



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street
San Francisco, CA 94105-3901

JUN 27 2016

Otay Project Manager,
Office of Environmental Quality and Transboundary Issues
(OES/EQT): Room 2726,
U.S. Department of State,
2201 C Street N.W.,
Washington, DC 20520

Subject: Draft Environmental Impact Statement for the Otay Mesa Conveyance and Disinfection System Project, San Diego County, California (CEQ # 20160106)

Dear Sir or Madam:

The U.S. Environmental Protection Agency has reviewed the above-referenced document pursuant to the National Environmental Policy Act, Council on Environmental Quality regulations (40 CFR Parts 1500-1508) and our NEPA review authority under § 309 of the Clean Air Act.

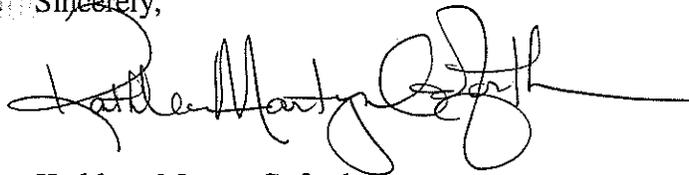
Based on our review of the subject Draft EIS, we have rated the Preferred Alternative as "LO" (*Lack of Objections*; see the enclosed "Summary of EPA Rating Definitions"). The EPA commends the Otay Water District and the State Department for choosing alternatives that maximize the use of existing disturbed lands, existing utilities rights of way and existing or proposed roads. Although we have no objections to the proposed project, we recommend that the Final EIS provide further clarification regarding greenhouse gas emissions, opportunities to reduce such emissions, and the analysis of waters of the U.S.

According to the Draft EIS, the project's greenhouse gas emissions would be "significant" if the pump station is included in the final project design. We recommend that the Final EIS discuss the feasibility of powering the pump station with renewable energy and quantify the reduction in GHG emissions that could result. The Draft EIS also states that, if the pump station is not required, the greenhouse gas emissions from the project would fall under the County's 2,500 metric ton CO₂-equivalent threshold. Under this scenario, the DEIS concludes that the GHG emissions from the project "would not be significant" (p. 3.6-14). We recognize the relevance of using this threshold from a California Environmental Quality Act perspective; however the characterization of greenhouse gas emissions as not significant does not recognize that diverse, individual sources of emissions each may contribute a relatively small amount to global atmospheric GHG concentrations while, collectively, these sources can have a large impact. We recommend updating the greenhouse gas discussion and analysis in the Final EIS to address these concerns.

EPA also recommends that the Final EIS describe how the Otay Mesa Water District and the State Department will coordinate with the U.S. Army Corps of Engineers to ensure that any stream restoration activities comply with the permit requirements of Section 404 of the Clean Water Act.

We appreciate the opportunity to review this Draft EIS, and are available to discuss our comments. When the Final EIS is released, please send one CD copy to this office (Mail Code ENF-4-2). If you have any questions, please contact me at 415-972-3521, or contact Scott Sysum, the lead reviewer for this project. Mr. Sysum can be reached at 415-972-3742 or sysum.scott@epa.gov.

009 1 S MUI Sincerely,

A handwritten signature in black ink, appearing to read "Kathleen Martyn Goforth". The signature is fluid and cursive, with a long horizontal line extending to the right.

Kathleen Martyn Goforth
Manager, Environmental Review Section

Enclosure: Summary of EPA Rating Definitions

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

