



SIERRA CLUB MARIN GROUP

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Tim Haddad, Environmental Coordinator
Community Development Agency
3501 Civic Center Dr, Room 308
San Rafael, CA 94903 Fax 415-499-7880

Re East Shore (Tomales Bay) Wastewater Improvement Project

Dear Mr. Haddad:

The Sierra Club is generally supportive of this project and submits the following comments on the scope of the Environmental Impact Report (EIR).

- 1) The scope of the EIR should reflect the actual project. The dividing line between the responsibility of the agency and the homeowner is not clear. With other septic agencies in which homeowners are (ir)responsible for laterals, for example, this has caused septic spills regardless of the quality of the agency's septic systems. We urge that the proposed septic agency be responsible for inspection (and ultimately for maintenance and repair at the homeowners expense) of the entirety of the septic system, including each homeowners tank and lateral lines and that the EIR study this alternative. If that is, unfortunately, not the proposed project, then the EIR should study the likely possibility that spill and leaks will continue from homeowners lack of maintenance as evidenced in other Marin septic agencies.
- 2) The Scope of the EIR should reflect the actual commitment to financing. Many septic agencies throughout Marin are managed by directors who appear to feel it their primary responsibility to keep costs down rather than to protect public health. Thus septic agencies throughout Marin have under-maintained their systems, which has resulted in leaks that are fixed only as needed as well fines from the Regional Water Board. Hopefully, the responsible agency (proposed to be the Board of Supervisors) will be less susceptible to this inclination. However, the project should be designed with clear funding for replacement /maintenance of system components based on industry - accepted useful lifetimes. That is hopefully, what the EIR will be studying. Unless the project incorporates this bulletproof funding for lifecycle maintenance, then the EIR should study the likely possibility that maintenance and replacement will be under-funded and result in spills and leaks as at other Marin septic agencies.

- 3) The scope if the EIR should reflect the actual commitment to oversight. Marin County Environmental Health Services (EHS) is woefully under-funded and under-staffed when it should be fully funded and staffed through an appropriate fee structure. Hopefully, the funding structure will provide for adequate fees for oversight by EHS, which is what the EIR should be studying. If that is not the case, then the EIR should study the real possibility that there will be a lack of oversight on this project, which will result in spills, leaks, and fines.
- 4) The project's engineers, Questa, have, in the opinion of the Sierra Club, a checkered record with community systems in Marin. By way of a specific example, we attached the Fall River comment on the Questa proposed design for Lawson's Landing. We understand from the public hearing that the County is not going to independently review its own work, but that EHS has subcontracted out to independent experts portions of its review. We encourage this independent review and hope that it is comprehensive enough to provide reasonable assurance that the project as proposed by Questa will work to the level proposed. If this independent review is not adequate, then the scope of the EIR should reflect the possibility that Questa's proposed design may not work as intended.
- 5) We are heartened to learn that the grants for this project are conditioned on their being used only for repair of existing residential or commercial structures at their current sizes (+500 square feet, but no bedroom additions), not to enable or facilitate development on parcels that are not undevelopable due to septic constraints. The Sierra Club remains convinced that for existing undeveloped parcels, the standard gravity flow septics should remain the sole option. The scope of the EIR likely presumes that undeveloped lots will remain under this gravity flow restriction. However, as noted EHS is under-funded and under-staffed. There have been instances, in our opinion, where a gravity flow system has been "designed for failure," in that it was marginal at best yet slipped through with EHS approval only to quickly fail and thus come under the County more generous provision for septic repair. Consequently, the scope of the EIR should take into account that this situation is unlikely to change, thus the number of lots "eligible for repair" might well increase.

Thank you for the opportunity to comment,

Sincerely

Gordon Bennett