

From: jrodermatt@cox.net
To: [DSD EAS](#)
Subject: Stadium Reconstruction Project - Project No. 437916 / SCH No. 2015061061
Date: Friday, September 18, 2015 7:34:04 AM

Dear Representative:

This email provides my comments on the draft EIR for the Stadium Reconstruction Project, referenced above.

The City of San Diego (City) should consider an expansion of the Northern Service Area for recycled water (Northern Service Area) from State Route 52 (SR-52) to Interstate 8 (I-8). An expansion of the Northern Service Area from SR-52 to I-8 would provide additional recycled water infrastructure within the proximity of the Project. If recycled water infrastructure were in the proximity, the Project design should include uses of recycled water to effectively replace potable water for uses such as operation of the cooling towers, landscape irrigation of the playing field and other landscaped areas of the commercial or residential development, fire demand, and flushing of toilets and urinals in restrooms for the stadium and adjacent commercial or residential structures that are part of the renovation project.

The magnitude of the Project (total price tag estimated near \$1 billion) provides a great opportunity to expand the City's recycled water service area. Not only would an expansion allow access of recycled water to the Project, but would provide a vital artery of a valuable resource to an area of the City that currently is unable to utilize this resource during the current multi-year drought and into the future. The expansion would be a cost-effective (\$6 to \$8 million in a billion dollar budget) visionary improvement making it more reasonable for a larger portion of the City to take better advantage of the existing 32 million gallons per day of recycled water that is currently produced by the City of San Diego North City Reclamation Plant, which is paid for by the City's taxpayers and water utility customers.

The City of San Diego produces 32 million gallons of tertiary treated recycled water "every day" from its North City Water Reclamation Plant – so the recycled water resources are clearly "available" (in the meaning of the California Water Code) and much of that water will be wasted to the ocean unless the City finds other uses for that invaluable resource. The San Vicente surface water augmentation project is projected to be completed in 2024 to 2025. The stadium reconstruction is on a much shorter timeframe 2017-2019, and is a great place to start using that excess recycled water produced by the City and paid for by the City's ratepayers every day.

In addition, there state statutes/requirements (California Water Code) uses for the use of available recycled water to replace "potable water" for non-potable uses:

A general statement by the California Legislature on using recycled water instead of potable water for "non-potable uses" from the Water Code:

§ 13551. Availability of recycled water

A person or public agency, including a state agency, city, county, city and county, district, or any other political subdivision of the state, shall not use water from any source of quality suitable for potable domestic use for nonpotable uses, including cemeteries, golf courses, parks, highway landscaped areas, and industrial and irrigation uses if suitable recycled water is available as provided in Section 13550; however, any use of recycled water in lieu of water suitable for potable domestic use shall, to the extent of the recycled water so used, be deemed to constitute a reasonable beneficial use of that water and the use of recycled water shall not cause any loss or diminution of any existing water right.

EIR proposes to use 129,000 gallons per day for NFL and large non-NFL events at the stadium (see Appendix M-1). There are 32 million gallons of recycled water per day, available to the City from their

North City Plant. On the subject of cooling water, the Water Code says :

§ 13552.6. Regarding cooling

- (a) The Legislature hereby finds and declares that the use of potable domestic water for floor trap priming, cooling towers, and air-conditioning devices is a waste or an unreasonable use of water within the meaning of Section 2 of Article X of the California Constitution if recycled water, for these uses, is available to the user, and the water meets the requirements set forth in Section 13550, as determined by the state board after notice and a hearing.
- (b) The state board may require a public agency or person subject to this section to submit information that the state board determines may be relevant in making the determination required in subdivision (a).

The draft EIR is mute on how much water would be used for restrooms at the new stadium – but it should be significant for NFL events and large non-NFL events. On the subject of using potable water for toilet flushing, the Water Code says :

§ 13554. Required use for toilet flushing

- (a) Any public agency, including a state agency, city, county, city and county, district, or any other political subdivision of the state, may require the use of recycled water for toilet and urinal flushing in structures, except a mental hospital or other facility operated by a public agency for the treatment of persons with mental disorders, if all of the following requirements are met:
- (1) Recycled water, for these uses, is available to the user and meets the requirements set forth in Section 13550, as determined by the state board after notice and a hearing.
 - (2) The use of recycled water does not cause any loss or diminution of any existing water right.
 - (3) The public agency has prepared an engineering report pursuant to Section 60323 of Title 22 of the California Code of Regulations that includes plumbing design, cross-connection control, and monitoring requirements for the use site, which are in compliance with criteria established pursuant to Section 13521.
- (b) This section applies only to either of the following:
- (1) New structures for which the building permit is issued on or after March 15, 1992, or, if a building permit is not

The draft EIR is mute on how much water would be used for irrigation at the new stadium or for commercial/residential developments associated with the project – but it could be significant. On the subject of using potable water for landscape irrigation, the Water Code says :

§ 13552.4. Required use for landscaping

- (a) Any public agency, including a state agency, city, county, city and county, district, or any other political subdivision of the state, may require the use of recycled water for irrigation of residential landscaping, if all of the following requirements are met:
- (1) Recycled water, for this use, is available to the user and meets the requirements set forth in Section 13550, as determined by the state board after notice and a hearing.
 - (2) The use of recycled water does not cause any loss or diminution of any existing water right.
 - (3) The irrigation systems are constructed in accordance with Chapter 3 (commencing with Section 60301) of Division 4 of Title 22 of the California Code of Regulations.
- (b) This section applies to both of the following:
- (1) New subdivisions for which the building permit is issued on or after March 15, 1994, or, if a building

permit
is not required, new structures for which construction begins on or after March 15, 1994, for which the
State
Department of Public Health has approved the use of recycled water.

This project is likely to require funding from other (e.g., County of San Diego) resources, so all citizens of San Diego County have a stake in this project. The City of San Diego needs to put a recycled water component into the revised EIR for the Stadium Project, it is irresponsible to do anything else in the face of the recent meetings between the City and Governor Brown on the topic of drought/water resources, and finally in the face of the continuing regional drought and likely effects of long-term global warming.
Sincerely,

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