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Submitted via email:
Kimberly@ci.mccloudcsd.ca.us

Dear Ms. Paul:

We Advocate Thorough Environmental Review (W.A.T.E.R.) is a California 501(c)(3) non-profit corporation incorporated to promote quality local and regional planning, land use and development, as well as to preserve a healthy human and natural environment within the Siskiyou County area.

We are responding to a request for public comment on the Notice of Preparation of a Draft Environmental Impact Report for the Proposed McCloud Artesian Spring Water Bottling Facility Project. Please acknowledge receipt of this letter.

General Comments:

- 1). There is a serious omission from this NOP: Tribal Cultural Resources are not considered, as required by state law AB52. As of this writing, no notice has gone out to the local Tribes who have Traditional Cultural Resources in the area of the project. AB52 consultations must commence and be resolved, and the DEIR must contain a Tribal Cultural Resources section.
- 2). There are circulating at least three versions of the announcement of the Notice of Preparation, one dated January 2, 2018 with a comment due date of February 2, and two dated January 3, 2018, but with differences in the due date for public comments, either February 1 or 5. Which is the valid document? What else besides the due date is different between the three NOPs? Why the confusion and why impose it on the public?
- 3). Fire training area: The document reflects ambiguities in the discussion of the new Parcel 2 that is intended for development on a portion of the project site. In section 1.1 it states: "Parcel

2 **would be** donated to the MCSD for possible future development as a fire training facility...", as does a MASWC rezoning application to the County. However, in section 1.4.4 it states, "parcel 2 would be 9.27 acres, and, while not proposed for development at this time, **may be** donated to the MCSD for a future fire training center." Since Parcel 2 is covered in several other aspects of the project, including zoning and annexation, and since it provides the continuity of land that allows annexation, the DEIR must include all aspects of Parcel 2 development. Since CEQA requires an analysis of the whole of the project, Parcel 2's use as a fire training center must be evaluated in the EIR, including impacts to wetlands, air quality, noise, aesthetics, traffic, etc. The cumulative impacts of activities on both parcels are intertwined and cannot be segregated.

4). The potential for future expansion of the plant must be disclosed and discussed in the DEIR.

5). McCloud has become a prized host for retreats, weddings, festivals and conferences. It is a destination of choice for anglers, recreation enthusiasts, adventure travelers, spiritual residents and tourists seeking rejuvenation in a natural environment. A significant amount of the McCloud economy revolves around these activities. There is the potential for the proposed project to negatively impact this economic base because of heavy truck traffic, light and noise pollution in an otherwise serene environment, air pollution, and negative impacts to Squaw Valley Creek, a tributary to the world-famous McCloud River and ultimately the Sacramento River. Thus economic justification for the proposed project (e.g., there is market demand for the product or jobs will be provided), must be complemented with thorough evaluation of all the project's externalized costs to the community.

Specific Comments (Section headings refer to Sections in the NOP):

Section 1.1 Background

The document states:

"The Agreement gives MASWC the right to divert and bottle a maximum of up to 200 gallons per minute, constant flow, of water from the MCSD. In no event shall MASWC's diversion rate exceed 200 gallons per minute or shall the total amount of water diverted exceed 323 acrefeet per calendar year (i.e., 100 gallons per minute is equal to approximately 0.442 acre-feet per day or 144,000 gallons per day; 323 acre-feet is equal to approximately 105,120,000 gallons), whichever occurs first."

That last phrase, "...whichever occurs first." makes no sense. If the plant pumped 200 gallons per minute 24 hours a day every day of the year, it would use 105,120,000 gallons per year (which equals 323 acrefeet/year). In other words, this higher value would never come first and only occur under one condition, that of full time pumping. The meaningful description of the cap would be to say a flow rate of 200 gallon per minute would never be exceeded.

The document goes on to say,

"If MASWC is unable to utilize its maximum allotment of water at any time, MASWC shall not be entitled to divert more than its allotment to "make up" the amount of water not previously diverted, with the exception of water delivery delays or interruptions occurring at no fault of the MASWC."

That last phrase "...with the exception of water delivery delays or interruptions occurring at no fault of the MASWC," seems to negate the rest of the sentence. What unexpected delays or interruptions are anticipated? Drought, action by the Water Board, times when MCSD may need to restrict pumping for all residents, snowstorms that may limit truck traffic, should not be excuses for making up pumping. This again seems to invalidate the cap on pumping at 200 gallons per minute. The cap on pumping at 200 gallons per minute must be an absolute cap to protect the community and environment, and the DEIR must show that this pumping rate will not create negative impacts to the environment and the MCSD's water resources.

Section 1.2 Location and Setting

The document states, "The MCSD has exclusive water rights to the aforementioned springs [Intake and Upper and Lower Elk]". Does the MCSD have the authority to provide its water to a commercial for profit entity prior to the water reaching its own distribution system? Does the MCSD have the right to allow the peoples water to be transported out of the community for industrial purposes elsewhere? Is the public trust of water applicable here? All the water downstream is already allotted and there is more "papered" water than actual water. How can the water at the top be siphoned off for non-allocated uses? Please provide in the DEIR documentation of all of the springs' water rights including all changes to these rights prior to and after 1914. Please provide the documentation concerning all permitting agencies involved in this water transfer.

Section 1.4 Project Entitlements

The following statement in the first paragraph contradicts the rest of the section:

"As Lead Agency for the proposed project, MCSD would be responsible for the CEQA/EIR processing and development of the Draft EIR and subsequent certification of the Final Draft EIR in addition to coordination with Siskiyou County acting as the Responsible Agency in all other permitting and approvals required for the overall completion of the processes required for MASWC to move forward with the construction and the operation of the bottling facility."

The sentence says the County is the Responsible Agency "in all other permitting and approvals required...", yet the remainder of the section defines CAL FIRE, LAFCO, APCD, and FDA as other agencies that must provide permits or approvals. The ambiguity in who has permitting and approval responsibilities must be removed. The EIR must also acknowledge and describe the

authority the Central Valley Water Quality Control Board will have regarding waste discharge permits, given that the MCSD wastewater treatment facilities are under its jurisdiction. ALL permits and authorizations from all agencies must be included in the EIR.

Section 1.4.1 Annexation

Annexation will commit the MCSD to provide, "... the water source and domestic sewage disposal capacity and other necessary equipment and administrative structure to provide water, sewer, fire protection, ambulance, and refuse collection services to the area to be annexed." The EIR must show how the cost of MCSD providing all these services will be covered by MASWC, in perpetuity.

Section 1.4.3 Rezone

Within the sphere of influence of the project itself are residential areas and the town of McCloud itself. The EIR must outline the effects of rezoning from Woodland Productivity and Timberland Preserve Zones to Heavy Industrial Zoning on residential areas within a two mile radius, especially since there are nearby residential areas. All permitting documentation of the proposed zone change must be provided.

Also, Siskiyou County has said that Water Bottling is Light industrial activity. If this is the case, why allow for heavy industrial zoning? This allows too many impacts on residential homeowners which include, but not limited to air quality, noise and nighttime sky impacts. It also allows for more harsh operations and approvals of polluting activities, without consideration for nearby residential areas. It would seem Light Industrial is the most appropriate zoning category.

In terms of the Forest Service (Timberland Forest Conversion Permit & Timber Harvest Plan), please outline all impacts to surrounding areas (residential, commercial, and adjoining timber) of converting land use from forest to industrial.

Section 1.4.4 Tentative Parcel Map

The proposed two parcels will surround a parcel owned by the MCSD that contains a concrete reservoir. Given the ambiguity about who will own Parcel 2, a MCSD easement to access the reservoir must be defined.

Section 1.4.5 Timberland Conversion Permit and Timber Harvesting Plan

Please fully explain the following in the DEIR"

"The project applicant is proposing to amend the approved Bordertown THP No. 2-13-030-SIS to process a change in siviculture [sic] for the McCloud project site, which is included in the much larger Bordertown THP boundaries."

Section 1.5 Project Components

The text mislabels Finished Area Warehouse components M and N in figure 5 as A and B.

Section 1.5.1 Bottling Facility and Proposed Operation

It sounds misleading to call this facility a “startup boutique bottling facility” or even a “small to medium scaled” facility. This facility is proposing to use significantly more water than is proposed for the Crystal Geyser Water Company plant in Mt. Shasta (that will be running half as many bottling lines).

It is appreciated that a rinse water recycling system will be used to conserve water. Please in the DEIR discuss alternatives (e.g., aseptic bottling) to show this is the most water efficient system.

Provide proof that working overnight (3 shifts) is required. For the benefit of the surrounding residential areas and for the community of McCloud, the plant likely should be “quiet” during normal sleeping periods for local homeowners. Operations should be 7am to 10pm, M-F with daytime maintenance on Saturdays.

PET bottles should not be used. They are a major global pollution hazard. Only approximately 30% of PET plastic gets recycled; the rest ends up in landfills and pollutes land and sea. In the past, 80% of recyclable garbage was sent to China, however, as of this year China is no longer taking other countries' garbage. The use of PET bottles will augment an already intractable problem.

The math regarding the number of employees does not add up. It is stated that in the first year two shifts will operate with 34 employees. In the second year a third shift will added with an additional 12 employees. This totals 46. However in the fourth paragraph of this section it states, "With the addition of the potential third shift beginning in year two the total number of daily employees is estimated at approximately 60." How does 34 plus 12 become 60?

The section ends with the statement, "...employee and production projections are based on maximum capacities that will be determined based on distribution and market demand." The DEIR must show there is market demand for these products.

Section 1.5.2 Tanker Station-Bulk Water Shipping

The location, destination and recipient of proposed bulk water shipping must be identified in order to determine if shipping is allowable according to Siskiyou County Ordinances and State law. Shipment of bulk water outside of the County is not allowable. The public, responsible agencies, local Tribes and the McCloud Community Service District have a right to full

disclosure of where and who will be receiving the water, before approving this plant. Evidence for "market demand" for that water must be provided.

Section 1.5.3 Project Water Supply and Demand

MASWC proposes to tie a dedicated pipeline directly into the Intake Springs vault, before it enters into the MCSD water storage tank. The company would get first dibs, thereby potentially reducing the quantity, pressure and temperature of McCloud's current water supply. The DEIR must describe enforceable precautions to ensure this doesn't happen.

The effects to downstream users of both Intake Springs and Upper and Lower Elk Springs and Squaw Creek must be considered. Water taken from a Spring, at the volumes described certainly means that 91,715,000 to 105,120,000 million gallons per year will not be available to streams, rivers, fish, invertebrates and all animals that rely on that water, including humans. Also consider the loss to groundwater recharge below the local area to the State of California.

As for Water Reductions and Drought Conditions: the documents states:

"The water supply to the bottling facility would be subject to State Mandated Reductions: If a federal, state, or local authority requires the MCSD to reduce water diversions, said reduction shall apply to MCSD and MASWC. During severe drought conditions MASWC shall be subject to the MCSD's Water Supply Contingency Plan."

To protect the environment and community of McCloud, this must be an absolute requirement. MASWC must not be able to recoup lost water usage, later after drought conditions or reductions go into place, since neither the Community, downstream users, or the environment will be able to recoup those losses.

Section 1.5.4 Project Pipeline Infrastructure

Please outline who will be paying for pipeline upgrades. MASWC or MCSD? Please be specific about who pays and the estimated costs to the public via MCSD.

Section 1.5.5 Lighting Plan

Analyses of lighting impacts on nighttime sky must account for reflections off of light-colored surfaces, such as snow and buildings, and vehicles.

Section 1.5.8 Vehicle Access and Parking

Will chip sealing really provide a durable surface for 216 vehicle trips per day, about half of those heavy duty trucks? What will the impacts be to Squaw Valley Creek including run off from toxic chip seal paving into the creek? What toxins come from 72,600 square feet chip sealed area of pavement? What about run-off that includes oil/grease dropped from the trucks? What amount of water and what amount of toxins are expected to run into the creek? Will the proposed swales be adequate to prevent run-off from entering the creek? Will the swales allow contaminated water to enter groundwater below the plant?

Table 2 identifies “average” trucking amounts onto Haul Road. In the Draft EIR, real numbers must be used and absolute maximums outlined for evaluation of Air Quality, effects on roadways and noise for neighboring homeowners. Who will be paying for road upgrades and maintenance? It is likely that Haul Road will require upgrades and a maintenance schedule, and acceleration lanes will need to be added to Hwy 89 to accommodate the trucks entering that road. Analysis of all related impacts must be included in the DEIR.

Table 2 summarizes traffic into and out of the plant. This needs to be much more explicit. What is included in the 89 truck trips? Is that trucks hauling product? What is included in the miscellaneous category? trucks bringing in preforms, glass bottles, propane, ozone, labels, caps, etc.? This needs to be to be explicit so reviewers can determine if they are realistic estimates.

Siskiyou County zoning application #TPM-16-03/2-16-04 of 11/17/16 states “No operational traffic will be directed through town.” This statement is not entirely true and is misleading to the reader, as Haul Road is within the MCSD boundary and there are residential areas along Haul Road. Traffic impacts to the residential area along Haul Road must be thoroughly evaluated in the DEIR.

Section 1.5.9.1 Wastewater Flows

The idea of recycling the bottle rinse water and using that water for toilets and cleaning the floors and equipment is a good one. However, it appears that only about 37% of the recycled rinse water will be reused, the remaining 63% will go directly into the MCSD wastewater system. If the water is clean enough to rinse equipment (that presumably is used in the bottling process), why not use it repeatedly to rinse bottles (i.e., rinse bottles, recycle bottle rinse, use recycled water to rinse bottles, repeat sequence)? If it is true that the bottle rinse only contains particulates rinsed out of the bottles, and the rinse is carbon filtered and treated by reverse-osmosis, it should be just as clean as what originally came out of the ground. Thus it seems wasteful to dump recycled water into the sanitary sewer. Something is missing from this description, and it needs to be explained.

On page 10, directly above Table 3 is the statement: "The amount of wastewater generated, ranging from average production days to maximum wastewater discharges during peak production days, is summarized in Table 3 below." However, Table 3 gives no ranges and does

not indicate if the values are averages or maxima, but appear to be averages for 1, 2, or three shifts. Actual daily maxima need to be assessed.

Section 1.5.9.3 Wastewater Treatment and Disposal

Please outline possible effects on Squaw Valley Creek from boring underneath as described in Figure 9. As always, this sewer line will require major environmental review as the district has done or required of all projects. What are potential effects of this sewer line to Squaw Valley Creek? Are there contingency plans instead of this designed wastewater pipeline as noted on Figure 9?

Section 1.5.10 Stormwater Detention

Detention ponds, swales, rain gardens all suggest that stormwater will be percolating into the ground. The DEIR must show that hydrocarbons from the chip-seal, oil, grease, and fuel leaking from vehicles, and any other chemical spills will not end up in groundwater and/or Squaw Valley Creek. Extreme weather conditions must also be studied, including the expectation of increasing frequency and intensity of extreme weather events because of global warming. All wetlands within the project site must be identified in the DEIR and properly protected.

Table 4, showing Parcel 1 surface areas, accounts for 15.75 acres, whereas the total area of Parcel 1 is 22.11 acres (page 2). What about drainage from the remaining 6.35 acres? In addition, development of Parcel 2 must be included in wetland and stormwater studies.

Section 1.5.11.2 Propane Fuel Use

How would propane be used to power HVAC equipment without additional generators? It is not discussed in the NOP. Please outline. Electric forklifts would reduce emissions and improve air quality.

Section 1.5.11.4 Mechanical Equipment (HVAC)

To protect the surrounding community from noise and vibrations, rooftop equipment must be chosen to be the quietest equipment possible AND be surrounded by the highest soundproofing barriers available for rooftop and outside equipment.

Section Parcel 2

The zoning application, dated 11/17/16, #TPM-16-01/Z-16-04 states Parcel 2 will be donated to the MCSD for a proposed fire training facility. There is the potential for live fires to be used in training. This must be disclosed and included in the impact analysis especially with regard to air

and water pollution. There must be sufficient detail about the facility and how it will operate so "the whole of the project" and all cumulative impacts can be assessed.

Please completely discuss the use of Parcel 2 if the land is NOT donated to the MCSD. If the MCSD does not use the land, will it revert back to green space only? Or will it be used for possible future plant expansion? If it's the latter, it must be fully disclosed in the EIR and those effects must be included in the EIR.

Section 2.0 Probable Environmental Effects and The Scope of the EIR

This section starts out, "The County has elected to evaluate all CEQA topics..." The MCSD is the lead agency, not the County.

Air Quality and Greenhouse Gas Emissions: Impacts should include ALL IMPACTS not just those "of concern." Neighbors, responsible agencies and the MCSD, must have full disclosure to make proper decisions. For instance, CO₂ and PM_{2.5} are not included in the list and should be. All air quality impacts must be fully studied.

The project must also demonstrate it has incorporated all possible designs to reduce CO₂ emissions.

Biological Resources: The impacts of reduced stream flow in Squaw Valley Creek on its riparian ecosystems must be addressed, including identification of effects to existing wetlands.

Hydrology: Both Upper and Lower Elk Springs are near Mud Creek, and Mud Creek, fed in part by glacier melt, is vulnerable to flooding. The vulnerability of these springs to a catastrophic flood episode that could render the springs unusable by the MCSD must be evaluated for its impact on the Community's waters supply and implications for the agreement between the MCSD and MASWC. Diverting the MCSD Intake Springs water line for a single customer prior to this water reaching the communities water distribution system poses many inherent risks.

We offer these comments with a genuine interest in the development of a healthy local community, economy, and environment.

We would like to have responses to our questions/comments/concerns in writing. Please let us know what the timeline will be for obtaining your response.

Respectfully Submitted by

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for We Advocate Thorough Environmental Review

