



California Regional Water Quality Control Board

San Francisco Bay Region



Alan C. Lloyd, Ph.D.
Agency Secretary

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Arnold
Schwarzenegger
Governor

Date: 1/16/05
File No. 2158.02(FG)

Mr. Tim Haddad
Environmental Coordinator
Marin County Community Development Agency
3501 Civic Center Drive, #308
San Raphael, CA 94903-4157

Subject: Draft Environmental Impact Report for Lawson's Landing Master Plan, Coastal Permit, and Tidelands Permit, 137 Marine View Dr. Dillon Beach, State Clearinghouse Number 2000092067

Dear Mr. Haddad:

We have received the above referenced Draft Environmental Impact Report (DEIR) and offer the following comments.

Proposed Project

The proposed project, an application for the Lawson's Landing Master Plan, Coastal Permit, and Tidelands permit, seeks approval for the proposed Master Plan which includes a land use and development plan and a resource management plan for all uses on the 850+ acre property.

Impacts To Aquatic Resources

The DEIR indicates that there will be significant impacts to aquatic resources including wetland habitat, wet meadows, or other waters of the State. A Clean Water Act (CWA) Section 401 water quality certification is required for such impacts/activities. A CWA Section 404 Permit from the U.S. Army Corps of Engineers may also be necessary for projects involving impacts to waters of the U.S. Work involving stream channels may require a Stream Bed Alteration Agreement from the California Department of Fish and Game.

Impacts to Special Status Species and Sensitive habitats

The DEIR indicates there will be a potentially significant impact to occurring special status species as well as the sensitive habitats. It also indicates that the proposed excavation, filling, grading and overall construction activities could result in the degradation of Water Quality. We acknowledge and appreciate proposed

mitigation/Best Management Practices (BMP's) and we are especially concerned that these measures be implemented throughout the project to protect Water Quality and special status species.

Stormwater Management Plan

This project would increase the amount of impervious surfaces and as a result increase the amount of stormwater runoff from the site. Water Board staff recommends the development and implementation of a long term Storm Water Management Plan (SWMP) to protect water quality after construction. Post-construction stormwater concerns may include significant changes in the hydrograph of the receiving waters caused by stormwater runoff, or discharge of pollution such as petroleum products and animal waste to a waterway. We encourage the use of innovative site designs that reduce impermeable surfaces and incorporate Best Management Practices (BMPs) to protect and treat stormwater. These considerations should be incorporated into project design as early in the planning phase as possible. Water Board staff also recommends obtaining a copy of "Start at the Source- Design Guidance manual for Stormwater Quality Protection." The manual provides innovative design techniques for structures, parking lots, drainage systems and landscaping. This manual may be obtained in the planning offices of most cities or by calling (510) 622-2321.

Construction Stormwater Pollution

The proposed developments would disturb more than one acre of land during construction, and must be covered under the State NPDES General Permit for Discharges of Storm Water Associated with Construction Activity (General Permit). This can be accomplished by filing a Notice of Intent (NOI) with the State Water Resources Control Board, Division of Water Quality. Copies of the General Permit and NOI can be obtained from the State Board's web page, www.swrcb.ca.gov/stormwtr/construction.html, or by contacting Board staff at (510) 622-2300. The project sponsor must propose and implement control measures that are consistent with the General Permit and with the recommendations and policies of the local agency and the RWQCB.

The Water Board requires the development of a Storm Water Pollution Prevention Plan (SWPPP). The plan should outline best management plans (BMPs) that will prevent erosion and stormwater pollution. The SWPPP should be consistent with the terms of the General Permit, the Manual of Standards for Erosion & Sedimentation Control Measures by the Association of Bay Area Governments (ABAG), and the policies and recommendations of the local urban runoff program

Boating Activities

Boat discharges (wastes) have been identified as one of the sources of pathogens in Tomales Bay. The Water Board, in cooperation with other agencies (including County of Marin, Coastal Commission, State Lands Commission, Gulf of the Farallons, State and National Parks) is developing a boating management plan for Tomales Bay. One identified issue in the boating management plan is the lack of adequate facilities for vessel sewage. If Lawson's Landing does expand any of their boating facilities (e.g. add a boating rental facility) they should provide adequate facilities for disposing of vessel sewage. We recommend a pump-out facility. Although Lawson's does have a sewage dump stations for their trailers, there should be a facility specifically provided for vessel sewage waste.

Wastewater Treatment and Disposal System**Responsible Party**

The subject project includes a new onsite wastewater treatment and disposal system that would subject to regulation and permitting by the California Regional Water Quality Control Board, San Francisco Bay. As such, the Water Board should be included in the DEIR's identification of Responsible Parties under CEQA.

Project Description

The descriptions of physical facilities included in the project and where they are located are unclear. Information is given both as narrative and diagrams, the latter referred to as "exhibits". Narrative descriptions commonly refer to locations in terms of named areas, such as Main Meadow, meadow, Sand Point, Dunes, but on most of the respective associated exhibits, these areas are not labeled or otherwise delineated. For example, at section 3.4.1, Recreational Use (p. 3-11) describes the recreational use area as an area known as Sand Point, and references Exhibit 3-4, but that exhibit does not include an area labeled as Sand Point. Furthermore, different terms are used in the narrative versus the associated exhibits. For example, this same section identifies a "trailer sewage disposal station", but no such facility is shown on Exhibit 3-4; there are markings on the exhibit for "Dump Station", which appear to correspond, but since different terms are used, the matter is unclear. Another example, at section 3.6.1 Physical Characteristics, the report states that proposed new recreational facilities are listed in Table 3-1 and shown on Exhibit 3-9. The table includes an item, "Reopening of Sewage Disposal Stations", at locations identified as Main Meadow and Sand Point. Exhibit 3-9 does not identify the Main Meadow versus Sand Point areas, and does identify any sewage disposal station facilities, but rather only one facility labeled "Dump Station". The table lists "Sewage Treatment System and Lines, and Access Road", at Sand Point and Dunes, but the exhibit shows only a rectangle labeled "Leachfields". The failure to provide clear and accurate descriptions of the facilities that are part of the project and where they are

located results in the inappropriate necessity of assumptions on the part of the reviewer, and precludes clear understanding of the report.

Residences.

The project appears to include 12 residential facilities - three existing houses and seven existing mobile homes, and one proposed new house, and one proposed new mobile home. The means of wastewater service for each of these facilities is not clearly described in the DEIR.

The DEIR includes description of construction of a new wastewater treatment and disposal system. The technical reports for this system in the DEIR Appendix D discuss that there are presently four mobile homes and one house at Lawson's Landing and that these would be serviced by the new wastewater system. The DEIR does not describe exactly which mobile homes and which house these are, out of the identified total ten existing residences. The DEIR, at section 4.4.1 (page 4.4-1) states that all existing residences located in the northern portion of the project site use individual septic systems which are permitted by the RWQCB, and that no alterations to these systems are proposed. The residences in reference here are not clearly described or identified. Exhibit 3-10 of the DEIR, Existing and Proposed Residential Development, shows four existing mobile homes and three existing houses located in the northern portion (i.e., versus southern portion) of the project site. This then indicates that all existing houses of the project are served by individual septic systems with no planned alterations, leaving the proposed new house unaccounted for, and uncertainty as to the existing house discussed in the technical reports for the new wastewater system. The DEIR at section 4.4.2, Proposed Onsite Treatment System (page 4.4-4), identifies that the mobile homes at sand point would be served by the new centralized wastewater system. It is unclear if this includes the proposed new mobile home. The DEIR needs to be revised to provide clear description and identification of all residential facilities, both existing and proposed, and how wastewater service will be provided for each facility.

Individual Septic Systems permitted by the RWQCB

The DEIR, at section 4.4.1 (page 4.4-1) states, "Existing residences located in the northern portion of the project site, use individual septic systems, which are permitted by the RWQCB." The Regional Water Board has no known record of permits for any individual septic systems that are part of the subject project. The DEIR needs to be revised to include substantiation of this statement by incorporation of specific documentation references, or revision and correction of this statement as may be appropriate.

Status of Individual Septic Systems

Furthermore, whether the above discussed systems are permitted or not, these facilities are identified as part of the project, and yet the DEIR does not describe the

nature, adequacy or potential environmental impacts of the “individual septic systems” serving these facilities. The DEIR needs to be revised to do so.

Minimum Guidelines for the Control of Individual Wastewater Treatment and Disposal Systems

The DEIR, at Section 4.4.1, subsection San Francisco Bay RWQCB Regulations (page 4.4-2), third fourth and fifth paragraphs, includes incorrect identification of the regulatory guidance document, Minimum Guidelines for the Control of Individual Wastewater Treatment and Disposal Systems as a document of the State Water Resources Control Board (SWRCB). This document is a San Francisco Bay RWQCB document. The DEIR needs to be revised to provide correct references.

Sewage Disposal Stations

The DEIR describes that two existing “sewage disposal stations” would be reopened, and would be served by the new centralized wastewater treatment systems. The technical reports for the proposed new wastewater system included in DEIR Appendix D do not appear to address the inclusion of these sewage disposal stations. It is therefore unclear if the proposed new wastewater treatment and disposal system will be adequate to accommodate the wastes discharged in to the sewage disposal stations. Furthermore, we did not find description in the DEIR of the physical characteristics of these sewage disposal stations nor details about their uses. These disposal stations could involve adverse environmental impacts such as from spills, overflows or uncontrolled uses or discharges of wastes other than domestic sewage that could be detrimental to the new centralized wastewater system. The DEIR needs to be revised to address these matters.

Impacts to Offsite Wastewater Treatment Systems

The DEIR at Impact 4.4-1 (page 4.4-5), states, “The project would not contribute to any offsite wastewater collection or treatment facilities.” This statement is not substantiated by the information presented in the DEIR. The DEIR identifies that the wastewater service for project facilities would be provided by various onsite wastewater treatment and disposal systems - some existing and identified as not to be altered, and a new centralized treatment and disposal system. All of these systems include septic tanks, which afford separation of solids from the liquid waste stream and temporary storage of accumulated solids. Although we did not find discussion of septic tank operation and maintenance in the DEIR, it is widely known and understood that proper operation and maintenance of septic tanks includes periodic removal of accumulated solids. Those removed solids must be properly and legally disposed of. Typically, removed solids are disposed of to a municipal sewage treatment plant or other permitted wastewater treatment system designed to accommodate such wastes. The Regional Water Board is not aware of, nor does the DEIR describe, any legal point of disposal on the project site for disposal of

wastewater solids removed from septic tanks. If such facility exists or is proposed on the project site, then the DEIR is inadequate and incomplete by not having addressed this. If such facility does not exist and is not proposed on the project site, then the project will have impacts to offsite wastewater treatment systems because solids removed from septic tanks will need to be discharged to offsite wastewater treatment systems. In either case, the DEIR needs to be revised to address this matter.

Compliance with RWQCB Standards

The DEIR, at Impact 4.4-2 (page 4.4-6), discusses that mitigation measure 4.6-1 would require relocation of the wastewater treatment system to the northern area of the project site outside of the onsite sand dunes. This section states in part, “Based on preliminary review of these locations, construction of a wastewater treatment system would be feasible from a design, siting and environmental standpoint.” The DEIR does not include sufficient information to substantiate this statement. Appendix H of the DEIR, labeled “Environmental Review of Alternative Wastewater Sites,” includes a two page letter and a map, with extremely generalized identification about the supposed alternative sites, and only scant cursory information about these “sites.” The DEIR does not include technical information that is typically needed and required for assessment of the adequacy of any onsite wastewater treatment and disposal systems, such as specific delineation of proposed location on an accurate topographic depiction of the site, soil profile descriptions, soil permeability and or percolation test results, etc. The DEIR needs to be revised to provide sufficient technical information to substantiate the assertion of the feasibility of potential alternative wastewater treatment and disposal sites.

Furthermore, in addition to inadequate information about site feasibility, the DEIR does not provide any assessment of potential environmental impacts of a wastewater treatment and disposal system located at an alternate site. If an alternative site is intended to be incorporated into the project, the DEIR would need to be revised to do so.

Acceptability of Alternate Location for Wastewater System

The DEIR, at Impact 4.4-2 (page 4.4-6), also includes the following, “Further, staff of the RWQCB indicated that construction in the alternate location would be acceptable as long as no significant adverse environmental impacts would result (Allen, pers. comm., 2005).” This statement is incorrect and potentially misleading. First, it is incorrect in that it indicates a specific location (“the alternate location”). A specific alternate location was not identified at the time of the referenced communication, nor is one identified within the DEIR. Second, it should be noted that the matter as discussed in that communication was entirely conceptual, i.e., the concept of an alternative location would be acceptable, with the stated qualification about no adverse environmental impact. This must not be construed to imply any sort of approval of any alternative location by RWQCB staff, since there was not and as yet is

Addressee

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Date

not any specificity of location nor requisite technical information provided for consideration and evaluation.

If you have any questions about these matters, please contact Farhad Ghodrati of my staff at: Phone: 510.622.2331; or e-mail: fghodrati@waterboards.ca.gov.

Sincerely,

Wil K. Bruhns, Chief,
North Bay Watershed Management Division