



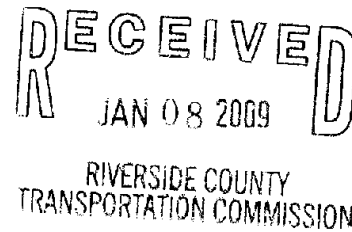
Inland Empire Waterkeeper

Advocacy • Education • Restoration • Enforcement

January 8, 2009

Via e-mail to CBechtel@rctc.org and hard copy

Ms. Cathy Bechtel
Riverside County Transportation Commission
4080 Lemon Street, 3rd Floor
PO Box 12008
Riverside, CA 92502-2208



RE: Mid County Parkway Draft EIR/EIS and Section 4(F) Evaluation

Dear Ms. Bechtel,

As requested, our comments as they relate to water-related issues on the proposed Mid County Parkway project as presented in the draft EIR/EIS (October 2008) are listed below. Please contact Autumn DeWoody at (951) 689-6842 with any questions.

1. Section 3.10

Attention should be given to the lessons learned by Caltrans and the Transportation Corridor Agency on their BMPs installed for SR-73. Their primary goal was to remove nutrients from the runoff with compost media filters; however, the clogging rate far exceeded the maintenance teams resulting in a complete overhaul and replacement with a combo-system of gross solids removal and extended detention basins. Their work is still considered a "pilot" program and not completed. Monitoring data thus far suggests that the BMPs are not reducing dissolved metals or nutrients. We would like to see some verbiage assuring that their findings will be incorporated into any Mid-County Parkway alternative that is chosen to achieve the requirement of "maximum extent practicable."

Web site: http://www.dot.ca.gov/hq/env/stormwater/ongoing/sr73_pilot_studies/

2. Section 3.10

Generally speaking, placing an additional multi-lane highway in this relatively preserved environment will introduce higher concentrations of total metals, dissolved metals (typically zinc, copper, cadmium, chromium, lead), hydrocarbons, PAH and various other pollutants, which can be toxic to aquatic species and humans. For example, transportation corridors and landscaping typically introduce arsenic, benzene, phthalate esters, PCBs, toluene, nitrophenol, and pesticides (such as a-hexachloro-cyclohexane, mercury, methyl chloride, phenol, and vinyl chloride). All of these would flow into creeks and ultimately the major watercourses like the Perris Drain, San Jacinto River, Cajalco Creek, Lake Mathews, artesian springs, and Temescal Creek. Waterkeeper feels it is too great a risk to threaten these delicate water bodies. For any project alternative that is chosen, we request to review the Water Quality Management Plan and have an opportunity

to make constructive suggestions.

3. Section 3.10

An emerging concern is the impact this project would have on groundwater supply and quality. Many residents depend on water wells in the Gavilan Hills and Lake Mathews communities although aquifers are not shown in these areas in the EIR/EIS. Dewatering can result in significant subsequent problems for residents, the environment and the County (see denitrifying plant and selenium example for Highway 261 in Orange County). Please discuss where dewatering would likely occur and the steps taken to discharge it properly. Also discuss impacts to private water wells (and additional work needed to protect residents), especially in relation to ongoing groundwater remediation efforts.

4. Page 3.10-16

Allowing either temporary or permanent pipes to carry runoff offsite to “unlined channels” is an ever-increasing trend that is documented to create dire straits for property owners who get stuck with vector control treatment costs and weed abatement costs (and sometimes structural damage or significant flooding). The property owner from which the discharge originates would be held liable for any damages. This should NOT be considered a design pollution prevention BMP. It is strongly encouraged that an agreement be reached to avoid future litigation from extreme changes to the “unlined channels”. We can provide several examples in the County.

5. Page 3.10-17

Treatment BMPs that specifically adsorb dissolved metals would be needed to properly treat runoff from a freeway. Sand filters without a sorptive media filter (e.g., leaf compost, activated carbon, peat, iron-amended resin, zeolite, surface-modified sand, and polypropylene) will not remove dissolved metals. Non-infiltration basins will not provide the necessary physical, chemical and biological unit processes for removal of typical transportation pollutants. In addition, uncoated galvanized culverts and drain pipes are sources of zinc. Recommended literature would be *Stormwater Treatment* by Gary Minton (2005).

6. Section 3.18

The acres of wetland habitat that would be destroyed or otherwise adversely impacted are substantial. Especially in the watershed where the beneficial uses include municipal and domestic water supply (MUN), agricultural water supply (AGR), groundwater recharge (GWR), water contract recreation (REC-1), wildlife habitat (WILD), rare, threatened, or endangered species habitat (RARE), and spawning habitat (SPWN) the adoption of a proposal with an inadequate EIR and EIS would unnecessarily endanger “waters of the State.” In addition, the project lies within a watershed that possesses two CWA 303(d) listed waterbodies with the potential for the addition of more listings even without the construction of a transportation corridor with proper BMPs.

Currently, the State Water Resources Control Board (“SWRCB”) is in the process of developing a policy to protect wetlands and riparian areas in order to restore and maintain the water quality and beneficial uses of the waters of the State (Res. No. 2008-0026). In recognition of the loss of over 85 percent of historic California wetland and riparian areas since statehood and the lack of a uniform statewide definition of the term “wetland,” the SWRCB is in the process of refining a proper definition that would encapsulate the entirety of the “waters

of the State.” The purpose, according to some, is to ensure the protection of such waters when current state and federal definitions leave large tracts of existing wetlands, such as ephemeral streams common to the Inland Empire, without the appropriate protections. As such, the development of the Mid-County Parkway should reflect the realities and concerns of the SWRCB in reference to the under-protected varieties of wetlands endemic to the region, and anticipate the types of regulations likely to emanate in response to the shrinking variety and coverage area of wetlands.

It is especially disconcerting that “no specific compensatory mitigation sites are proposed by the applicant at this time” for impacts to the “waters of the United States.” This sentiment is also repeated in the Army Corps Public Notice (2001-00537) issued for this project. We request involvement in selecting the specific mitigation needed to compensate for hydrologic impacts.

7. Page 2-15

We feel that it would be an extremely destructive precedent to set by amending habitat conservation permits to allow bisection of conservation lands, such as those owned by the Riverside County Habitat Conservation Agency, the Bureau of Land Management, and the County of Riverside.

8. General

We would like to know the opinion of Metropolitan Water District in regards to the water quality threat this project poses to Lake Mathews.

In conclusion, as the draft EIR and EIS fails to adequately address water quality concerns as understood by Inland Empire Waterkeeper, **we cannot support adoption of the document.**

Sincerely,

A handwritten signature in cursive script that reads "Garry Brown". The signature is written in black ink and is positioned above the typed name and title.

Garry Brown
Executive Director
Orange County **COASTKEEPER®** and
Inland Empire **WATERKEEPER®**