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May 26, 2014

Mary Sylla  
Board President  
Ross Valley Sanitary District  
2960 Kerner Boulevard  
San Rafael, CA 94901  
By email

**RE: Draft Environmental Impact Report For The Proposed Station Area Plan**

Dear Ms. Sylla and Members of the Board:

I represent Community Venture Partners, Inc., (CVP) in regard to the Larkspur Station Area Plan and the accompanying California Environmental Quality Act (CEQA) compliance. CVP is a non-profit organization dedicated to facilitating and assisting community-based projects, programs and initiatives that demonstrate the highest principles of economic, social and environmental equity and sustainability.

I have reviewed the Ross Valley Sanitary District (RVSD) comments on the Draft Environment Impact Report (DEIR) for the Station Area Plan and believe they do not properly reflect the statutory responsibilities of the RVSD to maintain sewer and storm water collection systems and ensure that sewage infrastructure is not adversely affected. (Health and Safety Code §6400 et seq.) The RVSD comment letter should address not just potential future permit requirements but should advise the City of Larkspur of the specific potential impacts to RVSD's existing infrastructure. CVP urges the RVSD Board to direct its staff to revise the staff letter to the City of Larkspur to address the following comments regarding sewage infrastructure discussion in the DEIR.

Wastewater. The DEIR discloses that existing sewage lines lack structural integrity and are deteriorating. (DEIR, p. 388.) The DEIR further discloses that the Regional Water Quality Control Board has issued a cease and desist order for the Ross Valley Sanitation District due to the deteriorated conditions of the system.

Yet the very next sentence of the EIR concludes that adding demand to these lines of .19 mg would have no impact. There is no support for this conclusion and such a conclusion contradicts the evidence that RVSD infrastructure is currently overburdened and potentially in violation of state and federal law. Also, there is no other support for the conclusion of no significant impact,

such as an opinion of the CMSA or RVSD that adding demand to the aging lines will not adversely affect the wastewater infrastructure.

The only support for this conclusion is two sentences in the Infrastructure Technical Report in Appendix E.

“It’s important to note that, while the existing lines may require replacement in the near future due to deteriorating structural integrity, the current line sizes appear to be adequate to support the development of the Preferred Plan for the station area. Aging lines requiring repair or replacement would require the work whether or not there was any new development in the area.”

First, that the “current line sizes appears to be adequate” is simply a conclusion not based on any data or analysis. It is simply an opinion of the anonymous author of the study. The second section is not an analysis that is consistent or compliant with CEQA. CEQA requires that the impact be discussed and quantified and not brushed off simply because the existing conditions are degraded. In fact, a project impact to an already degraded resource is typically considered cumulatively significant under CEQA. Instead, the obvious conclusion is that there will be a need to replace those sewage treatment lines even earlier than planned and that they may well need to be of an expanded capacity.

Further Mitigation Measure UTIL-2 simply does not qualify as a mitigation measure because it only requires that a study be prepared at a future date. Such deferred future studies do not comply with CEQA’s mitigation requirements. *Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296. The vague promise that the project applicants shall be responsible for any modifications to the facilities is uncertain, deferred and unenforceable. Thus the EIR has not provided any support at all for its conclusion that there is no impact to sewage treatment infrastructure.

Storm water Facilities. The DEIR impermissibly relies completely on later compliance with environmental regulations to avoid any quantitative analysis or discussion of the storm water impacts. (DEIR, p. 340). This area is adjacent to complex wetland areas and while later project applicants may have to comply with certain standards, the cumulative impacts of these runoff into Corte Madera Creek and its adjacent wetlands must be discussed in this EIR.

Similarly, the EIR includes no required cumulative impact discussion regarding storm water or sewage treatment infrastructure. The DEIR includes no list of past present, or reasonably foreseeable projects or a summary of projections as required by CEQA. (CEQA Guidelines, § 15130(b).) For instance, storm water runoff enters the Corte Madera Creek and the San Francisco Bay, which both have water quality issues due to the dozens of municipalities discharging storm water to the Bay and its tributaries. The EIR’s conclusion that there will be no cumulative storm water or sewage infrastructure impacts has no support and thus is improper

Hazardous Waste. The RVSD draft comment letter states there are records regarding contaminated soils and groundwater at Larkspur Landing. The California Public Records Act (PRA) only allows agencies to withhold documents not specifically prepared in connection with

filed litigation and prepared after litigation has commenced. (Government Code, Section 6254(b).) We urge the RVSD to release those records not precisely covered by the PRA. We also urge the RVSD to comment on any impacts that the SAP will have on soil and groundwater in the area that may cause cumulative effects. Given the current RVSD litigation involving U.S. EPA, it is even more important that the DEIR disclose agency responsibilities to ensure compliance with Federal and state environmental laws.

Sincerely,

Edward E. Yates