

Comment Letter S



**SWEETWATER AUTHORITY**  
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March 18, 2013

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Mr. Carl Stiehl  
 County of San Diego  
 Advance Planning  
 5510 Overland Ave., Suite 310  
 San Diego, CA 92123

Subject: COMMENTS ON DRAFT ENVIRONMENTAL IMPACT REPORT  
 TIERED EQUINE ORDINANCE AMENDMENT, POD 11-011  
 SWEETWATER RIVER WATERSHED PROTECTION

Dear Mr. Stiehl:

Thank you for providing notification to Sweetwater Authority on the Tiered Equine Ordinance Amendment Draft EIR (DEIR). Sweetwater Authority is a public water agency in the South Bay area of San Diego County serving approximately 186,000 people residing in National City, the western and central portions of Chula Vista, and the unincorporated communities of Bonita and Lincoln Acres. Sweetwater operates Sweetwater Reservoir and Loveland Reservoir to store local and imported water for its customers and utilizes the Sweetwater River to transfer water from Loveland Reservoir to Sweetwater Reservoir. The proposed Tiered Equine Ordinance Amendment would potentially affect commercial equine uses in unincorporated portions of the County, including areas of the Sweetwater River watershed within the County's jurisdiction (Figure 1).

We have reviewed the DEIR, draft ordinance, and supporting documents and have the following comments:

**Tier One and Tier Two Requirements**

Section 3.1.2, Hydrology and Water Quality, includes contradictory information on Tier 1 and Tier 2 requirements:

- Sections 3.1.2.3.1 and 3.1.2.4.1 state that some future Tier One and Tier Two equine facilities would require a building permit and would be subject to preparation of a Minor SWMP.
- Sections 3.1.2.3.3; 3.1.2.3.4; 3.1.2.3.5; 3.1.2.3.7; and 3.1.2.3.8 state that future Tier One and Tier Two equine facilities would require a building permit and therefore would be subject to the preparation of a Minor SWMP.

Clarification should be provided, and reliance on potentially incorrect requirements to determine the significance of related impacts should be re-evaluated in the document.

*A Public Water Agency  
 Serving National City, Chula Vista and Surrounding Areas*

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S-1 This comment is introductory and does not raise an environmental issue for which a response is required.

S-2 As stated in Section 1.5.1 of the DEIR, "If building or removal of any structure is required, future projects may require either a building or a demolition permit. Although these are both ministerial permits, applicants must adhere to all applicable regulations."

In order to address this comment, the following edits were made to the following sections of the DEIR for clarification purposes:

- Section 3.1.2.3.1: "If ~~Some~~ a future Tier One or Tier Two equine ~~facilityies would~~ requires the building or removal of a structure, a building permit would be required and development of the equine facility would be subject to preparation of a SWMP, which includes requirements for the use of construction BMPs, LID, and post-construction BMPs.
- Section 3.1.2.4.1: "As described in Section 3.1.2.3.1, if a future Tier One or Tier Two equine facility requires the building or removal of a structure, a

	<p><u>building permit would be required and development of the equine facility</u> <del>some Tier One and Two facilities would require a building permit and</del> would be subject to preparation of a Minor SWMP, which includes requirements for construction BMPs, LID, and post-construction BMPs.</p> <ul style="list-style-type: none"><li>○ Section 3.1.2.3.3: Tier One and Two facilities that do not require discretionary review <del>would</del><u>may</u> still require a building permit <u>if any structures are proposed to be constructed or demolished</u> and therefore would be subject to preparation of a Minor SWMP, which includes requirements for construction BMPs, LID, and post-construction BMPs.</li><li>○ Section 3.1.2.3.4: <del>If a future Tier One and/or Tier Two equine facility</del> <u>requires the building or removal of any structure,</u> <del>would require a building permit</del> <u>would be required and development of the equine facility</u> <del>and therefore</del> would be subject to the preparation of a Minor SWMP and site-specific BMPs and LID techniques to maintain existing drainage patterns and runoff levels to the greatest extent possible.</li><li>○ Section 3.1.2.3.5: <del>If a future Tier One and/or Tier Two equine facility</del> <u>requires the building or removal of a structure,</u> <del>would require a building permit</del> <u>would be required and development of the</u></li></ul>
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	<p><del>equine facility and therefore</del> would be subject to the preparation of a Minor SWMP and site-specific BMPs and LID techniques to maintain existing drainage patterns and runoff levels to the greatest extent possible.</p> <ul style="list-style-type: none"><li>○ Section 3.1.2.3.7: <del>If a Ffuture</del> Tier One <del>and/or</del> Tier Two equine <del>facilityies</del> <u>requires the building or removal of a structure, would require</u> a building permit <u>would be required and development of the equine facility and therefore</u> would be subject to the preparation of a Minor SWMP and site-specific BMPs and LID techniques to maintain drainage patterns, thus preventing flood flows from being significantly impeded or redirected.</li><li>○ Section 3.1.2.3.8: <del>If a Ffuture</del> Tier One <del>and/or</del> Tier Two equine <del>facilityies</del> <u>requires the building or removal of a structure, would require</u> a building permit <u>would be required and development of the equine facility and therefore</u> would be subject to the preparation of a Minor SWMP and site-specific BMPs and LID techniques to maintain drainage patterns, thus preventing flooding within the area.</li></ul> <p>It should be noted that these revisions do not affect the analysis provided in Section 3.1 of the Draft EIR. Revisions made to the Final EIR are for clarification purposes only and do not affect the analysis or conclusions presented in the document.</p>
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**Surface Water Quality Impacts**

The document states that future equine uses may result in an increase in animal waste which contains biological and chemical properties that can be harmful to plants, animals and humans, and that animal waste can contribute to surface water pollution when it is improperly stored or left uncovered near watercourses and storm drains (p. 3.1.2-13). The DEIR does not specifically discuss *Cryptosporidium parvum*, a waterborne pathogenic organism that is known to cause health effects, including fatalities in some humans. The draft ordinance would define Horse Stables to include equine breeding and raising uses, yet equines under the age of 12 months, the predominant carriers and shedders of *Cryptosporidium* oocysts, would not be counted in Horse Stable populations. Since Tier One and Tier Two projects would not be subject to environmental review, the analysis should discuss the adequacy of setback requirements and manure management guidelines to prevent increases and potential spreading of *Cryptosporidium* in waterways. County enforcement procedures for setbacks and BMPs should also be described in detail. Additionally, we recommend that the County's Watershed Protection Program Equine Facilities handout be revised to state that bacteria and viruses impact surface water reservoirs used for drinking water, of which there are several in the County that would be impacted by the draft ordinance. The handout currently states that bacteria travel downstream to our beaches, causing beach closures.

**Groundwater Quality Impacts**

Although Section 3.1.2.3.2 evaluates potential depletion of groundwater supplies and interference with groundwater recharge, the analysis also should include a discussion on groundwater quality impacts from equine facilities. The document states that the most common man-made sources of groundwater contamination include facilities producing animal wastes, and that the most common contaminants in groundwater within San Diego County include elevated nitrate levels and bacteria (p. 3.1.2-4). Horse urine is a significant source of nitrates that can make groundwater unusable by rapidly degrading groundwater and surface water quality. WPO requirements, including berming or curbing to contain animal waste where it is produced, would not halt seepage into such water supplies and the resulting contamination of groundwater. Because Sweetwater Authority derives up to 70 percent of its potable water from local sources, including the San Diego Groundwater Formation, groundwater quality impacts carry ramifications for Sweetwater's water supply and customers.

**Project Alternatives**

The proposed project applies to properties within the unincorporated County that are zoned with an Animal Designator D-J, L-N, U, V, or X for a total of 344,665 acres (Section S.2.3). According to County data presented at the Equine Stakeholders Meeting on January 24, 2013 (Figure 2), the proposed density of 10 horses per usable acre throughout the project area is greater than other jurisdictions allow with discretionary use permits

S-3  
 S-4  
 S-5  
 S-6

**S-3**

The DEIR takes a conservative approach. If every potential property permitted a horse stable then future Equine uses would generate additional animal waste. However, the County requires compliance with the existing Air Pollution Control District Regulations, Grading, Stormwater and Watershed Protection Ordinances. Compliance requires Best Management Practices (BMPs) for all projects on a case by case basis. Properties are different, intensity of uses are different, therefore different best management practices may apply to different properties depending on the case. For example where manure is kept in a bin and hauled off the property, few BMPs may be necessary for a project. However, where manure is spread or composted substantial BMPs may be required for compliance. There is ample information on the County webpages regarding BMPs, including project cleanwater. There will also be additional information handouts for Equine facilities as part of the implementation of this ordinance. Typically owners and operators should contact staff after reviewing the handouts to determine BMPs that are necessary. This would be part of permitting a Horse Stable or any building permit related to a Horse Stable or Horsekeeping. Therefore, stables being permitted under the new tiered ordinance will be reviewed by County staff and BMPs may be required on a case by case basis. Existing properties may be required to comply with existing grading, stormwater or

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	<p>watershed protection ordinance requirements with BMPs depending on the situation. Therefore BMPs will be described in detail on each permitted project.</p> <p><b>S-4</b> See response to S-3. Water leaving a site is required to pass through BMPs, which due reduce bacteria and virus levels. Water will be as clean as required under the existing Grading, Stormwater and Watershed Protection Ordinances.</p> <p><b>S-5</b> As noted by the commenter, Section 3.1.2.3.2 of the DEIR addresses groundwater supplies and recharge. The guideline for determination of significance for this section reads as follows, “ A significant impact would result if: The project would 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 (e.g., the production rate of preexisting nearby wells would drop to a level that would not support existing land uses or planned uses for which permits have been granted).” Therefore, the analysis evaluates potential depletion of groundwater supplies and interference with groundwater recharge.</p> <p>For an analysis of water quality impacts, please refer to Section 3.1.2.3.1 of the DEIR. This section discusses the requirement for manure management</p>
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required. The proposed density of 10 horses per usable acre would have a detrimental cumulative impact on water quality and would affect Sweetwater Authority water resources. Since the Board of Supervisors may consider the adoption of specific components or a combination of the proposed project and project alternatives (p. S-6), we recommend that a combination of the Four Horses Per Acre Alternative and the Reduced Project Area Alternative be considered:

- Tier One would allow boarding only of up to 3 horses (including horses less than one year of age) not owned by the property owner without a ministerial or discretionary permit on properties 1 acre or larger in size.
- Tier Two would allow 4 horses per acre of usable area up to 20 horses (including horses less than one year of age) on properties between 1 and 5 acres with the proposed ministerial Zoning Verification Permit.
- Tier Three would allow 4 horses per acre of usable area up to 40 horses (including horses less than one year of age) on properties greater than 5 acres and less than 10 acres with a discretionary Administrative Permit.
- Tier Four would allow more than 40 horses (including horses less than one year of age) on more than 10 acres of usable area, or more than 4 horses per usable acre, with a discretionary Major Use Permit.

These recommended Horse Stable limits take into consideration the fact that typical horse boarding on properties is confined to relatively small areas where animal enclosures are located, and other portions of the site are used for turn-out pens, corrals, and/or other structures. This in effect further concentrates the animal waste issues and therefore contamination potential.

We appreciate the opportunity to comment on the DEIR for the Tiered Equine Ordinance Amendment. Please continue to include Sweetwater Authority on the County's distribution list for POD 11-011. If you have any questions, please contact Jane Davies at [jdavies@sweetwater.org](mailto:jdavies@sweetwater.org) or (619) 409-6816.

Sincerely,

SWEETWATER AUTHORITY

  
 Scott McClelland, P.E., BCEE  
 Director of Water Quality

Enclosures



plan when boarding four or more horses. As stated in Section 3.1.2.3.1, examples of BMPs included in a manure management plan are as follows: store manure on an impervious surface, such as concrete, and under a tarp to prevent runoff and leaching of pollutants into the ground; locate facilities and conduct activities away from waterways, flood-prone areas, and steep hillsides; provide well-established vegetation and/or vegetated swale to divert rain and stormwater run-on from contacting contaminants and carrying them off site; install proper fencing for animals to control waste and protect pastures/grasses; protect waste storage facilities from rainfall; apply appropriate pasture fertilization; and stabilize and manage paddocks. These measures would be in addition to WPO requirements.

**S-6**

The County is not required to analyze an alternative suggested in public comments. The suggested alternative would generally result in the same conclusions as the alternatives analyzed currently in the DEIR. Ultimately, the County Board of Supervisors will determine which project or alternative will be implemented. The information in this comment will be in the Final EIR for review and consideration by the Board.

**S-7**

See Response S-6.

## Response to Comments

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	<p><b>S-8</b>      This comment is a concluding statement and does not raise an environmental issue for which a response is required. The County has included the Sweetwater Authority on the distribution list for this project.</p>
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