UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901

AUG 0 6 2009

David White
Mid-Pacific Region
Bureau of Reclamation
2800 Cottage Way
MP-730, Room W-2830
Sacramento, CA 95825-1898

Subject: Draft Environmental Impact Statement for North San Pablo Bay Restoration and Reuse Project (North Bay Water Recycling Program), Sonoma, Marin, and Napa Counties, California (CEQ# 20090178)

Dear Mr. White:

The U.S. Environmental Protection Agency (EPA) has reviewed the above-referenced document pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1508), and our NEPA review authority under Section 309 of the Clean Air Act. Our comments are provided in accordance with our June 5, 2009 agreement that EPA provide our comments no later than August 7, 2009. We appreciate the additional time to conduct our review.

EPA supports the project purpose to expand beneficial use of recycled water for agriculture, urban, and environmental uses in the North Bay region. Efficient and sustainable water use is vital in meeting the challenges of long-term drought, climate change, continuing population growth, and the collapse of the Bay-Delta ecosystem. We commend the North Bay Water Reuse Authority cooperative program and its support of sustainability and environmental enhancement through the expanded use of recycled water.

Potable water would be made available through the expanded use of recycled water for agricultural and landscape irrigation and wetland restoration. We encourage the use of this potable water to increase the reliability of water supplies for existing and in-fill development and existing and/or designated beneficial uses, prior to its use for new development.

We also urge the North Bay Water Reuse Authority and its Member Agencies to support ongoing research on the human and biological toxicology of microconstituents and emerging contaminants that may be present in recycled water. Potential avenues of support include collaboration with the State Water Resources Control Board on data collection; monitoring of recycled water use and its human, ecological, and biological

effects; and public education programs regarding proper disposal of pharmaceuticals and household products.

Our review has not identified potential environmental impacts requiring substantive changes to the proposal. We recommend the FEIS include a clear commitment to additional project-level environmental review for new storage reservoirs and subsequent project phases once site-specific project design alternatives are determined.

In light of the above comments, we have rated the DEIS as Lack of Objections (LO) (see enclosed "*Summary of Rating Definitions*"). We appreciate the opportunity to review this DEIS. When the FEIS is released for public review, please send one hard copy and one CD ROM to the address above (mail code: CED-2). If you have any questions, please contact me at (415) 972-3521, or contact Laura Fujii, the lead reviewer for this project. Laura can be reached at (415) 972-3852 or fujii.laura@epa.gov.

Sincerely,

Kathleen M. Goforth, Manager
Environmental Review Office
Communities and Ecosystems Division

Enclosure: Summary of Rating Definitions

cc: Marc Bautista, Sonoma County Water Agency
Ken Harris, Regulatory Section, State Water Resources Control Board
William Hurley, Watershed Management Division, San Francisco Regional Water Quality Control Board
Susan K. Moore, US Fish and Wildlife Service
Charles Armor, Bay Delta Region, California Department of Fish and Game

SUMMARY OF EPA RATING DEFINITIONS*

This rating system was developed as a means to summarize the U.S. Environmental Protection Agency's (EPA) level of concern with a proposed action. The ratings are a combination of alphabetical categories for evaluation of the environmental impacts of the proposal and numerical categories for evaluation of the adequacy of the Environmental Impact Statement (EIS).

ENVIRONMENTAL IMPACT OF THE ACTION

"LO" (Lack of Objections)

The EPA review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

"EC" (Environmental Concerns)

The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impact. EPA would like to work with the lead agency to reduce these impacts.

"EO" (Environmental Objections)

The EPA review has identified significant environmental impacts that should be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

"EU" (Environmentally Unsatisfactory)

The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potentially unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the Council on Environmental Quality (CEQ).

ADEQUACY OF THE IMPACT STATEMENT

"Category 1" (Adequate)

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis or data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

"Category 2" (Insufficient Information)

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analysed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses, or discussion should be included in the final EIS.

"Category 3" (Inadequate)

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analysed in the draft EIS, which should be analysed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the NEPA and/or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

*From EPA Manual 1640, Policy and Procedures for the Review of Federal Actions Impacting the Environment.