

From: Jill Mercurio [mailto:jmercurio@moraga.ca.us]
Sent: Monday, September 18, 2006 12:28 PM
To: Water Treatment Transmission Improvements Program
Cc: Manager; Lori Salamack; Jill Mercurio
Subject: Town of Moraga DEIR Comments

Dear Ms. Zavadil:

Town staff has reviewed the Draft EIR for the EBMUD Water Treatment and Transmission Improvements Program dated June 2006, and the Town has the following comments:

General comments:

The Town of Moraga Noise Ordinance restricts construction activities. Noise producing construction activities may occur between 8:00 a.m. and 5:00 p.m. In several locations the District is proposing construction starting at 7:00 a.m. Noise producing construction activities are prohibited by the Noise Ordinance at this hour.

Grading permits will be required for any activity that has more than 50 CY of earthwork. Although mentioned in Table 2-13, encroachment permits will be required for any construction activities within the public right-of-way, regardless of the specific project. All construction activities will be monitored for proper sediment and erosion control measure implementation throughout the project. Any active construction sites during the wet weather season will be required to submit and follow all proper stormwater control, erosion control, SWPPP, NOI, and other applicable requirements. Additional charges will be levied for Town staff monitoring the plans in place during the wet weather season. Please coordinate these activities with Town staff during the planning stages of the projects.

Hauling permits may be required depending on the amount of material to be removed. If required, the Town and District personnel will video the existing roadway conditions before and after the construction activities, and a fee will be based on the damage to the roadways.

Page S-41 discusses Impact 3.10-1 Construction Noise, and Table 2-7 discusses expected construction work hours. The Town of Moraga has a Noise Ordinance that restricts construction noise to between 8:00 a.m. and 5:00 p.m. Please coordinate with the Town on activities to ensure that these noise restrictions are met. Similarly, work within the right-of-way is further restricted depending on location and time of year.

Page 2-39, Figure 2-9 shows the trenchless technologies anticipated to be used at the Rheem Boulevard and Moraga Road intersection. Please coordinate with the Town on actual pit locations, work duration, and traffic controls.

Page 2-68, Table 2-9 shows that the Moraga Road Pipeline is expected to start in April 2007, and have a duration of 1 to 2 years. As we have discussed with District staff, the Town of Moraga has received for a Surface Transportation Program (STP) Grant to assist with the repaving of Moraga Road between the Lafayette town line and Buckingham Drive.

Our funding will be available in FY 2008-09, and we anticipate construction in the summer of 2009. This should dovetail nicely with your pipeline work, as long as your project stays on schedule. If your project must be delayed, we ask that you consider the fact that the Town will lose its funding if the work cannot start in the summer of 2009, and ask that you work with the Town to ensure this does not occur.

Page 2-71 refers to Appendix B for construction sequencing, duration of specific construction activities, construction staffing, and parking information. Table B-FHPP-1, page B-18, discusses these items for the Fay Hill Pumping Plant work. I do not understand how mobilization will only have one worker vehicle per day, when worker vehicles consists of vehicles for trades, laborers, equipment operators, superintendent, foreman, and district inspector. Similarly for the other construction phases, I do not believe that the worker vehicle data is correct, and that more than one worker (or two, or three, depending on the phase) will be visiting the site each day. (Especially in light of the information presented in Table B-FHPP-2, which lists similar worker vehicles, but it totals to 13 per day.) Also, although the text on page 2-71 says that information on parking is presented, I do not see any information on where the District anticipates parking the vehicles and equipment while the construction is ongoing. The parking issue is also applicable to Table B-FHPP-2. Map C-FHPP-1 shows that a number of trees and shrubs may be removed or disturbed during the construction activities. Please coordinate with the Town during detailed planning for this work.

Page 2-72 discusses construction activities at the Fay Hill Reservoir. The District is proposing to replace the existing open cut reservoir with two steel tanks. The existing facility is between 925 and 950 feet in elevation, and is not visible because it is an open cut with no appurtenances visible above ground. The proposed project will place tanks near a ridge line, with an elevation higher than the existing ground level, and the project will have visual impacts. The work is designated within the Moraga Open Space Ordinance (MOSO) area, which restricts construction activities within its boundaries. This project will be required to go through the appropriate Board/Commission/Council meetings to determine what is allowable within the MOSO area.

Page 2-78 discusses construction activities at the Moraga Reservoir. The District is proposing to replace the existing open cut reservoir with a concrete tank with a domed roof. The existing facility is between 725 and 750 feet in elevation, and is not visible because it is an open cut with no appurtenances visible above ground. Table B-MORRES-1 shows only two worker vehicles per day during mobilization. Similar to the numbers for the Fay Hill projects, these seem unrealistic. The project proposes that worker vehicles park on the street due to site constraints. Please coordinate with Town staff during the planning phases of this work.

Page 2-79 discusses the Moraga Road Pipeline work. Table 2-7 has construction in the roadways from 8:30 a.m. to 4:30 p.m. - these hours will not be acceptable during the Moraga Road pipeline work if school is in session. Please coordinate these hours with the Town when planning these work activities.

Because of the disruptive nature of this work, coordination of work hours, school hours, pavement restoration, pipe alignment, and impacts with any other projects planned must be discussed in detail.

Please confirm receipt of this email by 3:00 p.m. today.

Thank you,

Jill Mercurio

Public Works Director/Town Engineer

Town of Moraga

(925) 631-6844

jmercurio@moraga.ca.us

2.8 Jill Mercurio, Town of Moraga

MOR-1 The District will coordinate closely with the Town of Moraga (Town) to ensure consistency with the Town's Noise Ordinance to the extent feasible. Measure 3.10-1b has been revised in Section 3.2 of this Response to Comments document and provides further details for how noise-generating activities will be restricted and managed to reduce potential noise impacts for WTTIP projects constructed in the Town to less-than-significant levels. The intent is that noise-producing construction activities will generally occur only during the hours allowed by the local ordinance (except during critical water service outages or other emergencies and special situations). See also 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.

MOR-2 The proposed project requires that all water from or flowing from a job site shall be of such purity and cleanliness as not to introduce any contaminants into any watercourse, stream, lake, reservoir, or storm drain system. To meet this objective, construction contractors are required to provide plans, procedures, and controls related to the discharge of water and the control of storm water during construction. (See DEIR p. 3.5-20.) Table 2-13 indicates those projects requiring permits issued pursuant to the State Water Resources Control Board NPDES General Permit for Discharge of Stormwater and Contra Costa Flood Control District authorities.

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.

MOR-3 The District would engage in discussions with the Town regarding authority to require a haul permit prior to the start of construction.

Major arterials and collector streets, such as Moraga Way, are designed to handle a mix of vehicle types, including heavy trucks. The project's impacts are expected to be negligible on those roads. Residential streets are generally not built to withstand substantial truck traffic volumes and could be adversely affected by heavy traffic. Measure 3.8-7 (DEIR p. 3.8-23) would mitigate this potential significant impact. The measure states that, "prior to project construction, road conditions will be documented for all routes that will be used by project-related vehicles. Road conditions will also be documented after project construction is completed. Roads damaged by construction will be repaired to a structural condition equal to that which existed prior to construction activity." EBMUD is also willing to discuss paying the Town a fee in lieu of repairing structural damage caused by construction.

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.

MOR-4 As noted in **Response MOR-1**, above, the District will continue to coordinate with the Town on construction hours and working within public rights-of-way. See also 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, regarding compliance with local agency requirements.

MOR-5 During design EBMUD will coordinate with the Town regarding the location of the trenchless technology pits, preparation of a traffic control plan for the Contractor to refine and carry out, and provide estimates of the duration of the work. 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.

MOR-6 The Town's planned project to repave Moraga Road between the City of Lafayette boundary and Buckingham Drive beginning in the summer of 2009 has been added to Table 5-1 and Figure 5-1 (Revised Table 5-1 and Revised Figure 5-1 in this Response to Comments document). As stated on DEIR p. 5-38, the District has initiated coordination with other agencies regarding the timing of construction projects, and the District will endeavor to keep the Moraga Road Pipeline project on schedule and to coordinate with the Town.

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.

MOR-7 The pumping plant rehabilitation includes the replacement of the pumps within the same structure; thus, mobilization is assumed to be minimal (i.e., field measurements by superintendent or foreman and possible delivery of pumping equipment). Otherwise, field crews are not anticipated to show up until site work begins in the following weeks.

It needs to be understood, however, that the analysis of potential traffic and circulation impacts in the DEIR is unaffected by the trip generation estimate for the construction of the Fay Hill Pumping Plant. As described on DEIR p. 3.8-10, the analysis focuses on the maximum number of daily and hourly vehicle trips during the construction of each facility (in this case, during construction of the Fay Hill Pipeline). Lower trip-generating tasks like those associated with the Fay Hill Pumping Plant would have less impact than those described.

MOR-8 The commenter is correct that there is no parking information on Tables B-FHPP-1 and -2. However, DEIR p. 2-71 states, "The District proposes to use the parking lot

adjacent to the pumping plant site for construction staging and construction vehicle parking.” Parking for the pipeline alignment is discussed on DEIR p. 3.8-19. As shown in Table 3.8-1, on street parking is not permitted on Rheem Boulevard between Chalda Way to the reservoir access road. In addition, Measure 3.8-1 (DEIR p. 3.8-13) requires the contractor to submit a traffic safety plan as part of the encroachment permit process that “identifies locations for parking by construction workers (within the construction zone or, if needed, at a nearby location with transport provided between the parking location and the worksite).” EBMUD will coordinate with Town staff during the development of the construction documents.

MOR-9 As stated in Measure 3.3-2a (DEIR p. 3.3-35), the District will consult with the appropriate jurisdiction (i.e., the Town) when developing final landscaping plans. See also 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, regarding compliance with local agency requirements.

MOR-10 The comment indicates that the proposed project at Fay Hill Reservoir would have visual impacts and would require approval to be located within the Moraga Open Space Ordinance area.

As described in the DEIR p. 2-72, the proposed design for the new Fay Hill Reservoir calls for two cylindrical steel tanks with low-profile dome roofs to be located in the footprint of the existing reservoir. The commenter notes that the tanks would be located near a ridge line, and have a height that exceeds existing ground level. As characterized by Map D-FHRES-2 in the DEIR, the height differential would be approximately 10 feet at the highest point of the tanks. Note that the roof of the existing reservoir extends approximately ten feet above ground level and is hardly visible from distant viewpoints (see DEIR Figure 3.3-FHRES-2). A perimeter of pine trees largely shields the site from view. The pine trees would be thinned, but as shown in visual simulations in DEIR Figure 3.3-FHRES-3 of the DEIR, this change would not substantially affect views from the surrounding area. EBMUD would also work with Town staff to ensure that the tanks blend in with the natural environment.

The Moraga Open Space Ordinance (MOSO) designation, identified in Table 3.2-1 (DEIR p. 3.2-2), is part of the planning and zoning ordinances of the Moraga Municipal Code. EBMUD is not subject to building and land use zoning ordinances of cities and counties when implementing projects that involve the storage, treatment, or transmission of water (California Government Code Sections 53091 and 53095). It is, however, EBMUD’s custom to work closely with host jurisdictions during project planning and to conform to local land use plans and policies to the extent possible. As acknowledged on DEIR p. 3.2-12, the pertinent land use jurisdictions would determine project consistency with general plans during implementation. 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.

- MOR-11 Mobilization for the Moraga Reservoir project would involve equipment set-up staging for demolition activities, requiring few vehicle trips. It needs to be understood, however, that the analysis of potential traffic and circulation impacts in the DEIR is unaffected by the trip generation estimate for the mobilization phase for construction of the Moraga Reservoir facility. As described on DEIR p. 3.8-10, the analysis of potential impacts focuses on the maximum number of daily and hourly vehicle trips during the construction of each facility. Impacts during other tasks (like the mobilization phase) would be less than those described.

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.

- MOR-12 EBMUD will work with the Town to ensure that pipeline construction does not compromise safety while school is in session. Work hours specified in Table 2-7 are imperative to achieve the goal of no adverse Moraga repaving program impacts (see MOR-6). 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.

- MOR-13 EBMUD will continue to coordinate with the Town regarding project construction details and will work with the Town to ensure that pipeline construction does not compromise safety while school is in session, and to minimize disruption. All EIR mitigation measures will be incorporated into the project and coordinated with Moraga during both design and construction phases. 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.