

State Agencies





Arnold Schwarzenegger
Governor

STATE OF CALIFORNIA
Governor's Office of Planning and Research
State Clearinghouse and Planning Unit



Sean Walsh
Director

August 8, 2006

Judy Zavadil
East Bay Municipal Utility District
P.O. Box 24055, MS 701
Oakland, CA 94623-1055

WATER DISTRIBUTION
AUG 10 2006
PLANNING DIVISION

Subject: EBMUD Water Treatment and Transmission Improvements Program
SCH#: 2005092019

Dear Judy Zavadil:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. The review period closed on August 7, 2006, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

Terry Roberts
Director, State Clearinghouse

**Document Details Report
State Clearinghouse Data Base**

WATER DISTRIBUTION

AUG 10 2006

SCH# 2005092019
Project Title EBMUD Water Treatment and Transmission Improvements Program
Lead Agency East Bay Municipal Utility District

PLANNING DIVISION

Type EIR Draft EIR
Description The Water Treatment and Transmission Improvements Program includes new facilities and upgrades to existing facilities in Lafayette, Moraga, Oakland, Orinda, Walnut Creek, and unincorporated Contra Costa County. The facilities include upgrades at five existing water treatment plants, a water aqueduct from Orinda to Lafayette (alternative 2 only), 17 distribution system projects, and a reclaimed water pipeline.

Lead Agency Contact

Name Judy Zavadil
Agency East Bay Municipal Utility District
Phone (510) 287-1191 **Fax**
email
Address P.O. Box 24055, MS 701
City Oakland **State** CA **Zip** 94623-1055

Project Location

County Contra Costa, Alameda
City Orinda, Moraga, Lafayette, Walnut Creek, Oakland, Richmond
Region
Cross Streets
Parcel No.
Township **Range** **Section** **Base**

Proximity to:

Highways 24, I-680
Airports
Railways UPRR, SPRR
Waterways San Pablo Creek, San Ramon Creek, Las Trampas Creek, and others
Schools Various
Land Use

Project Issues Aesthetic/Visual; Air Quality; Archaeologic-Historic; Biological Resources; Cumulative Effects; Forest Land/Fire Hazard; Geologic/Seismic; Growth Inducing; Landuse; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Schools/Universities; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Wetland/Riparian; Wildlife

Reviewing Agencies Resources Agency; Regional Water Quality Control Board, Region 2; Department of Parks and Recreation; Native American Heritage Commission; Department of Health Services; Office of Historic Preservation; Department of Fish and Game, Region 3; Department of Water Resources; Department of Conservation; California Highway Patrol; Caltrans, District 4; State Water Resources Control Board, Division of Water Quality; State Water Resources Control Board, Clean Water Program; State Lands Commission

Date Received 06/23/2006 **Start of Review** 06/23/2006 **End of Review** 08/07/2006

2.2 State Clearinghouse

SCH-1 Comment noted. Notification was provided to the State Clearinghouse (SCH) that the DEIR comment period was initially scheduled to end on August 25, 2006. Later, the SCH granted EBMUD's request to extend the comment period to September 18, 2006.



Linda S. Adams
Secretary for
Environmental Protection



Department of Toxic Substances Control

Maureen F. Gorsen, Director
700 Heinz Avenue
Berkeley, California 94710-2721



Arnold Schwarzenegger
Governor

August 15, 2006

Mr. Jason Munkres
East Bay Municipal Utility District
375 Eleventh Street
Mail Slot 701
Oakland, California 94607

WATER DISTRIBUTION
AUG 17 2006
PLANNING DIVISION

Dear Mr. Munkres:

Thank you for the opportunity to comment on the Water Treatment and Transmission Improvements Program draft Environmental Impact Report (EIR) (SCH #2005092019). As you may be aware, the California Department of Toxic Substances Control (DTSC) oversees the cleanup of sites where hazardous substances have been released pursuant to the California Health and Safety Code, Division 20, Chapter 6.8. As a potential Responsible Agency, DTSC is submitting comments to ensure that the California Environmental Quality Act (CEQA) documentation prepared for this project adequately addresses any remediation of hazardous substance releases that may be necessary.

It is stated on page 3.11-21 of the draft EIR that "materials and wastes may only be recycled, reused, reclaimed, or disposed of at locations approved by the District." The criteria or approach for establishing criteria that would be used for determining if soil can be recycled or reused need to be identified or discussed. If soil will be reused or recycled on land that is designated for unrestricted use, the soil will need to meet criteria which ensure that contaminants are not present at levels that pose a significant risk to human or ecological receptors. If reused or recycled soil does not meet criteria that allow for unrestricted land use, then institutional controls, such as a land use covenant will be necessary for the land that the soil is placed on.

DTSC can assist lead agencies in overseeing characterization and cleanup activities through our Voluntary Cleanup Program. A fact sheet describing this program is enclosed. We are aware that projects are typically on a compressed schedule, and in an effort to use the available review time efficiently, we request that DTSC be included in future meetings where issues relevant to our statutory authority are discussed.

Mr. Jason Munkres
August 15, 2006
Page 2 of 2

Please contact Hodayune Atiqee of my staff at (510) 540-3838 if you have any questions. Thank you in advance for your cooperation in this matter.

Sincerely,



Mark Piros, P.E., Unit Chief
Northern California Coastal
Cleanup Operations Branch

Enclosure

cc: without enclosure

Governor's Office of Planning and Research
State Clearinghouse
P.O. Box 3044
Sacramento, California 95812-3044

Guenther Moskat
CEQA Tracking Center
Department of Toxic Substances Control
P.O. Box 806
Sacramento, California 95812-0806



California Environmental Protection Agency
Department of Toxic Substances Control



The Voluntary Cleanup Program

The California Environmental Protection Agency's Department of Toxic Substances Control (DTSC) has introduced a streamlined program to protect human health, cleanup the environment and get property back to productive use. Corporations, real estate developers, and local and state agencies entering into Voluntary Cleanup Program agreements will be able to restore properties quickly and efficiently, rather than having their projects compete for DTSC's limited resources with other low-priority hazardous waste sites. This fact sheet describes how the Voluntary Cleanup Program works.

Prior to initiation of the Voluntary Cleanup Program, project proponents had few options for DTSC involvement in cleaning up low-risk sites. DTSC's statutory mandate is to identify, prioritize, manage and cleanup sites where releases of hazardous substances have occurred. For years, the mandate meant that, if the site presented grave threat to public health or the environment, then it was listed on the State Superfund list and the parties responsible conducted the cleanup under an enforcement order, or DTSC used state funds to do so. Because of staff resource limitations, DTSC was unable to provide oversight at sites which posed lesser risk or had lower priority.

DTSC long ago recognized that no one's interests are served by leaving sites contaminated and unusable. The Voluntary Cleanup Program allows motivated parties who are able to fund the cleanup -- and DTSC's oversight -- to move ahead at their own speed to investigate and remediate their sites. DTSC has found that working cooperatively with willing and able project proponents is a more efficient and cost-effective approach to site investigation and cleanup. There are four steps to this process:

- Eligibility and Application
- Negotiating the Agreement
- Site Activities
- Certification and Property Restoration

The rest of this fact sheet describes those steps and gives DTSC contacts.

The Voluntary Cleanup Program

Step 1: Eligibility and Application

Most sites are eligible. The main exclusions are if the site is listed as a Federal or State Superfund site, is a military facility, or if it falls outside of DTSC's jurisdiction, as in the case where a site contains only leaking underground fuel tanks. Another possible limitation is if another agency currently has oversight, e.g., a county (for underground storage tanks). The current oversight agency must consent to transfer the cleanup responsibilities to DTSC before the proponent can enter into a Voluntary Cleanup Program agreement. Additionally, DTSC can enter into an agreement to work on a specified element of a cleanup, if the primary oversight agency gives its consent. The standard application is attached to this fact sheet.

If neither of these exclusions apply, the proponent submits an application to DTSC, providing details about site conditions, proposed land use and potential community concerns. No fee is required to apply for the Voluntary Cleanup Program.

Step 2: Negotiating the Agreement

Once DTSC accepts the application, the proponent meets with experienced DTSC professionals to negotiate the agreement. The agreement can range from services for an initial site assessment, to oversight and certification of a full site cleanup, based on the proponent's financial and scheduling objectives.

The Voluntary Cleanup Program agreement specifies the estimated DTSC costs, scheduling for the project, and DTSC services to be provided. Because every project must meet the same legal and technical cleanup requirements as do State Superfund sites, and because DTSC staff provide oversight, the proponent is assured that the project will be completed in an environmentally sound manner.

In the agreement, DTSC retains its authority to take enforcement action if, during the investigation or cleanup, it determines that the site presents a serious health threat, and proper and timely action is not otherwise being taken. The agreement also allows the project proponent to terminate the Voluntary Cleanup Program agreement with 30 days written notice if they are not satisfied that it is meeting their needs.

Step 3: Site Activities

Prior to beginning any work, the proponent must have: signed the Voluntary Cleanup Program agreement; made the advance payment; and committed to paying all project costs, including those associated with DTSC's oversight. The project manager will track the project to make sure that DTSC is on schedule and within budget. DTSC will bill its costs quarterly so that large, unexpected balances will not occur.

Once the proponent and DTSC have entered into a Voluntary Cleanup Program agreement, initial site assessment, site investigation or cleanup activities may begin. The proponent will find that DTSC's staff includes experts in every vital area. The assigned project manager is either a highly-qualified Hazardous Substances Scientist or Hazardous Substances Engineer. That project manager has the support of well-trained DTSC toxicologists, geologists, industrial hygienists and specialists in public involvement.

The project manager may call on any of these specialists to join the team, providing guidance, review, comment and, as necessary, approval of individual documents and other work products. That team will also coordinate with other agencies, as appropriate, and will offer assistance in complying with other laws, such as the Resource Conservation and Recovery Act.

Step 4: Certification and Property Restoration

When remediation is complete, DTSC will issue either a site certification of completion or a No Further Action letter, depending on the project circumstances. Either means that what was, The Site, is now property that is ready for productive economic use.

To learn more about the Voluntary Cleanup Program, contact the DTSC representative in the Regional office nearest you:

Southern California

Tina Diaz
1011 North Grandview Avenue
Glendale, California 91201
(818) 551-2862

Central California

Megan Cambridge
8800 Cal Center Drive
Sacramento, CA 95826-3200
(916) 255-3727

North Coast California

Lynn Nakashima Janet Naito
700 Heinz Avenue, Suite 200
Berkeley, California 94710-2737
(510) 540-3839 (510) 540-3833

**Central California -
Fresno Satellite**

Tom Kovac
1515 Tollhouse Road
Clovis, California 93612
(209) 297-3939

(Revised 11/2001)



VOLUNTARY CLEANUP PROGRAM APPLICATION

The purpose of this application is to obtain information necessary to determine the eligibility of the site for acceptance into the Voluntary Cleanup Program. Please use additional pages, as necessary, to complete your responses.

SECTION 1 PROPONENT INFORMATION

Proponent Name	

Principal Contact Name	Phone () _____

Address	

Proponent's relationship to site	

Brief statement of why the proponent is interested in DTSC services related to site	

SECTION 2 SITE INFORMATION

Is this site listed on Calsites? <input type="checkbox"/> Yes <input type="checkbox"/> No			
If Yes, provide specific name and number as listed			

Name of Site			

Address	City	County	ZIP

(Please attach a copy of an appropriate map page)			

SECTION 2 SITE INFORMATION (continued)

Current Owner

Name _____

Address _____

Phone () _____

Background: Previous Business Operations

Name _____

Type _____

Years of Operation _____

If known, list all previous businesses operating on this property _____

What hazardous substances/wastes have been associated with the site?

What environmental media is/was/may be contaminated?

- Soil Air Groundwater Surface water

Has sampling or other investigation been conducted? Yes No

Specify _____

If Yes, what hazardous substances have been detected and what were their maximum concentrations?

SECTION 2 SITE INFORMATION (continued)

Are any Federal, State or Local regulatory agencies currently involved with the site? Yes No
 If Yes, state the involvement, and give contact names and telephone numbers

Agency	Involvement	Contact Name	Phone

What is the future proposed use of the site? _____

What oversight service is being requested of the Department?

- PEA RI/FS Removal Action Remedial Action RAP Certification
 Other (describe the proposed project) _____

Is there currently a potential of exposure of the community or workers to hazardous substances at the site?

- Yes No If Yes, explain _____

SECTION 3 COMMUNITY PROFILE INFORMATION

Describe the site property (include approximate size) _____

Describe the surrounding land use (including proximity to residential housing, schools, churches, etc.) _____

Describe the visibility of activities on the site to neighbors _____

SECTION 3 COMMUNITY PROFILE INFORMATION (continued)

<p>What are the demographics of the community (e.g., socioeconomic level, ethnic composition, specific language considerations, etc.)? _____</p> <p>_____</p>
<p>Local Interest Has there been any media coverage? _____</p> <p>_____</p>
<p>Past Public Involvement Has there been any past public interest in the site as reflected by community meetings, ad hoc committees, workshops, fact sheets, newsletters, etc.?</p> <p>_____</p>
<p>Key Issues and Concerns Have any specific concerns/issues been raised by the community regarding past operations or present activities at the site?</p> <p>_____</p> <p>Are there any concerns/issues anticipated regarding site activities?</p> <p>_____</p> <p>Are there any general environmental concerns/issues in the community relative to neighboring sites?</p> <p>_____</p>
<p>Key Contacts Please attach a list of key contacts for this site, including: city manager; city planning department; county environmental health department, local elected officials; and any other community members interested in the site. (Please include addresses and phone numbers.)</p> <p>_____</p>

SECTION 4 CERTIFICATION

The signatories below are authorized representatives of the Project Proponent and certify that the preceding information is true to the best of their knowledge.

 Proponent Representative

 Date

 Title

2.3 Department of Toxic Substances Control

DTSC-1 Comment noted.

DTSC-2 The criteria for determining whether soil can be recycled or reused would be included in the soil management plan prepared by the contractor and reviewed by EBMUD in accordance with EBMUD construction specifications (described on DEIR p. 3.11-21). The general process that would be used for determining appropriate use of the soil is provided below.

In accordance with EBMUD established procedures and previous guidance from the Department of Toxic Substances Control (DTSC), soil from trenching operations in public right-of-ways may be placed back into the trench, even if contaminated, provided that certain conditions are met.

For pipeline and non-pipeline projects at previously undeveloped sites or sites that were used exclusively for residential purposes, excavated soil would be considered appropriate for unrestricted onsite or offsite reuse unless signs of contamination were present. Excavated soil from sites with no potential for contamination (based on the environmental site assessment conducted in accordance with Measure 3.11-1) would also be considered acceptable for unrestricted use.

For projects where the site assessment or field conditions suggest potential contamination, the contractor would be required to sample any excess soil from pipeline projects as well as any soil excavated for construction of non-pipeline projects. Analysis would include potential contaminants identified on the basis of the site assessment or observed field conditions. Any soil classified as a hazardous waste would be legally managed in accordance with applicable laws and regulations.

For non-hazardous soil considered for onsite or offsite reuse, the detected concentrations of any chemical would be compared to DTSC screening levels and Regional Water Quality Control Board environmental screening levels. Soils meeting the criteria for residential land use would be considered appropriate for unrestricted reuse. If not disposed of at a permitted disposal facility, soil with chemical concentrations exceeding residential screening levels could be used at industrial or commercial sites if it meets the appropriate screening levels (or levels determined acceptable by a site-specific risk assessment), and institutional controls such as a land use covenant would be implemented. Reuse for other purposes would be determined on the basis of site-specific studies appropriate to the planned reuse. The DTSC would be consulted in determining the appropriate reuse of soil and institutional controls.

DTSC-3 EBMUD will use the DTSC Voluntary Agreement for characterization and cleanup activities as appropriate.

DTSC-4 As requested, EBMUD will request DTSC attendance at future meetings where issues relevant to DTSC's statutory authority are discussed. Please also refer to Section 2.1.3, Master Response on EBMUD Obligations to Comply with Local Ordinances, Obtain Local Agency Approvals and Permits, and Pay Local Agency Fees for additional response pertinent to this comment.