

1543 Eighth St.
Los Osos, CA 93402
January 30, 2009

Mark Hutchinson, Environmental Coordinator
SLO County Public Works Dept. Room 207
San Luis Obispo, CA, 93408
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Comments submitted electronically on January 30, 2009.

RE: Comments submitted for the record – DEIR Los Osos Wastewater Project – State Clearinghouse Number 2007121034

Dear Mr. Hutchinson:

I am a 20 year resident of Los Osos, and work as a biologist and environmental professional (25+ years experience). I served as an elected official on the LOCSD Board of Directors from 2004 – 2008 and had direct knowledge and 1/5 voting authority regarding the planning, design and revision of a wastewater project for Los Osos during 2004-2008.

I was also part of a group of environmental scientists and engineers formed in late 2003 called the Los Osos Technical Task Force (LOTTF), who supported a sustainable and responsible wastewater project. We published numerous reports and technical analyses and of the LOCSD's 2001 Project Report and Final Environmental Impact Report, the 2001-2005 State Revolving Fund Loan application, and the 2003 Coastal Development Permits and appeal process, and we shared these reports and findings with our community. LOTTF testified regularly at all public hearings including the Costal Commission, the Regional and State Water Boards and the Board of Supervisors because we were concerned that the project being proposed in 2001 was flawed. LOTTF exposed health and safety, environmental, engineering and socio-economic flaws that had not been addressed and the community agreed with our findings. Four members of LOTTF ran for public office to change the project and in 2004 and 2005, members of the LOTTF (Chuck

Cesena, John Fouche, Steven Senet and myself), along with a citizen environmental activist, (Julie Tacker) were elected by the community to serve as LOCSD Directors (Julie and I in Nov. 2004, the others in the recall election September 27, 2005 2005).

Less than 3 weeks before the scheduled recall election, the prior LOCSD Board majority (3-2 votes) ignored both legal advice and pleas from the community, and let major construction contracts and began construction at the TRI-W property, resulting in a legal and economic damaging situation for the LOCSD. Our Board immediately embarked on an earnest attempt to revise the project as promised; we held countless public hearings, and actively sought help from agencies, our legislators and the County. Our request for agency cooperation and County financial assistance was denied, and in the fall of 2006, Assemblyman Blakeslee's AB 2701 transferred project authority back to the County, where it had been prior to 1998.

I am submitting this very short version of history in my DEIR comments because I do not want to see the same mistakes made again this time around. Los Osos citizens are paying for this report and the services of our County and consultants – we want a fair, honest and unbiased process to occur – that is all we have ever requested. Los Osos citizens are educated and informed on these matters and it is important to them and their future – *no where in the USA, are citizens being asked to pay so much for the privilege of flushing and treating their waste; the cost currently estimated at \$200-250/month.*

I have focused my comments on the following sections:

- environmental justice and affordability,
- impacts caused by changes to the water regime and continued saltwater intrusion, including the use of sprayfields,
- potential growth inducing impacts from possible oversizing of the plant,
- cultural and biological impacts not fully evaluated or mitigated - for trenching and gravity system construction,
and
- undisclosed environmental impacts to our coastal wetland areas and to our vegetation, including our beautiful trees.

This document is very long and time is short. I have prepared comments that are my best attempt at digesting 10,000 pages of paper in a short amount of time over the holidays and an unavoidable illness – I would have liked more time and formally request that you extend the public comment period.

I submit these comments in a sincere attempt to contribute to constructive dialogue between the SLO County government and Los Osos citizens, something that may will help assure a successful project this time around – and one that all of us can afford.

Thank You Mark for your dedicated work on this project and for consideration of my comments.

Most Sincerely,

A handwritten signature in blue ink that reads "Lisa Schicker". The signature is written in a cursive style with a large initial "L" and a checkmark-like flourish at the end.

Lisa Schicker
Former LOCSD Director (2004-2008)
and Environmental Planner/Biologist

DEIR Comments

Los Osos Wastewater Project – January 30, 2009

General Comments

Format

Can you please revise the format of the document to include a brief description of the analysis of impacts. Cutting and pasting from the environmental checklist, then stating a conclusion only, gives the reader no idea how conclusions were reached. CEQA asks for a summary of the analysis to be contained within the main document.

Please add more analysis to the main document, not just appendices. See CEQA guidelines "Incorporation by Reference":

(c) Where an EIR or Negative Declaration uses incorporation by reference, the incorporated part of the referenced document shall be briefly summarized where possible or briefly described if the data or information cannot be summarized. The relationship between the incorporated part of the referenced document and the EIR shall be described

(f) Incorporation by reference is most appropriate for including long, descriptive, or technical materials that provide general background but do not contribute directly to the analysis of the problem at hand.

Note: Authority cited: Section 21083, Public Resources Code; Reference Sections 21003, 21061, and 21100, Public Resources Code."

For instance, in the case of the Environmental Justice analyses, the actual analyses that led to the conclusions are missing from the EIR and they should be included as part of the DEIR – please provide the analysis that led to the conclusions within the EIR. The approach used in the DEIR does not lend itself to proper full disclosure of environmental impacts and the reader is unable to glean anything from the main document.

Is this document also created to comply with "CEQA Plus"? If this document is supposed to be used for consideration for State Revolving fund Loans, perhaps it should state in the Introduction that the document also complies with what the SWRCB calls "CEQA-Plus". I do not see this disclosure in the introduction of this document, although I see mention of it in the Executive Summary. Please disclose to the public

what "CEQA Plus" actually means, and how it relates to NEPA and list the Government code that authorizes use of a CEQA Plus Project for EPA.

Has a Notice of Completion been filed, per section 15085 CEQA? Although I saw the DEIR on the OPR website, I did not see the NOC.

15085. Notice of Completion

(a) As soon as the draft EIR is completed, a notice of completion must be filed with the Office of Planning and Research in a printed hard copy or in electronic form on a diskette or by electronic mail transmission.

(b) The notice of completion shall include:

(1) A brief description of the project,

(2) The proposed location of the project (either by street address and cross street, for a project in an urbanized area, or by attaching a specific map, preferably a copy of a U.S.G.S. 15' or 7-1/2' topographical map identified by quadrangle name).

(3) An address where copies of the draft EIR are available, and

(4) The review period during which comments will be received on the draft EIR.

(c) A sample form for the notice of completion is included in Appendix L.

(d) Where the EIR will be reviewed through the state review process handled by the State Clearinghouse, the notice of completion cover form required by the State Clearinghouse will serve as the notice of completion (see Appendix C).

(e) Public agencies are encouraged to make copies of notices of completion filed pursuant to this section available in electronic format on the Internet.

Note: Authority cited: Section 21083, Public Resources Code. Reference: Section 21161, Public Resources Code.

CEQA and NEPA Plus analysis and disclosures found in an environmental document are best received when they are produced factually, independently and without bias. How does this document address the most essential CEQA mandate of being free of bias? If there is a statement about this, I could not find it, and I think it would be a valuable addition to the introduction.

Introduction and Executive Summary Sections

(Comments also refer to similar info that is repeated in several places within the documents)

Page 1-2 and 1-3 typo – "Section 7 Description" is listed twice

History Section page 1-8 (and repeated in several places within the documents).

Suggestions are made below but please revise the statements to read that :

- -Construction began 3 weeks before the recall election
- -the new board suspended (not halted) construction on the downtown site, in order to revise the project
- -the LOCS D rescinded the SOC's (not the findings) ...

- “replace The history section is missing key elements – the NOP and the DEIR are detailed, yet they leave out key events and actions that related to history of the wastewater project. My comments will address events where I had personal knowledge and/or voting authority.
 - there is no “default” on the SRF loan - this is currently an outstanding issue that is tied up in the courts

Introduction, LOCSD. Section 1.2.4 , page 1-8. Please add the following. Just as with the 1997 County project described on page 1-7 the 2001 LOCSD project “for a variety of reasons, did not enjoy community wide support.” Overriding concerns for the 2001 project were health and safety (treatment plant (air, noise, germs, and sludge treatment and transport) located adjacent to “at-risk” populations, schools and community center, concerns about environmental impacts (sewage overflows and extreme pollution into the sensitive back bays of the National Estuary), concerns about liquefaction and flooding (at Broderson and downhill sites), concerns about loss of groundwaters and saltwater intrusion and socioeconomic impacts and costs of the downtown project. In addition the project described in the FEIR no longer resembled the project that went forward into the Coastal Development Permit process.

Introduction, LOCSD. Section 1.2.4 , page 1-8. Please correct the following. After receipt of a CDP, and less than 15 working days before a recall election, the Board majority of three authorized construction. Los Osos citizens approved the recall and the new board suspended construction at the downtown treatment site in order to revise the project.

Introduction, LOCSD. Section 1.2.4 , page 1-8. Please correct the following. In August 2006, the LOCSD rescinded “certification of the FEIR by rescinding the Statement of Overriding Considerations” – OPR file 2006088090 August 10, 2006 (not the findings, as stated in the document). In addition the LOCSD did not “default” on the SRF loans, work was actually “suspended per terms of the ISA

contract"; statement in DEIR is false and this matter remains in the Courts as of 1-29-09.

Introduction Legislative Initiatives Section 1.2.5 page 1-8. Please correct the following: "At request of the LOCSD, Blakeslee attempted to facilitate resolution of the disagreements between the LOCSD and the SWRCB regarding the ability to ammend the project." "At the request of the LOCSD, Assemblyman Blakeslee then proposed legislation".

Paragraph 2 page 1-9 Please correct the percentages of approval of the 218 vote and please report how many residents did not vote. "80-20" is incorrect.

Beginning with Paragraph 3 page 1-9 should be a new section - this is no longer "Legislative Intitatives", it reads more like a "Project Description overview" – new section

Beginning with Paragraph 4 and elsewhere– Please Consider Expanding the viable Range of Alternatives Studied – current range of alternatives is insufficient. CEQA Guidelines section 15126.6 authorizes consideration of alternatives that would "avoid or substantially lessen any of the significant effects of the project."

Chapter 7 does a good job, please include some of this in Exec. summary and/or introduction – (a lot of readers might not make it to chapter 7). Please explain further justification for range of alternatives that were selected for analysis. In particular, please review analysis of vacuum and/or pressure systems; they should be added to the range of alternatives because they will reduce environmental impacts and may be substantially cheaper (biological, cultural, water quality and supply, socioeconomic, grading and excavation, etc.).

Scoping Process Page 1-13. I did not see any formal testimony made verbally before the SLO County BOS regarding the NOP – do you not included formal oral testimony - minutes, etc. I would like repeat my objections to the NOP here again

for the record that I made in person, these are the same ones I testified to in December 2007. The NOP and this DEIR omit key portions of history and background that occurred during the development of a wastewater project for the years 2004-2008. These omissions help to explain to others (in the spirit of full CEQA disclosure) why the community rejected the previous project and what is important to them. It also helps to explain why the LOCSD Board had to suspend work in the fall of 2005 and make all attempts to revise the project and renegotiate the SRWCB loan (outstanding 218 issues, pending lawsuits, passed environmental initiatives – Measure B, SRF issues, possible conflict of interest issues etc.)

These are events, as an elected official that I was intimately and directly involved in and events that must be disclosed and not buried. I have conveyed my concerns to the BOS in formal public testimony and also in person to Mark Hutchinson, SLO County Public Works prior to the closing deadline of NOP comments and would like these comments included in the record.

Background and History Page 2-4. Fill in the history gap between 1974 and 1983. Please add that both the County and RWQCB authorized 1100 more homes to be built after the moratorium was in place and refer to RWQCB 83-13 and 83-12.

Background and History Pages 2-4 and 2-5 have the same mistakes about LOCSD and legislative history that are described in my comments above – please correct these in all places throughout all documents.

Background and History 2-5 and elsewhere regarding the 218 vote Please correct the “80-20” numbers for the 218 vote to reflect the actual voting that occurred and number of those who did and did not vote.

Project Objectives table 2-1 3c footnote page 2-7 Add ESA Section 7 consultation with USFWS.

Project Objectives table 2-2, Biosolids Processing 2.4.2 page 2-10 and elsewhere in the documents Why is sludge/biosolids treatment not included in this table? Why are there no real alternatives studied for Biosolids disposal other than hauling – these evaluations should not be deferred until later –they are part of project and the purpose and need.

Why are there no quantities and comparisons of sludge produced for each alternative? This would be valuable information to disclose and would impact selection of env superior alternative.

Page 2-12 Conversion Factor for "Acre Feet" to GPD. Please describe this conversion as both terms are used mixed among the documents – can be confusing when trying to check calculations. These quantities and conversions (here and elsewhere) are important to correct sizing of the plant, which is important for cost and growth inducement impacts.

Page 2-12 biosolids. What is the difference in quantity of biosolids produced for each alternative – if this is quantified in the documents I can't find it.

Page 2-13 Leachfields. I do not understand document you would say that effluent disposal in leachfields is NOT weather dependent.....? It certainly makes a difference at my home in my leachfield. Is there any evaluation as to what to do when the leach fields fail at Broderon? How will more destruction of ESHA habitat at Broderon be avoided during emergency leach field failures or maintenance periods?

Page 2-13 Broderon Saltwater Intrusion Benefit – here and throughout the documents. The reports that I read state that less than 10% of all effluent disposed at Broderon will ever reach the lower aquifer if any, due to soil structure – the rest will either mound or drain to the Bay (See Fugro report 2004, and others). Where is the source of your assertions about this saltwater intrusion benefit?

Page 2-4 page 2-15 table is the same as table 2-1

Page 2-17 NOP written comments by Lisa Schicker. Comment does not accurately reflect the letter that I sent in. Please change this to say the following:

"in response to newspaper article, commenter questions a quote made by County officials saying they are "legally required to evaluate the Tri-W site", citing examples that show that TRI-W was thoroughly evaluated on numerous occasions and came up last on most lists of suitable sites for health-safety, environmental, engineering and socioeconomic reasons." And then, add "Provides links and attachments of previous reports that evaluated Tri-W for environmental impacts."

Page 2-27 Table 2-8 Summary of Env. Impacts I read the intro paragraph on page 2-25 and I might have missed it, but I don't see where components are evaluated in the tables and where does the document actually define what the tables mean by "combined effect" and "cumulative" ? I am not familiar with exec summary tables using this terminology, and I bet the general public doesn't understand it either. Provide some highlighting or shading to bring out the most important info from these tables (significance, etc.).

Page 2-27 Table 2-8 Summary of Env. Impacts This table and the next one contain lots of CEQA generic language and very little in the way of actual impacts and quantities and intended mitigation - I suggest revising this summary table (or adding another) and also adding information to the table more about actual impacts in Los Osos. I don't see anything about quantities or locations of tree removals, for instance or of excavation quantities, miles of road to be impacted, wetland acreages, etc. I think this will make table more useful to the readers.

Page 2-35 Mitigation Summary Table . Again, maybe remove some of the majority of generic cut and paste CEQA language, but please include more actual details of the proposed mitigation and who is the responsible entity for each mitigation commitment for the Los Osos Project up front – there is not even mention of a species until points 4 or 5, please do not just leave this info buried back here or just

in the appendices – with the size of the document, many look to this chapter for information that is missing. Please include a column that specifies when mitigation will occur and list who is the responsible party to ensuring it gets done

Page 2-39 Mitigation Summary Table. I think there are impacts to wetlands and vegetation and trees throughout Los Osos that are not disclosed or mitigated. Please review and add this to the table.

Page 2-39 Mitigation Summary Table. Broderson mitigation language does not address what happens during maintenance periods and if a field fails – there is potential for more than 8 acres of impacts if this happens. Please discuss.

Hydrology and Water Quality Section

Please re-evaluate conclusions regarding environmental impacts caused by changes to hydrology and water quality in the following areas –

- Re-evaluate quantities used for determining wastewater treatment plant capacity (growth inducement);
- Additional saltwater intrusion impacts and lack of groundwater recharge;
- Sustainability of the groundwater basin due to use of sprayfields;
- Depletion of groundwater due to use of sprayfields out of the basin;
- Biological impacts to coastal and local wetlands and vegetation (including large trees) - impacts due to changes in water regime and reduced water supplies;

Relevant Sections Taken from the CEQA Guidelines checklist – Appendix G:

- b. “Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level.....”

Please evaluate and mitigate for environmental impacts caused by draining and relocation of waters now found in the upper aquifer – there will be environmental impacts to seasonal wetlands throughout the community, riparian areas and local trees and native plant populations will occur due to changes in loss of septic discharge and changes to upper aquifer groundwater level. (the DEIR address wetlands and riparian areas out of town, but I did not see this evaluated or addressed or mitigated)

Construction and Air Quality Section

Please reevaluate environmental impacts caused by short term temporary construction and air quality emissions – possible significant short –term impacts.

Greenhouse Gases

Please reevaluate environmental Greenhouse Gas Emissions per AB 32 and the new CEQA Interim Guidelines issued January 9, 2009.

Environmental Justice

Please re-evaluate conclusions regarding environmental justice significance and impacts. I ask that the consultants please consider the impact of a STATE environmental regulation (nitrate removal in a state regulated groundwater basin) and consider WHO is actually being asked to pay (only a portion of Los Ososo citizens), and to evaluate if this share of payment as "inequitable, disproportionate and an undue burden" to low income and elderly populations.

Please also consider the following in your review of your EJ analysis:

Prohibition zone demarcation and the "science" it was based on is old, and disputed among scientific experts. There is a general concensus that although some septics may contribute some nitrates to the goundwater, that there is no way to quantify the actual impacts of individual septic tanks on the nitrate levels of groundwater. Cats, dogs, horses, dead plants, farming practices, air pollution, historic land uses etc. also contribute to nitrates in groundwater. (see Yates Groundwater Simulation Study etc.2003).

Low income and elderly populations in Los Osos are being asked to bear a “disproportionate” share and an of the cost of cleaning up the groundwater basin, which is acutally a state mandate for a state regulated water body. The payment for the wastewater project is in part, to clean up the niitrates in the waters of the state, nitrates that come from various sources other than residences.

Many low income people and elderly populations are unable to pay the costs of the current alternatives. They do not have the same ability to create new income and their share is both disprportionate, unequal and an undue burden.

They may have to move. Where will they move to? What are the impacts of 25% of the community moving? What are the cumulative impacts (environmental and socioeconomic) of such a move? What physical impacts will occur from businesses drying up in town, less money to spend on home improvements or people having to relocate? What if people stop paying their sewer bills? Have these impacts been considered and evaluated?

Perhaps the cost of cleaning up the groundwater basin and removing the nitrates should be “shared” with the rest of the community, the rest of the County and/or the rest of the STATE (who in the past, even after the Pro Zone was formed, allowed 1100 more homes to be built, further contributing to the nitrate problem. (see RWCQB/SLO County 83-12 and 83-13).

From page in 5.13-3 Appendix O – report states that “a financial effect is not considered an environmental effect”. Please elaborate on how this conclusion was reached and refer to my questions above and the CEQA language regarding evaluation of physical effects caused by economic impacts, a nexxus for environmental justice impacts.

Purpose and Need . Where is the purpose and need section for the project described? Does the project meet the purpose and need and is it the same as the purpose and need described in the NOP? It may not completely address the saltwater intrusion and

groundwater components as listed in the NOP– please produce a clear and defined purpose and need section for this report.

Growth Inducement is not adequately addressed and/or mitigated. Numerous public comments made at the TAC meetings and Bos repeatedly bring up errors in the calculations to the loads and flow calculations for the treatment plant. I have never heard that these errors were corrected. If plant capacity is based on erroneous calculations, then the citizens are being asked to pay for a plant that is larger than they need and/or growth inducement is a possibility. Please address.

Section 8 – other CEQA considerations. Report lists all but impacts that are mitigated – include those here, too. Included summary of this section in EXEC summary, too.

Section 8.3 Impacts to Population and Housing may also be significant, if 25% of population has to move or cant afford to pay sewer bills. Please look at this again.

Section 9-1 List of contacts. Bruce Buel is not General Manager of the LOCSD. He has not been General Manager since Fall 2005.

Additional CEQA-related Comments

CEQA 15126.2 Consideration and Discussion of Significant Environmental Impacts.

Please include a summary statement of these in the Executive summary – if they were there I didn't see them.

CEQA 15126.4 Consideration and Discussion of Mitigation Measures Proposed to Minimize Significant Effects - excerpts:

(2) Mitigation measures must be fully enforceable through permit conditions, agreements, or other legally binding instruments. In the case of the adoption of a plan, policy, regulation, or other public project, mitigation measures can be incorporated into the plan, policy, regulation, or project design.

Please include more detail on impacts and mitigation in DEIR and Executive Summary table, not just in appendices – place a column in there that lists the responsible entity.

From Appendix G, CEQA Checklist – Regarding Substantial Environmental Impacts Caused by Cost of Project and not meeting EPA's 2% MHI Affordability Criteria.

Please evaluate this project and this section using the affordability criteria as a threshold of significance – EPA recommends 2% MHI, and the average in the USA is less than 1.5% - this project is currently estimated well over 6% MHI and it should be considered both a significant environmental impact due to the physical env effects that will take place. And an impact that must be considered in the community survey and for the eventual project that is chosen.

Other relevant excerpts from the CEQA Checklist: - Please re-evaluate

POPULATION AND HOUSING –

Would the project:

- a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?
- b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?
- c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

MANDATORY FINDINGS OF SIGNIFICANCE - Please re-evaluate this in light of comments and new substantial information on wetlands and native vegetation.

- a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?

c) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?

Note: Authority cited: Sections 21083 and 21087, Public Resources Code. Reference: Sections 21080(c), 21080.1, 21080.3, 21082.1, 21083, 21083.3, 21093, 21094, 21151, Public Resources Code; Sundstrom v. County of Mendocino, 202 Cal.App.3d 296 (1988); Leonoff v. Monterey Board of Supervisors, 222 Cal.App.3d 1337 (1990).

Sources of Information used in Comments and Evaluation of the DEIR

SLO County website

LOCSD website

RWQCB, SWRCB websites

CERES and CEQAnet <http://www.ceqanet.ca.gov/> websites

LOCSD Resolutions and Actions taken regarding wastewater project 200402008 transcripts, videos, written testimony, etc. as an elected official

LOCSD Resolution – Rescinding of 2001 EIR Los Osos wastewater project Statement of Overriding Considerations – OPR File Number 2006088090 received and filed on 8-10-06

LOTTF Reports, videos and written and oral public testimony: CDP Project Flaw Reports and Revocation Report, Correspondence and Coastal Commission hearing transcripts (April 2005) and Reports and letters regarding CEQA and Project flaws submitted to LOCSD, County and RWQCB and SWRCB 2003-5.

April 2004 letters to the Coastal Commission, SLO County and RWQCB regarding Env. concerns for Tri-W site and impacts to water quality, national estuary, water supply, wetlands and tree impacts from wastewater projects with gravity pipes – LKS

Preliminary Draft CEQA Guideline Amendments for Greenhouse Gas Emissions (Released January, 2009) – found

EPA Environmental Justice website

<http://epa.gov/region09/socal/justice.htm>

Office of Environmental Justice National Hotline (800) 962-6215

Environmental Justice is the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation and enforcement of environmental laws, regulations and policies.

Contact: EJ Program Manager: Lily Lee (lee.lily@epa.gov) (415) 972-3795.

EPA EJ Mission Statement To achieve equal environmental protection so no segment of the population, regardless of race, ethnicity, culture or income bears an undue burden of environmental pollution and to ensure that the benefits of environmental protection are shared by everyone.

15064. Determining the Significance of the Environmental Effects Caused by a Project
(excerpts used in my Environmental Justice comments)

(b) The determination of whether a project may have a significant effect on the environment calls for careful judgment on the part of the public agency involved, based to the extent possible on scientific and factual data. An ironclad definition of significant effect is not always possible because the significance of an activity may vary with the setting. For example, an activity which may not be significant in an urban area may be significant in a rural area.

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(d) In evaluating the significance of the environmental effect of a project, the Lead Agency shall consider direct physical changes in the environment which may be caused by the project and reasonably foreseeable indirect physical changes in the environment which may be caused by the project.

(1) A direct physical change in the environment is a physical change in the environment which is caused by and immediately related to the project. Examples of direct physical changes in the environment are the dust, noise, and traffic of heavy equipment that would result from construction of a sewage treatment plant and possible odors from operation of the plant.

(2) An indirect physical change in the environment is a physical change in the environment which is not immediately related to the project, but which is caused indirectly by the project. If a direct physical change in the environment in turn causes another change in the environment, then the other change is an indirect physical change in the environment. For example, the construction of a new sewage treatment plant may facilitate population growth in the service area due to the increase in sewage treatment capacity and may lead to an increase in air pollution.

3) An indirect physical change is to be considered only if that change is a reasonably foreseeable impact which may be caused by the project. A change, which is speculative or unlikely to occur, is not reasonably foreseeable.

(e) Economic and social changes resulting from a project shall not be treated as significant effects on the environment. Economic or social changes may be used, however, to determine that a physical change shall be regarded as a significant effect on the environment. Where a physical change is caused by economic or social effects of a project, the physical change may be regarded as a significant effect in the same manner as any other physical change resulting from the project. Alternatively, economic and social effects of a physical change may be used to determine that the physical change is a significant effect on the environment. If the physical change causes adverse economic or social effects on people, those adverse effects may be used as a factor in determining whether the physical change is significant. For example, if a project would cause overcrowding of a public facility and the overcrowding causes an adverse effect on people, the overcrowding would be regarded as a significant effect.

Thank you and sorry for any redundancy – please extend the public comment period!!!