NOP does not articulate the importance of the Delta Vision report, to be issued in fall 2008, on the BDCP process.

The District thanks you for the opportunity to provide these comments at this stage in the development of the BDCP EIR/EIS and looks forward to continued and increased involvement in development of a BDCP that will lead to the recovery of the Delta ecosystem.

Please include the District on the notice list to receive all notices concerning the BDCP including, but not limited to, notice of any workshops, meetings or hearings on the BDCP or EIR/EIS, and any CEQA Notice of Determination for the project. Please send notices to Terrie Mitchell, Sacramento Regional County Sanitation District (SRCSD), 10545 Armstrong Ave. Suite 101, Mather, CA, 95655, and if notices will be distributed by email, also to mitchellt@sacsewer.com.

Sincerely,



Wendell Kido
District Manager

Cc: Debbie Webster, Executive Officer, Central Valley Clean Water Agencies
Delta Vision Blue Ribbon Task Force
State Water Resources Control Board Members
Central Valley Regional Water Quality Control Board Members
Terrie Mitchell, Legislative and Regulatory Affairs Manager, SRCSD
Mary Snyder, District Engineer, SRCSD