

# 1. Introduction

# CHAPTER 1

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## Introduction

### 1.1 Purpose of the Final Environmental Impact Report

This report has been prepared to accompany the draft environmental impact report (DEIR) for EBMUD's Water Treatment and Transmission Improvements Program (WTTIP). The DEIR identified the environmental consequences associated with construction and operation of potential alternatives identified by EBMUD, and recommended mitigation measures to reduce significant and potentially significant impacts. This document responds to the comments on the DEIR and makes revisions to the DEIR, as necessary, in response to these comments. Together with the DEIR, this document constitutes the Final EIR for the project.

The Final EIR is an informational document prepared by the lead agency that must be considered by decision-makers before approving or denying a proposed project. California Environmental Quality Act (CEQA) Guidelines (Section 15132) specify the following:

The Final EIR shall consist of:

- (a) The Draft EIR or a revision of the draft.
- (b) Comments and recommendations received on the Draft EIR, either verbatim or in summary.
- (c) A list of persons, organizations, and public agencies commenting on the Draft EIR.
- (d) The responses of the lead agency to significant environmental points raised in the review and consultation process.
- (e) Any other information added by the lead agency.

This document has been prepared pursuant to the CEQA Guidelines.

### 1.2 Environmental Review Process

On June 23, 2006, EBMUD (lead agency) released the EBMUD Water Treatment and Transmission System Program DEIR for public review (State Clearinghouse No. 2005092019). The public review and comment period on the DEIR began on June 23, 2006 and closed on September 18, 2006. The EBMUD Board of Directors anticipates certifying the Final EIR (a finding that the EIR complies with the requirements of CEQA) at a regularly scheduled Board meeting in late 2006. Following EIR certification, EBMUD may proceed with consideration of project approval actions.

## 1.3 Report Organization

Chapter 2 of this document contains copies of comments received during the comment period and responses to those comments. Each comment is numbered in the margin of the comment letter, and the responses to all of the comments in a particular letter follow that letter. The comments are referenced alphanumerically by letter and comment number; the comment letters are coded with the initials of the commenter or agency/organization acronym. For example, the first comment in the letter from the California Department of Toxic Substances Control is DTSC-1. Where a response includes a change to the text of the DEIR, a reference is made to Chapter 3, which contains corrections and clarifications made to the DEIR text.

Some issues were raised in numerous comments. As a result six master responses addressing these comments are included in Section 2.1 of this Response to Comments document. The master responses are listed below:

- 2.1.1 Master Response on Program- and Project-Level Distinctions
- 2.1.2 Master Response on Benefits to Orinda
- 2.1.3 Master Response on EBMUD Obligations to Comply with Local Ordinances, Obtain Local Agency Approvals and Permits, and Pay Local Agency Fees
- 2.1.4 Master Response on the Need for and Alternatives to Happy Valley Pumping Plant and Pipeline
- 2.1.5 Master Response on Social and Economic Costs
- 2.1.6 Master Response on New Leland Pressure Zone Reservoir Alternatives

The following is a list of all persons and organizations that submitted comments on the DEIR during the comment period:

Letter Code	Commenter
<b>State Agencies</b>	
SCH	Terry Roberts, Director, State Clearinghouse, Governor's Office of Planning and Research
DTSC	Marc Piros, PE, Unit Chief, Northern California Coastal Cleanup Operations Branch, Department of Toxic Substances Control
<b>Cities and Local Agencies</b>	
C3FC	Tim Jensen, Associate Civil Engineer, Flood Control Engineering, Contra Costa County Flood Control & Water Conservation District
CCCSD	Russell B. Leavitt, AICP, Engineering Assistant III, Contra Costa County Sanitary District
EBMUD_NR	EBMUD Natural Resources Staff, East Bay Municipal Utility District
LAF	Steven Falk, City Manager, City of Lafayette
MOR	Jill Mercurio, Public Works Director / Town Engineer, Town of Moraga
ORIN	Robert Perlmutter and Kevin P. Bundy, Shute, Mihaly & Weinberger LLP, for the City of Orinda
WC	Rachel Lenci, Engineering Services Manager, City of Walnut Creek

Letter Code	Commenter
<b>Individuals and Businesses</b>	
AH	Adam Henderson
AL	Adam Lyon
AR	Alfred J. Rothman
AS	Ann Sharf
BB	Barry Bennett
BJT	Betty Barsamian Teman and Joseph Teman
BM	Bruce A. Macler
BS	Barry M. Sweedler
BV	Bruce Van Voorhis
BW	Brandt Williams
BW1	Brandt Williams
BW2	Bonnie Wixson
CA	Carl H. Arvold
CAOF	Janet S. Cobb, President, California Oak Foundation
CB	Carol Ann Barber
CC	Charlotte L. Cairney
CN	Cheryl Nevares
CV	Chris Valle-Riestra
DCAY	David Chen and Ann Yang
DG	Dave V. Giri
DGB	Donald and Gene Bozorth
DJB	David and Joyce Burke
DM	Diana MaKieve
DMA	David and Marney Ackerman
DR	David L. Richardson, PE
DS	Dana Dumas Sankary
EE	Ed Elkins
EP	Ed Presten
FAP	Felix and Anne Pallavicini
GA	Greg Alioshin
GA1	Greg Alioshin
GF	Grant W. Fine
GF1	Gail Ford
GH	Gayle Hirschfeld
GN	Greg Norman
GP	Gerald Perry
HME	Heinz and Martha Egensperger
HOA	Freeman Road Homeowners Association Petition
JB	Jack Behseresht, Sugarloaf Homeowners Association
JC	Jim Cervantes, Board Member, Sleepy Hollow Homeowners Association

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<b>Letter Code</b>	<b>Commenter</b>
JF	Joyce Leavitt Fine
JM	James Murphey
JV	Joan von Kaschnitz
JW	John L. Walkinshaw
KH	K. Houlahan
KH1	Kim Henderson
KL	Kelly Lemon
KL1	Kaisa Lyon
KL2	Kaisa Lyon
KS	Kyle Simonse
KLLJS	Schonborn Family
KR	Kathy Rogers
KS	Kyle Simonse
LG	Linda C. Guerra
LH	Larry Hayden
LL	Lynn Lopez
LS	Lauren Simonse
MB	Marielle J. Boortz
MB1	Matt Broback
MC	Margo Connolly
MJ	Mike Johnson
MJN	Mary and Jim Neighbor
MK	Mickey Karlinsky
MKP	Mike and Karen Perry
MM	Matthew P. Moran
MMM	Michael and Mary Moran
MP	M.L. Pinkard
MP1	Michael Pecar
MT	Marc Trapani
PA	Pauline M. Angell
PC	Peter K. Clark
PJ	Philip Jensen et al
PM	Paula E. Malcom
RC	Rebecca Christensen
RC1	Rebecca Christensen
RCW	Daniel A. Muller, Morgan Miller Blair, for Robert and Clarita Wooldridge
RCW1	Robert and Clarita Wooldridge
RJ	Robin Jones
RL1	Richard D. Lee
RR	Richard L. Ronnow, PE
RS	Richard Sypriano

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Letter Code	Commenter
RSY	Richard and Susan Yau
SB	Stacey Bradbury
SD	Sandra J. Denny
SJ	Susan JunFish
SMR	Sally and Michael Rubinstein
SMR1	Sally and Michael Rubinstein
SP	Stephen Phillips
TB	Terry Blair
TB1	Tracy Broback
TJ	Toris A. Jaeger
TJK	Thomas P. and Jahanna M. Knight
TS	Todd Simonse
TU	Ted Urban
VC	Vince Carrillo
VEEC	Carton Family
WBP	William and Betty Peterson
WEH	William and Elizabeth Haughey
WG	William Greif
WJC	Wayne and Jo Alice Canterbury
WJC1	Wayne and Jo Alice Canterbury

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Chapter 3 of this document contains changes and additions to the DEIR text. An expanded section of text is included for two projects where the site proposed for approval differs from that presented as “preferred” in the DEIR: Highland Reservoir and Pipelines and Happy Valley Pumping Plant and Pipeline.

## 1.4 Highland Reservoir and Pipelines

A revised Highland Reservoir site has been developed and analyzed in response to comments concerning loss and damage to protected trees associated with the site identified as the preferred in the DEIR. Measure 3.6-1a in Section 3.6 Biological Resources has been revised to incorporate the revised site. Section 3.3 of this Response to Comments document contains a description and analysis of impacts for the Revised Highland Reservoir site. Additional graphics for this site can also be found in this section.

The following nomenclature is used to discuss sites associated with the Highland Reservoir and Pipelines project:

- DEIR Proposed Highland Reservoir Site – the site presented as the preferred site in the DEIR (described in Chapter 2 Project Description).

- DEIR Alternative Highland Reservoir Site – the site presented as an alternative under consideration in the DEIR (described in Chapter 6 Alternatives).
- Revised Highland Reservoir Site – the site presented in Section 3.3 of this Response to Comments document which is being proposed for approval as part of the FEIR.

## 1.5 Happy Valley Pumping Plant and Pipeline

In the DEIR, the proposed location for the Happy Valley Pumping Plant is on Lombardy Lane (DEIR p. 2-2-74 *et seq*), and the alternative site evaluated for this facility is on Miner Road near Camino Sobrante (DEIR p. 6-33 *et seq*). The owners of the Lombardy Lane parcel are not willing to sell their property to EBMUD (see **Comment RCW-1**), whereas the owner of the alternative site is receptive to discussing the sale of a portion of his property (see **Comment TU-2**). As stated on DEIR p. 6-2, the EBMUD Board of Directors may adopt an alternative site analyzed in the EIR in lieu of the WTTIP as proposed. Accordingly, District staff is recommending that the Board of Directors approve the alternative site for the Happy Valley Pumping Plant. EBMUD has prepared additional design information and supplemental environmental analyses on the alternative site because (a) the alternative site could be obtained from a willing seller and therefore is more desirable to EBMUD, (b) residents living near the alternative site have requested additional information, and (c) there has been a change in the construction characteristics of the Happy Valley Pumping Plant alternative (namely, that numerous trees along Miner Road could, in fact, be preserved). The information in Section 3.4 of this Response to Comments document amplifies the analysis of the Happy Valley Alternative site that was presented in DEIR Chapter 6 and includes information indicating that environmental impacts will be not be more adverse than those previously identified. Additional graphics for this site can also be found in Section 3.4.

The following nomenclature is used to discuss sites associated with the Happy Valley Pumping Plant and Pipeline project:

- DEIR Proposed Happy Valley Pumping Plant site – the site presented as the preferred site in the DEIR (described in Chapter 2, Project Description).
- Happy Valley Pumping Plant Alternative site – the site presented as an alternative under consideration in the DEIR (described in Chapter 6, Alternatives).