

# Individuals, Businesses, Organizations, and Associations

Individuals,  
Businesses,  
Organizations,  
and Associations



WATER DISTRIBUTION

SEP 18 2006



Water Treatment & Transmission Improvements Program  
Draft Environmental Impact Report

Name: ADAM JENSEN  
Address: 3338 FREEMAN RD. Walnut Creek  
Email: ADAM@SLEEPYHOLLOW.NET

COMMENTS:

THE TICE VALLEY WATER PUMPING PLANT LOCATION ON THE ALTERNATE SITE ON NORTH OLYMPIC IS A BAD IDEA !!

- Damage AND elimination of GRAND Heritage Oak TREES - UNACCEPTABLE!

- Horrible location for TRAFFIC impact - Olympic Blvd. is now a MAJOR THROUGHFARE AND THAT SOFT CORNER is DANGEROUS - UNACCEPTABLE!

- NO EIR - NO PROPER NOTICES TO Neighbors - UNACCEPTABLE!!

- Major impact of value too homes sharing the

Submit this form as you leave this meeting, mail or hand deliver the form to EBMUD at Mail Stop # 701, 375 Eleventh Street, Oakland, CA, 94607, or email comments to Judy Zavadi, Senior Project Manager, at wtip@ebmud.com. property  
LINE -

NOTE: Comments on the Draft EIR must be received by EBMUD by September 18, 2006, at 4:30 pm. Comments should be in writing and include your name and address. UNACCEPTABLE

- This will not be an acceptable location for the pump station. [Signature]

## 2.11 Adam Henderson

AH-1 EBMUD staff is not recommending selection of the Tice Pumping Plant alternative site. However, approval of WTTIP projects and project locations is at the discretion of the EBMUD Board of Directors.

AH-2 See **Response AH-1**, above. As noted on DEIR p. 6-35, development of the pumping plant at the alternative site would not require removal of any protected trees, although damage to some trees could occur. As indicated in Table 3.6-4 (DEIR p. 3.6-29), use of the proposed site would require the removal of 7 to 10 protected trees with a diameter at breast height of 6.5 inches or greater. (Potential impacts to trees from the pipeline alignment are essentially the same under the preferred and alternative sites for the Tice Pumping Plant.)

Regarding potential damage to trees, the DEIR sets forth measures to minimize such impacts (see Table 3.6-5 on DEIR p. 3.6-31). These measures include: Measure 3.6-1a, *Tree Protection Measures During Construction*; Measure 3.6-1b, *Protected Tree Pruning and Replacement*; Measure 3.6-1c, *Protected Tree Monitoring*; and Measure 3.6-1d *Replacement Tree Monitoring Program*. These measures provide for, among other things, the mapping of trees to be removed and retained at each project site; the identification and protection of retained trees; the use of special construction techniques, such as hand equipment for trenching and/or allowing only one pass through a tree's dripline, when proposed development or other site work must encroach upon the dripline of a preserved tree; all pruning of preserved trees to be performed by a certified arborist and no more than 25 percent of a tree's canopy to be removed; removal of protected trees native to the local area, such as valley oak and coast live oak, to be compensated for at a 3:1 ratio and non-native protected trees to be replaced at a 1:1 ratio with a non-invasive tree species (these ratios apply to projects located within unincorporated Contra Costa County).

It cannot be assumed that any trees on the alternative site would die, fall over or lose a branch as a result of construction activities. Furthermore, EBMUD would guarantee the health of all trees to be preserved in or next to the construction corridor of project-related pipeline and facility sites for three years. If the District constructs or installs improvements or performs approved mechanical excavation within the dripline of any tree, the guarantee period for a tree will be five years. Any tree that is retained but that dies as a result of project construction during the guarantee period would be replaced with a tree of the same species. EBMUD would also implement a tree monitoring program that would apply to all replacement plantings. While the continued health of each tree on or near the project sites cannot be guaranteed, these measures would minimize the potential for tree death or tree fall resulting from project construction.

AH-3 The commenter's opinion about traffic impacts associated with the alternative site for the Tice Pumping Plant is acknowledged. Traffic generated by construction activities would use Olympic Boulevard for either site. Section 3.8 of the DEIR, Traffic and Circulation,

describes the projected traffic, disruption of traffic flows and street operations, and other potential impacts due to construction on the proposed site. The maximum trip generation of about 66 one-way vehicle trips per day (see DEIR Table 3.8-5) would be an increase of less than 0.5 percent of the average daily volume of about 20,900 vehicles on Olympic Boulevard (see DEIR Table 3.8-1); this would be a less-than-significant impact.

Section 3.8 also describes measures to mitigate traffic and circulation impacts. Measure 3.8-1 (DEIR p. 3.8-14) stipulates that the contractor(s) will be required to comply with roadside safety protocols, including “Road Work Ahead” warnings and signs informing drivers of double fines for speed infractions in a construction zone.

Table 6.6 (DEIR p. 6-41) indicates the severity and magnitude of traffic impacts associated with the alternative site relative to impacts of the proposed project. Similar traffic safety protocols would be required for the alternative site as for the proposed site. However, EBMUD staff is not recommending selection of the Tice Pumping Plant alternative site.

- AH-4 Refer to **Response AH-1**. The Tice Pumping Plant alternative site was evaluated in DEIR Chapter 6. The DEIR provides information on the Tice Pumping Plant alternative site on pp. 6-40 through 6-42 and pp. 6-64 through 6-65. The level of detail provided is consistent with CEQA requirements for consideration of project alternatives, and presents a side-by-side comparison of impacts at the preferred and alternative sites. Consistent with requirements of the California Environmental Quality Act (CEQA), the District issued a Notice of Availability on June 23, 2006 indicating that the WTTIP DEIR had been published. Comments on the project were accepted starting on that date and continuing until September 18, 2006. Seven public meetings were held on the project at various locations. In addition, District staff met with residents on Freeman Road at their request on September 12, 2006.
- AH-5 Please refer to Section 2.1.5, Master Response on Social and Economic Costs.
- AH-6 Comment noted. Refer to **Response AH-1**, above.

**From:** Lyon, Adam [mailto:Adam.Lyon@canaccordadams.com]  
**Sent:** Monday, September 11, 2006 8:22 AM  
**To:** Coleman, John  
**Subject:** Tice Valley Pumping Project

Mr. Coleman

I am writing you this AM to express my extreme concern over EBMUD's proposed possible selection of Site #2 over Site #1 for the Tice Valley pumping project. I am adamantly against Site #2 for 4 main reasons.

- 1) Destruction of Freeman Rd. property values
- 2) Environmental impact to the 150yr old tagged historical oak trees on Site #2
- 3) Waste of tax payer money
- 4) Site # 2 simply makes no sense

I moved to 3300 Freeman Rd. roughly two years ago. Its a beautiful quiet street. Its a place where my children ( 5 and 7) play everyday with their neighbors in a safe dream world family environment. I am blessed to live on Freeman Rd. and I worked dang hard to get to live there.

Recently everyone on the street has been spending significant amounts of capital upgrading their homes and lots( lets also not forget property tax basis') This is especially true in the area immediately behind where EBMUD is now thinking about building this 2300sq ft. Tice Valley pumping plant. EDMUD is said to be buying the lot that this plant would go which will be referred to as Site #2. Will EBMUD also be compensating the impacted Freeman Rd. homeowners for the obvious damage to their property values? I include myself in this camp. This amount for residents will cumulatively be in the millions of dollars!!! That figure will be compounded significantly, if the future value of the property tax stream to the County is considered, as assessed property values will surely decrease due to the negative impact of this project to the whole Freeman Rd. neighborhood.

While I am not an arborist, it is clear that the 150 yr old historical oak grove that essentially is Site #2 will be wiped out. I have seen the four 8 ft trees impacted on Site #1. There is no comparison quite frankly. If you have not personally compared these two sites and looked with your own eyes at the potential environmental impact, I encourage you do so immediately. Have you seen an EIR for Site #2? Nobody has, because i suspect it does not exist yet. What about the noise pollution here? That is a whole different story by itself.

I have reviewed pages of photos, engineered drawings, plans, digital renderings of what the pumping plant will look like in year 1 and what it will look like potentially in year 5. All this stuff was for Site #1. There has been a significant amount of time and tax payer money already spent by EBMUD on assessing Site #1. Nothing has been done yet for Site #2 by EBMUD other than belatedly informing only 2 homeowners on Freeman Rd. via a letter that a massive pumping plant was about to be put right in their backyard with a board vote in a few weeks. What is going on here??

## Conclusion

Site #1 is located on essentially a small highway which is Olympic Blvd. The plant will be located adjacent to a busy gas station and over 50ft away from the nearest home which also rests right on that same busy Olympic Blvd. Site #1 has minimal environmental impact. Site #1 has had significant time and tax payer capital already invested in its planning.

Site #2 rests in the middle of one of the oldest oak groves in Contra Costa county. It has had no engineering, architectural, and environmental impact work done or presented to Freeman Rd. residents( tax payers). Site #2 lies directly adjacent to a quiet family neighborhood with numerous million dollar homes who values will be adversely impacted.

Freeman Rd residents are now fully informed and mobilized together against the Tice Valley pumping plant being built on Site #2.

The choice/right thing to do by EBMUD seem VERY clear to me.

I look forward to your response.

Regards,

Adam Lyon, CFA

Resident  
3300 Freeman Rd.  
Walnut Creek, Ca. 94595

## 2.12 Adam Lyon

- AL-1 EBMUD staff is not recommending selection of the Tice Pumping Plant Alternative Site. However, approval of WTTIP projects and project locations is at the discretion of the EBMUD Board of Directors. The comment summarizes issues raised in subsequent comments in the letter (refer to subsequent responses).
- AL-2 Please refer to Section 2.1.5, Master Response on Social and Economic Costs.
- AL-3 As noted on DEIR p. 6-40, development of the pumping plant at the alternative site would not require removal of any protected trees, although damage to some trees could occur. See **Response AH-2**.
- AL-4 The Tice Pumping Plant Alternative site was evaluated in Chapter 6 of the DEIR. The evaluation included an examination of operational and construction noise impacts.
- AL-5 The alternative site for the Tice Pumping Plant was evaluated in Chapter 6 of the DEIR. The DEIR provides information on the Tice Pumping Plant alternative site on pp. 6-40 through 6-42 and pp. 6-64 through 6-65. The level of detail provided is consistent with CEQA requirements for consideration of project alternatives, and presents a side-by-side comparison of impacts at the preferred and alternative sites. As stated in **Response AL-1**, EBMUD staff is not recommending selection of the Tice Pumping Plant Alternative Site; approval of WTTIP projects and project locations is at the discretion of the EBMUD Board of Directors. Consistent with requirements of the California Environmental Quality Act (CEQA), the District issued a Notice of Availability on June 23, 2006 indicating that the WTTIP DEIR had been published. Comments on the project were accepted starting on that date and continuing until September 18, 2006. Seven public meetings were held on the project at various locations. In addition, District staff met with residents on Freeman Road at their request on September 12, 2006.
- AL-6 The environmental impacts of constructing the pumping plant at the proposed site (south of Olympic Boulevard) are detailed throughout Chapter 3 of the DEIR. See **Response AH-3** regarding the DEIR's analysis of potential traffic and circulation impacts (with identified mitigation measures), and the use of Olympic Boulevard, associated with construction of the Tice Pumping Plant (both the proposed site and alternative site).
- AL-7 This comment summarizes comments made earlier in the letter (refer to responses above).
- AL-8 The commenter's opposition to the alternative site for the Tice Pumping Plant is noted. See **Response AL-1**, above.

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**From:** ajrothman@comcast.net [mailto:ajrothman@comcast.net]  
**Sent:** Monday, September 18, 2006 8:24 PM  
**To:** Water Treatment Transmission Improvements Program  
**Cc:** mjm393@comcast.net; runbets@comcast.net  
**Subject:** Miner Road Pumping Station

To EBMUD, I Am Alfred J. Rothman at 401 Miner Road Orinda and live next to one of the properties that you propose to build a 1500 square foot pumping station. My wife and I as well as our neighbors are totally against putting an industrial plant in our neighborhood . There is no way to make a plant look like a home and the property you have chosen is much to small to fit such a large structure. I have spoken to the Orinda City Manager and am aware that the city has hired a lawyer to put a stop to this inappropriate attempt to put this plant on our street. Sincerely yours, Alfred J. Rothman

## 2.13 Alfred Rothman

AR-1 This comment expresses opposition to construction at the Happy Valley Pumping Plant Alternative site. Approval of the site is at the discretion of the EBMUD Board of Directors although staff will recommend approval of construction at the site on Miner Road. In response to concerns expressed in this and other letters commenting on the alternative site, the District has expanded the discussion presented in Chapter 6 of the DEIR to clarify the discussion of environmental impacts (refer to Chapter 3, Text Revisions, in this Response to Comments document).

AR-2 In response to this and similar comments, the District has prepared visual simulations of the Happy Valley Pumping Plant Alternative site. (Refer to Chapter 3, Text Revisions, in this Response to Comments document). The visual simulations show the general appearance (shape, massing, orientation) of a pumping plant. As required by mitigation measures set forth in the DEIR, the pumping plant would be integrated with its surroundings through architectural design features and landscaping. Measure 3.3-2c (DEIR p. 3.3-36) requires that the facility's appearance be visually integrated with its environment. The District would coordinate with neighborhood and local representatives during development of landscape plans (Measure 3.3-2a, DEIR p. 3.3-35).

Refer to Figure 9 in this Response to Comments document for examples of pumping plants designed to blend in with their surroundings.

Please note that the owner of the Happy Valley Pumping Plant Alternative site has submitted an application to the City of Orinda to construct a 1,100 square foot accessory structure at the same location; therefore, the future setting of the site would likely change whether or not the pumping plant is constructed at that location.

AR-3 Comment noted. Comments from the City of Orinda were received and are responded to in this Response to Comments document.

**From:** Ann Sharf [mailto:Ann@annsharf.com]  
**Sent:** Wednesday, September 06, 2006 11:18 AM  
**To:** Water Treatment Transmission Improvements Program  
**Subject:** Opposed to your expansion!

EBMUD Board of Directors:

As a resident of Orinda, I am opposed to the proposed plan of expansion for the Orinda Filter Plant for the following reasons:

- The Draft EIR that has been submitted is ill conceived and problematic on many levels.
- There is no clearly stated need or requirement in the Draft EIR as to why EBMUD must upgrade and expand the Orinda Filter Plant.
- Locating this large and expanding facility in a residential community is impractical, risky and not necessary.
- Removal of the sports fields will hurt the community and deprive children of much needed recreational playing fields
- Your proposed expansion is contiguous to an elementary school.
- Additional structures proposed will be unattractive and will counter the semi-rural charter in the City of Orinda.
- Camino Pablo is designated a scenic corridor. EBMUD is planning to build multiple multi story buildings and huge storage tanks that will be visible from the corridor and therefore violate the scenic corridor designation.
- No consideration has been given to new technologies for water treatment that would eliminate the need for large storage tanks and additional buildings for water treatment and storage.
- Other EBMUD locations have not been considered as part of this Draft EIR. There are other EBMUD locations where a filter plant could be constructed or expanded that would have NO impact on the City of Orinda and its residents.
- Our property values will be negatively impacted because of the expansion of the Orinda Filter Plant.
- The community and its residents and The City of Orinda oppose the expansion of EBMUD's Orinda Filter Plant.

Sincerely,

Ann Sharf  
69 La Campana  
Orinda, CA 94563  
925-200-0222

## 2.14 Ann Sharf

- AS-1 The comment's opinion regarding the DEIR is noted. Refer to subsequent responses regarding more specific comments on the DEIR presented in this submittal as well as to Section 2.1.1, Master Response on Program- and Project-Level Distinctions.
- AS-2 The need for proposed improvements at the Orinda WTP, described in Section 2.2 of the DEIR, is summarized below. Also see Section 2.1.2, Master Response on Benefits to Orinda, as well as **Responses ORIN-10 through ORIN-17**.

### NEED ADDRESSED BY ORINDA WTP IMPROVEMENTS

Facility & Project	Alternatives	Demand	Disinfection Byproduct Rules (Federal)	Surface Water Treatment Rules (Federal)	California Cryptosporidium Action Plan (State)	NPDES Permit (State)	Infrastructure and Technology
<b>Orinda WTP</b>							
Backwash Water Recycle System	1,2				x	x	
Clearwell	2	x					
Los Altos Pumping Plant No. 2	2	x					
Aqueduct	2	x					
Electrical Substation	2	x					
Additional Clearwell <sup>a</sup>	1,2			x			x
High-Rate Sedimentation Units <sup>a</sup>	1,2			x			
Chlorine Contact Basin <sup>a</sup>	1,2		x	x			
Ultraviolet Light Disinfection <sup>a</sup>	1,2		x	x			

<sup>a</sup> Program-level elements.

Excerpt from Table 2-3, as revised in this Responses to Comments document (see Chapter 3 of this document for full, revised table)

- AS-3 The DEIR discusses the need for the existing Orinda WTP and proposed improvements. This WTP provides treated water to over 800,000 people, including people living in the Lamorinda community. The Orinda WTP has been located at Camino Pablo and Manzanita Drive since 1936. Over the years, the District has evaluated options for reconfiguring its water treatment and transmission system and has concluded that the Orinda WTP is essential to existing and future operations based on water quality, cost, reliability and operational flexibility (see DEIR p. 6-53 for more details). At the request of the City of Orinda, the District considered various alternatives for relocating or otherwise eliminating the Orinda WTP in the WTTIP DEIR. DEIR Chapter 6 contains a discussion of this screening process, compares the merits of the alternatives and describes the alternatives eliminated from consideration. Construction of a new WTP in a more

remote area is discussed as Alternative A on DEIR pp. 6-53 and 6-54. Two sub-alternatives were evaluated in Scow Canyon and near Briones Dam. These alternatives were eliminated based on feasibility, ability to meet the WTTIP's objectives regarding source water quality and reliability, and environmental impacts. Regarding risk, the comment presumably is referring to the presence of water treatment chemicals at the WTP. Refer to Section 3.11 of the DEIR for a discussion of this issue.

- AS-4 The Commenter's concern for the Orinda Sports Field is acknowledged. As noted in **Responses BM-2 and BM-11**, there is an existing Memorandum of Understanding (MOU) between EBMUD and the City of Orinda covering the use of the Sports Field ("Recreational and Watershed Land Use Policies and the Objectives in the City of Orinda"). Pursuant to the MOU, prior to implementation of any WTTIP elements contemplated for the ballfields area, the City would move the Sports Field operations to a new location within the Montanera development.
- AS-5 The DEIR considers the presence of schools, including the Wagner Ranch Elementary School, in the impact evaluations (see, for example, DEIR pp. 3.8-14, 3.9-9, 3.10-39, and 3.11-20). DEIR Map C-OWTP-1 depicts the location of the Orinda WTP relative to the Wagner Ranch Elementary School. The WTTIP includes project-level improvements (evaluated in detail) and program-level improvements (evaluated more generally). Table 2-2 (DEIR p. 2-5) identifies those improvements at the Orinda WTP that are project level and those that are program level. As shown on DEIR Maps D-OWTP-1 and D-OWTP-3, the facilities that would be nearest the Wagner Ranch School are program level, and include a clearwell, Chlorine Contact Basin, and Ultraviolet Disinfection Building (and, under Alternative 2, the entry shaft of the Orinda-Lafayette Aqueduct). The District will determine the need for these program-level elements based on regulatory requirements and further consideration of water management strategies. At that time, EBMUD would conduct the site evaluation, design, and additional environmental review needed to fully assess potential impacts to school children in accordance with CEQA (DEIR p. S-19).
- AS-6 DEIR Figures 3.3-OWTP-6 and 3.3-OWTP-7 provide visual simulations of the Backwash Water Recycle System and other proposed facilities at the Orinda WTP. As discussed in Section 3.3 of the DEIR, Visual Quality, the new upgraded facilities proposed at the Orinda WTP would be similar to existing facilities in terms of their physical and aesthetic characteristics and would not result in substantial visual changes to the site's appearance.
- AS-7 As per the Orinda General Plan Implementing policy 2.3.2.Q., special care was taken while designing the Orinda Water Treatment Plant upgrades to provide a well landscaped and open feeling along Camino Pablo in order to maintain its scenic value. The proposed backwash water recycling system at the Orinda Water Treatment Plant was designed with generous landscaped setbacks behind existing mature vegetation to blend in with the landscape.
- AS-8 Refer to **Responses ORIN-118 through ORIN-120**, and **Response BM-9**.

AS-9 Refer to **Response AS-3** and the discussion beginning on DEIR p. 6-52, regarding other water treatment plant alternatives considered.

AS-10 Refer to Section 2.1.5, Master Response on Social and Economic Costs.

AS-11 The commenter's opposition to proposed improvements at the Orinda WTP is acknowledged.

Barry Bennett  
216 The Knoll  
Orinda, California 94563

August 28, 2006

WATER DISTRIBUTION

SEP 01 2006

PLANNING DIVISION

Judy Zavadil  
EBMUD Mail Stop # 701  
375 Eleventh Street  
Oakland, California 94612

Re: Tice Valley Pumping Plant  
Draft Environmental Impact Report (SCH #2005092019)

Dear Ms. Zavadil:

I am building a home at 300 King Drive, which I hope to move into by the end of the year. My property runs from King Drive down to the cul-de-sac at the end of Olympic Drive frontage road.

I was not aware that the proposed pumping plant would receive water from the existing line on Boulevard Way and then pump water back across Olympic Blvd back to Boulevard Way. I am opposed to the placement of the plant at the end of the cul-de-sac, as it will change the character of the neighborhood. Presently the area is residential and the construction of the plant will require the removal of the trees and the installation of a high retaining wall behind the plant. From the Olympic Drive frontage road you will immediately see the pumping plant and then the gas station. This will change the feeling of the immediate neighborhood from residential more like a commercial area.

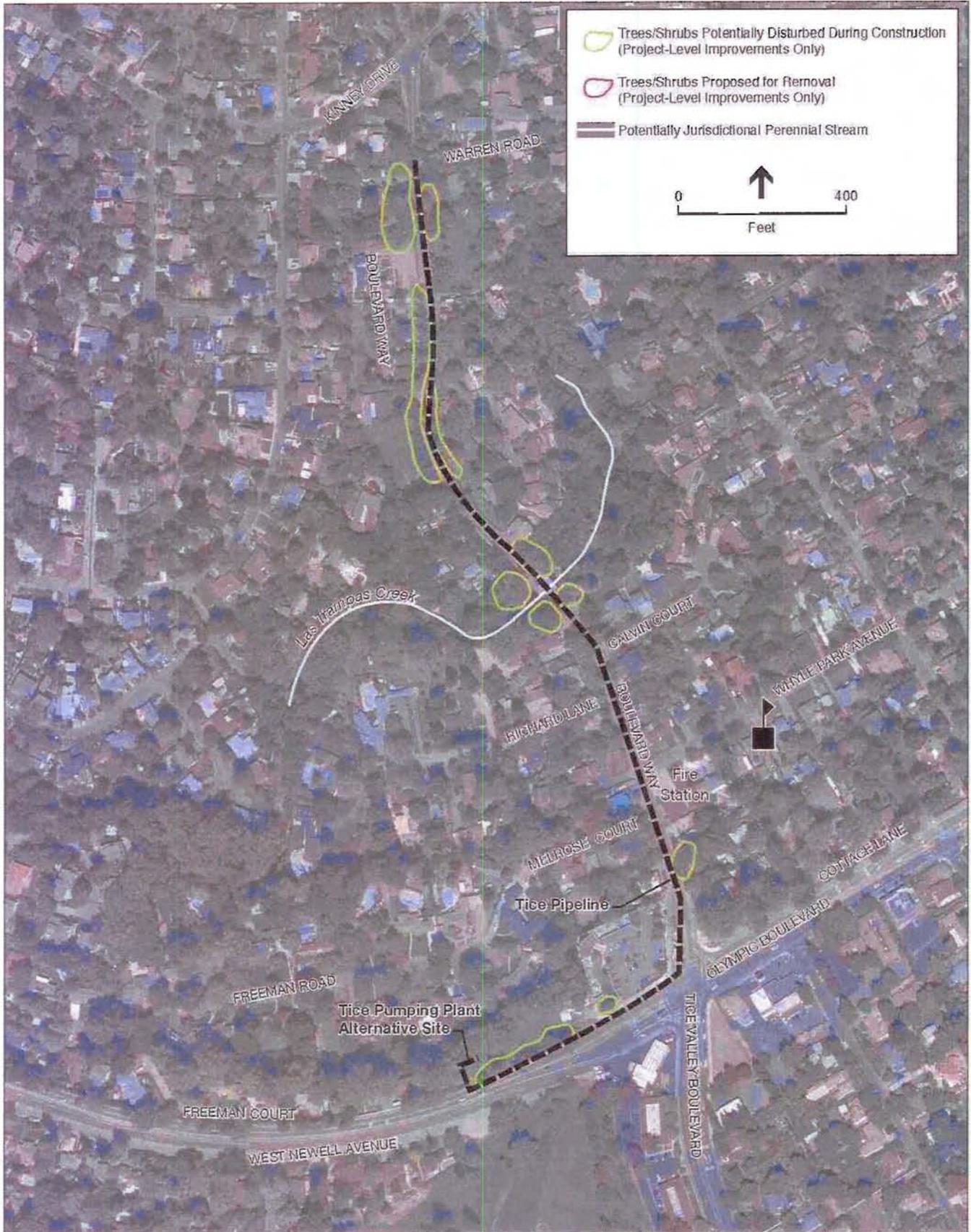
The alternative plan that developed by your staff, near the existing commercial shopping area is a much better location as there will be no need for massive excavation and the removal of numerous trees. Instead the new plant could be constructed back from the road and would not be noticeable. In addition Olympic Blvd. would not need to be torn up for the construction of the pipes going back and forth across the street.

I am enclosing a portion of your report that pertains to the Tice Valley Pumping plant for your review. I have highlighted areas of the report I feel show the alternative site to be a better choice for the location of the pumping plant..

Please feel free to call me if you have any questions regarding my opinion of the placement of this pumping plant. My phone numbers are (510) 485-7221 (office) and (510) 719-8948 (cell).

Sincerely,

  
Barry Bennett



SOURCE: ESA; Aerial Photos: Contra Costa County, 2004

EBMUD Water Treatment and Transmission Improvements Program . 204369

**Figure 6-7**  
Tice Pumping Plant Alternative Site

## 6.9.2 Environmental Impacts

Table 6-6 indicates the severity and magnitude of impacts associated with the alternative site relative to impacts of the proposed project. As shown in the table, development of the pumping plant at the alternative site would not require removal of any protected trees (as indicated in Table 3.6-4, Section 3.6, Biological Resources, the proposed project would require the removal of 7 to 10 protected trees with a diameter at breast height of 6.5 inches or greater). A number of volume-sensitive impacts (e.g., traffic, noise along haul routes, and air quality) would be less under this alternative because there would be less earthwork and construction associated with construction of the pumping plant as the alternative site is flat. The nearest residence to the proposed site is about 200 feet to the west; there are residences located to the east, north, and west of the alternative site. Consequently, construction- and operation-phase noise impacts are considered incrementally worse with the alternative site for the Tice Pumping Plant than under the proposed project but, like the proposed site, could be mitigated to a less-than-significant level with implementation of noise controls (e.g., installation of a noise barrier opening toward Olympic Boulevard) and design considerations (e.g., vent location and transformer facing Olympic Boulevard). In total, the magnitude of over 20 impacts would be less with the alternative site than with the proposed site. Consequently, the alternative site for the Tice Pumping Plant is considerably environmentally superior to the proposed site. As stated above, the owner of the alternative site, Bay Area Rescue Missions, recently received approval to split the parcel into three parcels (Anderson, 2005). Development of the site as a pumping plant could conflict with development plans for the site. If the property owner proceeds with development of the parcel as residences, the site would no longer be a suitable location for a pumping plant.

## 6.10 Alternatives Screening Process and Alternatives Eliminated

This section summarizes the alternatives screening processes for the WTTIP, discusses the screening criteria used, and identifies alternatives that were eliminated. Scores of alternatives have been considered, many of which were eliminated based on inability to meet most of the project's basic objectives, infeasibility, or inability to reduce the project's environmental impacts. Sources of alternatives to be considered included background reports prepared for the WTTIP, suggestions made in responses to the NOP and at public meetings held for the WTTIP, and EIR preparers (based on the environmental impacts described in Chapter 3). Background reports used to develop potentially feasible alternatives that could meet the objectives of and engineering constraints associated with the WTTIP projects include the *Lamorinda Water System Improvement Program Facilities Plan (Facilities Plan)* (EBMUD, 2005a, 2006) and related reports, draft Pressure Zone Planning Program (PZPP) studies (EBMUD, 2003a, 2003b, 2004, and 2005b–2005f), and the *Draft Water Treatment and Transmission Improvements Program Lamorinda Tunnel Conceptual Study* (Jacobs Associates, 2005).

Consistent with CEQA, a major factor in considering potential alternatives is the environmental impacts associated with a proposed project. As described throughout Chapter 3, implementation of either Alternative 1 or Alternative 2 would result in numerous significant impacts. The severity

**TABLE 6-6  
COMPARISON OF PROPOSED TICE PUMPING PLANT AND PIPELINE PROJECT WITH  
TICE PUMPING PLANT ALTERNATIVE**

Impacts	Tice Pumping Plant and Pipeline	Tice Pumping Plant and Pipeline Alternative	Discussion
<b>Land Use, Planning, and Recreation</b>			
Divide an Established Community	LTS	LTS=	Like the proposed site, the alternative site would not divide an established community or affect agricultural resources.
Agricultural Resources Impacts	-	-	The owner of the alternative site, Bay Area Rescue Missions, recently received approval to split the parcel into three parcels (Anderson, 2005). Development of the site as a pumping plant could conflict with development plans for the site. This alternative would avoid disruption of the trail adjacent to the proposed site.
Recreation Resources Impacts	LTS	LTS-	
<b>Visual Quality</b>			
Short-Term Visual Effects during Construction	LTS	LTS-	The alternative site is less visible than the proposed site and is well screened from most directions by trees that would be preserved.
Alteration of Appearance of WTTIP Sites	SM	LTS-	Development of the proposed site would require modification of a hillside adjacent to a trail and removal of 10 trees. The alternative site is flat, largely screened from the trail and Olympic Boulevard, and would not require removal of trees. Consequently, the magnitude of impacts to visual quality would be less.
Effects on Views	SM	LTS-	
Effects on Scenic Vistas	LTS	LTS-	
New Sources of Light and Glare	SM	SM=	
<b>Geology, Soils, and Seismicity</b>			
Slope Stability	SM	LTS-	The proposed site is located at the foot of a moderate- to steep-sloping hillside with evidence of soil instability. The alternative site is flat. Soil characteristics, groundshaking potential, and liquefaction susceptibility are otherwise similar between the sites.
Groundshaking	SM	SM=	
Expansive Soils	SM	SM=	
Liquefaction	SM	SM=	
Squeezing Ground	-	-	
<b>Hydrology and Water Quality</b>			
Degradation of Water Quality during Construction	SM	SM=	Hydrology and water quality issues would be similar under the proposed project and this alternative because the site is in the same area, would require similar construction, and would result in a similar net change in impervious surfaces. The alternative pumping plant would be constructed in a zone of minimal flood hazards (a 500 year flood zone or an area where the depth of the 100-year would be less than one-foot). Although this would not be significant, there would be a minimal increase in flood hazards.
Groundwater Dewatering	LTS	LTS=	
Diversion of Flood Flows	SM	SM+	
Discharge of Chloraminated Water during Construction	-	-	
Operational Discharge of Chloraminated Water	-	-	
Change in Impervious Surfaces	LTS	LTS=	
<b>Biological Resources</b>			
Loss of or Damage to Protected Trees	SM	SM-	The alternative site (shown in Figure 6-7) is within a rectangular-shaped field bordered on most sides by trees, primarily valley oaks. A small seasonal drainage ditch supporting valley oaks and other riparian tree species borders the northern portion of the site. With the exception of some disturbance within the dripline of several of the larger valley oaks, the ditch and riparian habitat could be avoided by construction activities. The site would be accessed from Olympic Boulevard either at the west end of the parcel or through a gap in the trees along Olympic Boulevard; the alternative site is incrementally less favorable to wildlife (the
Degradation to Streams, Wetlands, and Riparian Habitats	SM	SM=	
Loss of or Damage to Special-Status Plants	SM	SM-	
Disturbance to Special-Status Birds	SM	SM-	
Disturbance to Special-Status Bats	SM	SM-	
Disturbance to San Francisco Dusky-Footed Woodrat	LTS	LTS=	
Degradation of Special-Status Aquatic Species Habitat	SM	SM=	
Disruption to Wildlife Corridors	LTS	LTS-	

<sup>a</sup> Impacts summarized; please see Chapter 3 for details.

LTS = Less Than Significant  
 SM = Significant and Mitigable  
 SU = Significant and Unavoidable  
 - = Impact does not apply  
 CBD = Cannot Be Determined

+ Impact would be greater under this alternative than under the proposed project.  
 - Impact would be less under this alternative than under the proposed project.  
 = Impact would be the same (or similar) under this alternative as under the proposed project.

**TABLE 6-6 (Continued)**  
**COMPARISON OF PROPOSED TICE PUMPING PLANT AND PIPELINE PROJECT WITH**  
**TICE PUMPING PLANT AND PIPELINE ALTERNATIVE**

Impacts	Tice Pumping Plant and Pipeline	Tice Pumping Plant and Pipeline Alternative	Discussion
<b>Biological Resources (cont.)</b>			proposed site is contiguous with an open space area). (Potential impacts to aquatic species like red-legged frog are associated with the pipeline alignment, which is the same under the project and the alternative.)
<b>Cultural Resources</b> Archaeological Resources, including Unrecorded Cultural Resources Paleontological Resources Historic Settings	SM SM -	SM= SM= -	There are no known cultural resources at the alternative site. Like the proposed project, this alternative could result in the discovery of unrecorded resources.
<b>Traffic and Circulation</b> Increased Traffic Reduced Road Width Parking Traffic Safety Access Transit Pavement Damage/Wear	SM SM SM SM SM SU SM	SM- SM- SM- SM- SM= SU= SM-	The estimated maximum number of one-way trips per day would less for the alternative site relative to the proposed site because there would be considerably less earthwork and less construction (e.g., no retaining wall would be needed). Impacts to travel lanes on Olympic Boulevard would also be less than with the proposed site because there would be less pipe installed in the road. The alternative site provides more space for off-street parking. Otherwise, traffic and circulation impacts would be the same as for the proposed project.
<b>Air Quality</b> Construction Emission Diesel Particulate Emissions along Haul Routes Tunnel-Related Emissions Operational Pollutant Emissions at Treatment Facilities Operational Odor Emissions Secondary Emissions from Electricity Generation	SM LTS - - LTS LTS	SM- LTS- - - LTS= LTS=	The haul route for the alternative site would be the same as for the proposed site. Construction-related emissions, including diesel particulate, would be less under the alternative because less excavation would occur.
<b>Noise and Vibration</b> Construction Noise Increases Noise Increases along Haul Routes Construction-Related Vibration Effects Operational Noise Increases Accidental Release during Operation	SM LTS SM SM -	SM+ LTS= LTS= SM+ -	The nearest residence to the proposed site is about 200 feet to the west; there are residences located to the east, north, and west of the alternative site. Like the project, implementation of noise controls and installation of a noise barrier (opening toward Olympic Boulevard) would reduce construction noise to a less-than-significant level. Operational phase noise impacts could be greater with the alternative site than with the proposed project because of the proximity of multiple residences, but design considerations (e.g., vent location) would ensure that operational-phase noise is less than significant.

<sup>a</sup> Impacts summarized; please see Chapter 3 for details.

LTS = Less Than Significant  
SM = Significant and Mitigable  
SU = Significant and Unavoidable  
- = Impact does not apply  
CBD = Cannot Be Determined

+ Impact would be greater under this alternative than under the proposed project.  
- Impact would be less under this alternative than under the proposed project.  
= Impact would be the same (or similar) under this alternative as under the proposed project.

**TABLE 6-6 (Continued)**  
**COMPARISON OF PROPOSED TICE PUMPING PLANT AND PIPELINE PROJECT WITH**  
**TICE PUMPING PLANT AND PIPELINE ALTERNATIVE**

Impacts	Tice Pumping Plant and Pipeline	Tice Pumping Plant and Pipeline Alternative	Discussion
<b>Hazards and Hazardous Materials</b> Hazardous Materials in Soil and Groundwater Hazardous Building Materials Gassy Conditions in Tunnels High-Pressure Gas Line Rupture Wildland Fires Release from Construction Equipment	SM -- -- SM -- LTS	SM- -- -- SM= -- LTS=	The alternative pumping plant location would be located farther from known leaking underground storage tank sites with a related decrease in the potential to encounter hazardous materials in the soil and groundwater. The alignment for the Tice Pipeline up Boulevard Way would be the same under the alternative (and is proximate to a high-priority utility). Hazards and hazardous materials impacts would be the same as for the proposed project.
<b>Public Services and Utilities</b> Disruption of Utility Lines Increase in Electricity Demand Increase in Public Services Demand Adverse Effect on Landfill Capacity Failure to Achieve State Diversion Mandates	SM LTS LTS SM SM	SM- LTS= LTS= SM- SM-	Disruption of utilities would be incrementally less for the alternative site because existing PG&E facilities at the proposed site would not require relocation and there would be less pipeline installation in Olympic Boulevard. There would be less excavation and more room to spoil onsite (and, therefore, possibly less soil off-hauled).

<sup>a</sup> Impacts summarized; please see Chapter 3 for details.

LTS = Less Than Significant  
 SM = Significant and Mitigable  
 SU = Significant and Unavoidable  
 -- = Impact does not apply  
 CBD = Cannot Be Determined

+ Impact would be greater under this alternative than under the proposed project.  
 - Impact would be less under this alternative than under the proposed project.  
 = Impact would be the same (or similar) under this alternative as under the proposed project.

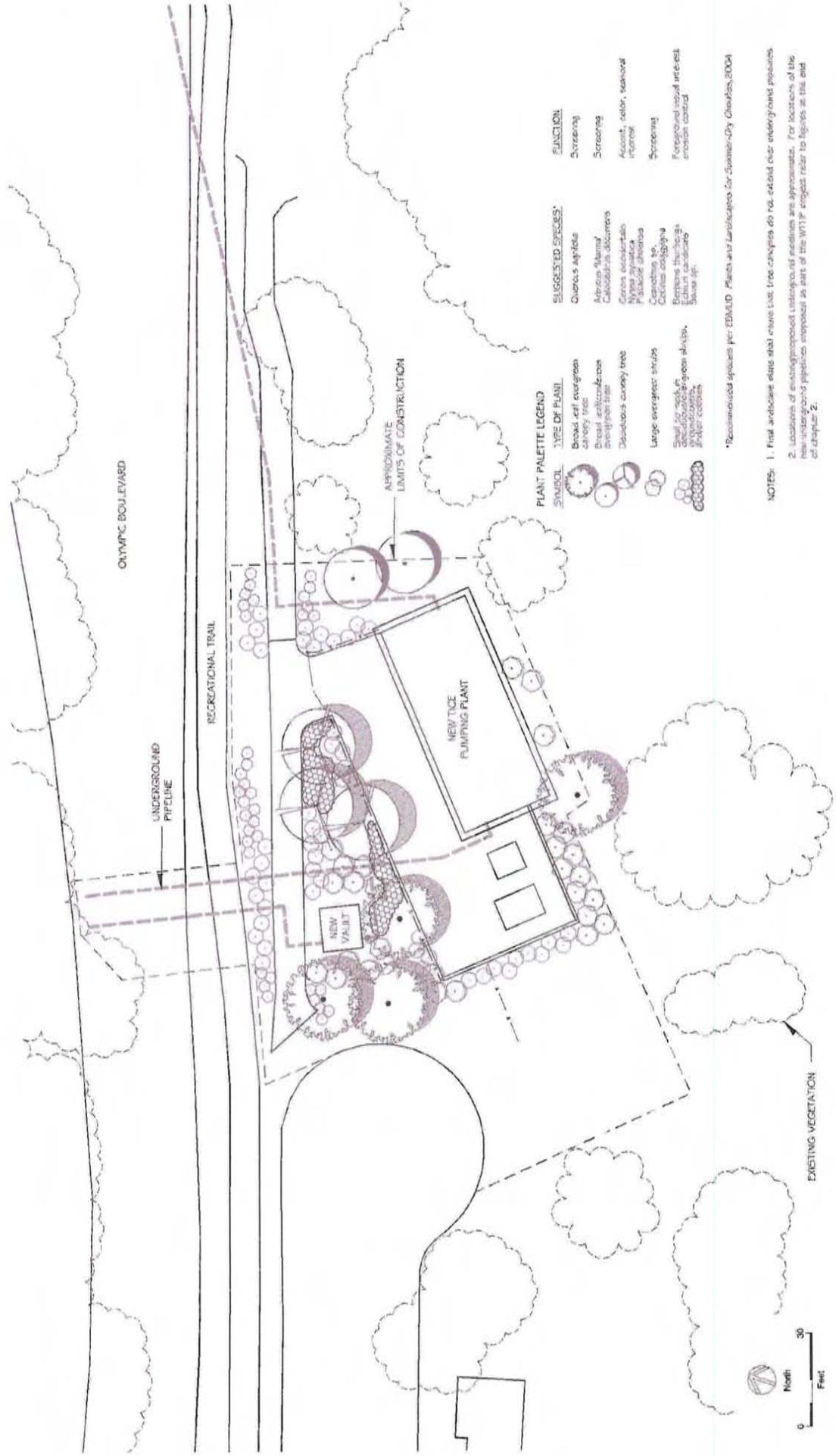


EBMUD Water Treatment and Transmission Improvements Program . 204369

**Figure 3.3-TICEPP-1**  
Location of Photo Viewpoints - Tice Pumping Plant Site

1 → Photo Viewpoint      3 → Simulation Viewpoint

SOURCE: Environmental Vision



ERMUD Water Treatment and Transmission Improvements Program - 201389  
**Figure 3.3-TICEPP-3**  
**Conceptual Landscape Plan - Ilos Pumping Plant**



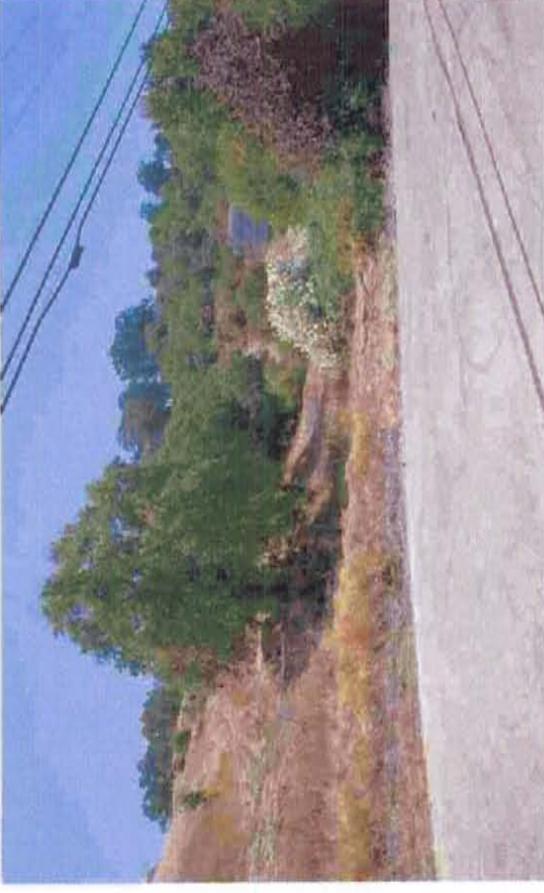
T1. Looking southwest from Olympic Boulevard at Tice Valley Boulevard



T2. Looking southwest from Recreational Trail



T3. Looking east from Recreational Trail\*



T4. Looking southwest toward adjacent homes

SOURCE: Environmental Vision

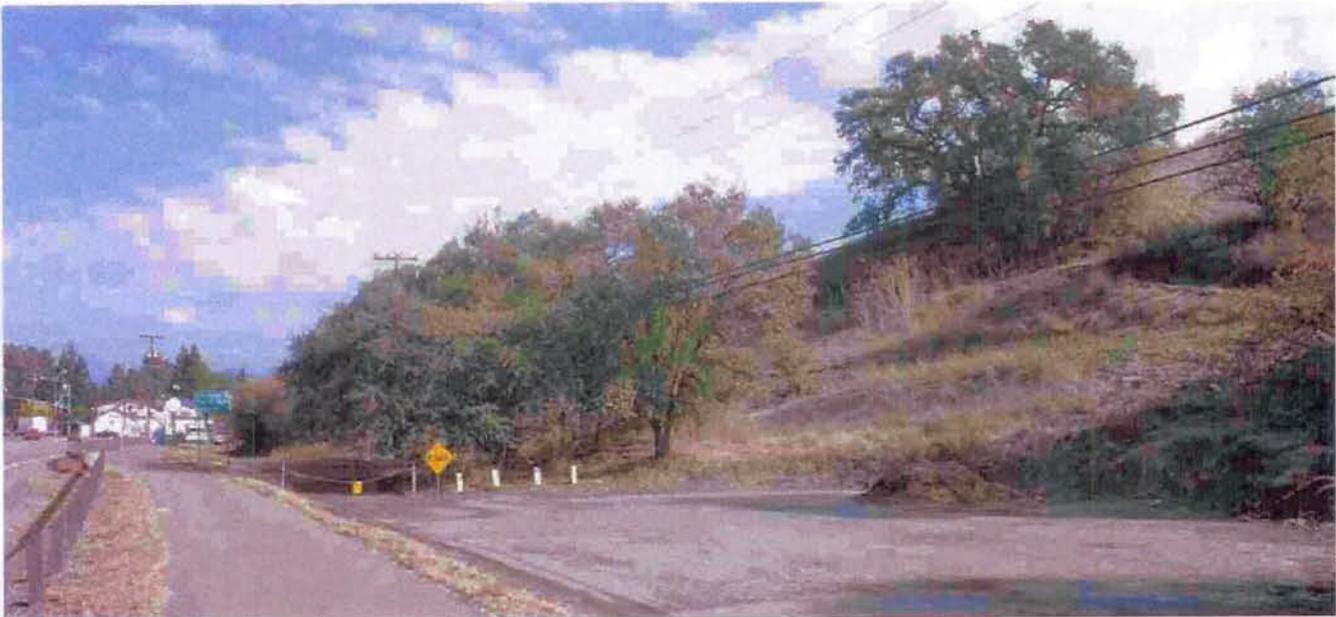
\*Simulation Photo

For Viewpoint Locations Refer to: Figure 3.3-TICEPP-1

EBMUD Water Treatment and Transmission Improvements Program . 204369

Figure 3.3-TICEPP-2

Photographs of Tice Pumping Plant Site and Surroundings



Existing View looking east from Recreational Trail



Visual Simulation of Proposed Improvements without landscaping

For Viewpoint Location Refer to: Figure 3.3-TICEPP-1

SOURCE: Environmental Vision

EBMUD Water Treatment and Transmission Improvements Program , 204369

**Figure 3.3-TICEPP-4**

Visual Simulation without Landscaping – Tice Pumping Plant Site



Existing View looking east from Recreational Trail



Visual Simulation of Proposed Improvements with landscaping at 5 years maturity

For Viewpoint Location Refer to: Figure 3.3-TICEPP-1

SOURCE: Environmental Vision

EBMUD Water Treatment and Transmission Improvements Program . 204369  
**Figure 3.3-TICEPP-5**  
Visual Simulation with Landscaping – Tice Pumping Plant Site

## 2.15 Barry Bennett

- BB-1 EBMUD acknowledges the commenter's opposition to the proposed site for the Tice Pumping Plant (described on DEIR p. 2-82). To address the commenter's concerns, EBMUD plans to modify the layout and design of the proposed pumping plant. The structural footprint will be moved to the northwest to reduce hillside excavation and the number of trees removed. In addition, a portion of the pumping plant (5-10 feet) will be constructed below ground to reduce visual impacts. As required by Measures 3.3-2a through 3.3-2c (DEIR pp. 3.3-35 and 3.3-36), the pumping plant would be integrated with its surroundings through landscaping and architectural design features. In implementing Measure 3.3-2, EBMUD will coordinate with neighborhood representatives during development of landscape plans and architectural design. For examples of pumping plants designed to blend in with residential neighborhoods, refer to **Response CN-3** and Figure 9 in Section 2.27 of this Response to Comments document.
- BB-2 EBMUD staff is recommending the proposed site south side of Olympic Boulevard for approval by the EBMUD Board of Directors. The proposed site is recommended in part because it has fewer nearby residences that would be directly affected by the construction and operation of the plant in comparison to the alternative site north of Olympic Boulevard.
- BB-3 As part of the CEQA analysis on this complex project, EBMUD must balance a variety of competing considerations. The number of neighboring residences was among the considerations for this project component. This is one of the reasons EBMUD staff is recommending the proposed site south side of Olympic Boulevard for approval by the EBMUD Board of Directors.

Ms. Judy Zavadil  
Senior Project Manager  
EBMUD  
Mail Slot #701  
375 Eleventh Street  
Oakland, CA 94623

Dear Ms. Zavadil:

First of all, thank you for meeting with Dr. and Mrs. Rothman, Mr. Moran, and me on August 29, 2006, at the Alternative No. 2 site in Orinda at Miner Road and Camino Sobrante between the properties of 393 and 401 Miner Road. Our home is located at 400 Miner Road across the street.

After careful study of the Draft Environmental Impact Report (EIR) for the EBMUD Water Treatment and Transmission Improvements Program, we are registering our opposition to your department's consideration of this site for an alternative to the proposed **preferred** Happy Valley Pumping Plant site located on Lombardy Lane. It seems Alternative No. 2 is being approached, for the most part, only due to public outcry. It is by no means any less environmentally important than that of the preferred site. This site, however, is definitely more visible than the preferred site, as well as, Alternative No. 1, a vacant parcel located at 1 Miner Road. If EBMUD is set on constructing a pumping plant at either of these locations, for that matter, it should initiate more studies regarding possible loss of property values. The best alternative at this time may be that of the "No Build" alternative and for EBMUD to explore other ways to achieve the goal of more efficient means of treating and pumping water through less residential areas.

Given the *need* to construct a new pumping plant in this area, EBMUD chose the Happy Valley Pumping Plant Alternative as its preferred site for valid reasons. Its size and shape lend itself to a better site and, even though, more protected trees would need to be removed, it appears this proposed plant would ultimately result in less of an impact (visually, sound-wise, or otherwise) than the other alternatives. Through visual simulation, the preparers of the Draft EIR have shown, with proper landscape mitigation, the proposed pumping plant would hardly be visible from the street. However, we believe EBMUD is leaning toward abandoning this site solely because there are more voices to be heard against it. These voices are, perhaps, persuading the present property owner not to sell the site to avoid dealing with the neighbors. So, a house may be built on that site instead?

Alternative No. 1 at 1 Miner Road between Camino Don Miguel and Oak Arbor Road is being put aside because of slide issues, protected tree issues and greater impacts on neighbors during construction. This piece of property has been vacant for years. The present owners graded it and built a bridge in hopes to sell it as a home site. As a result, it was put on the market and remained unsold for several years. My question to EBMUD is why would that site be suitable for a home rather than a pumping plant which is properly

engineered and aesthetically disguised to look like one? As discussed in the Draft EIR, this site would require more excavation, a retaining wall, landscape mitigation, bridge maintenance, and a bridge for additional pipe. All of these issues, with the possible exception of the bridge for a pipe (which could be installed under or attached to the existing or reinforced bridge), need to be addressed to build a home. As far as disrupting the neighbors during construction, we, who live adjacent to the Alternative No. 2 site would be disrupted both during and after construction – more so than at either the preferred or Alternative No. 1 sites. As it stands, we are going to be disrupted along Miner Road between Camino Pablo and Lombardy Lane in the near future by P.G. &E when transmission lines will be upgraded and installed under ground. In addition, there are plans to upgrade the sewers.

Riparian issues were mentioned as a possible reason to abandon the Happy Valley site. Both alternatives have riparian issues, so I do not see the rationale in this reason.

Alternative No. 2 is also smaller than the preferred site. At the preferred site, a pumping plant could be set back adequately so as to not be as visible from the street or neighbors. As discussed in the Draft EIR, alteration of this alternative site would be more visually prominent with visual impacts “incrementally” worse than those at the preferred site. However, there would be a greater impact on protected trees at the preferred site. If there is such a great need for this pumping plant, suitable mitigation planting can be installed at the Happy Valley site to address this concern. In addition, the Draft EIR points out that development of this alternative site would require dividing a residential parcel.

If EBMUD is to more seriously consider Alternative No. 2 as a site for its pumping plant rather than the preferred Happy Valley site on Lombardy Lane, it would need to provide more information on possible decline in property values which would only come from studies investigating this issue. A more descriptive environmental report including more detailed landscape mitigation measures would be necessary. EBMUD should either remain firm on its preferred Happy Valley Pumping plant site on Lombardy Lane or go back to the drawing boards and design and engineer a better solution to pump water to Lafayette than to disrupt our residential area.

Sincerely,

Betsy Barsamian Teman  
Joseph Teman  
400 Miner Road  
Orinda, CA 94563

## 2.16 Betsy and Joseph Teman

- BJT-1 Comment acknowledged.
- BJT-2 This comment expresses opposition to construction of the Happy Valley Pumping Plant Alternative site. As indicated in **Comment RCW-1**, the owners of the Lombardy Lane parcel are not willing to sell their property to EBMUD; as indicated in **Comment TU-1**, the owner of the alternative site for the pumping plant is receptive to discussing the sale of a portion of his property. Accordingly, District staff is recommending that the Board of Directors approve the alternative site for the Happy Valley Pumping Plant (on Miner Road), which could be purchased from a willing seller.

In response to concerns expressed in this and other letters commenting on the alternative site, the District has expanded the discussion presented in Chapter 6 of the DEIR to clarify the discussion of environmental impacts (refer to Section 3.4, of this Response to Comments document). Refer to **Response BJT-6**, below, regarding rejection of the alternative site at 1 Miner Road.

- BJT-3 Refer to Section 2.1.5, Master Response on Social and Economic Costs.
- BJT-4 A “no-build” alternative would fail to meet the purpose of and need for the Happy Valley Pumping Plant and Pipeline project and would result in degradation in water service to residences in the Las Aromas Pressure Zone (parts of Lafayette and Orinda north of Highway 24 and east of Camino Pablo; see Figure 2 in this Response to Comments document). The various alternatives considered for the Happy Valley Pumping Plant, and the reasons each was rejected, are described on DEIR pp. 6-61 and 6-62. Refer also to Section 2.1.4, Master Response on the Need for and Alternatives to the Happy Valley Pumping Plant and Pipeline.
- BJT-5 Comment noted. As noted in these responses and the DEIR, the District seeks to acquire property from willing sellers. Approval of the ultimate site is at the discretion of the Board of Directors. Please note that the owner of the Happy Valley Pumping Plant Alternative site has submitted an application to the City of Orinda to construct a 1,100 square foot accessory structure at the same location, therefore, the future setting of the site could change significantly whether or not the pumping plant is constructed at that location.
- BJT-6 The comment asks, “why would that site [on Miner Road between Camino Don Miguel and Oak Arbor Road] be suitable for a home [but not] a pumping plant”?

For reasons stated in the bullet point on DEIR p. 6-62, EBMUD eliminated the site as a potential location for the Happy Valley Pumping Plant based on the basis of construction and environmental impacts. The 1 Miner Road site may have been vacant for years because of the same issues that contributed to its elimination as a potential pumping plant site: the presence of a landslide, the location of the creek on the parcel,

and the existing topography. (After DEIR publication, the site at 1 Miner Road was revisited by project engineers who reaffirmed that the site has experienced past slope failure and could be susceptible to future slope failure.)

BJT-7 EBMUD is committed to working with other agencies planning improvements along Miner Road and other proposed pipeline alignments to minimize community disruption. EBMUD has successfully coordinated with agencies such as PG&E and Central Contra Costa Sanitary District in the past on in-street, underground projects. The Happy Valley Pipeline is scheduled for construction in 2011, so EBMUD may have up to five years to coordinate with other agencies.

BJT-8 As described in the DEIR (pp. 3.6-37 and 6-36), development at either site could adversely affect riparian areas and, for that resource, the DEIR found no substantial difference in the impacts between the DEIR Proposed site and Alternative site. DEIR pp. 3.6-39 through 3.6-41 describe the detailed measures that the District would adopt as conditions of project development to reduce or avoid impacts to riparian habitat. Refer to **Response BJT-2** regarding District staff preference for the Happy Valley Pumping Plant Alternative site.

BJT-9 DEIR p. 6-36 assumed that all of the trees along Miner Road would need to be removed in order to construct the Happy Valley Pumping Plant at the alternative site; that assumption was incorrect.

In response to this and similar comments, the District has prepared visual simulations of the Happy Valley Pumping Plant Alternative site. Refer to Section 3.4, Supplemental Analysis of the Happy Valley Pumping Plant Alternative Site, in this Response to Comments document. The visual simulations show the general appearance (shape, massing, and orientation) of the pumping plant. As required by mitigation measures set forth in the DEIR, the pumping plant would be integrated with its surroundings through architectural design features and landscaping. Measure 3.3-2c (DEIR p. 3.3-36) requires that the facility appearance be integrated with its environment. The District would also coordinate with neighborhood representatives during development of landscape plans (Measure 3.3-2a, DEIR p. 3.3-35). Refer to **Response CN-3**, Figure 9, for examples of pumping plants designed to blend in with their surroundings.

The DEIR states that damage may occur to protected trees at the DEIR Proposed Happy Valley Pumping Plant site, and sets forth mitigation measures in Section 3.6 of the DEIR to minimize potential impacts to protected trees (see Table 3.6-5, DEIR p. 3.6-31). These measures include: Measure 3.6-1a, Tree Protection Measures During Construction; Measure 3.6-1b, Protected Tree Pruning and Replacement; Measure 3.6-1c, Protected Tree Monitoring; and Measure 3.6-1d, Replacement Tree Monitoring Program. These measures provide for, among other things, the mapping of trees to be removed or retained at each project site; the identification and protection of retained trees; the use of special construction techniques, such as hand equipment for trenching and/or allowing

only one pass through a tree's dripline, when proposed development or other site work must encroach upon the dripline of a preserved tree; all pruning of preserved trees to be performed by a certified arborist and no more than 25 percent of a tree's canopy to be removed; removal of protected trees native to the local area, such as valley oak and coast live oak, to be compensated for at a 3:1 ratio and non-native protected trees to be replaced at a 1:1 ratio with a non-invasive tree species.

EBMUD will guarantee the health of all trees to be preserved within and adjacent to the construction corridor of project-related pipeline and facility sites for three years. If the District constructs or installs improvements or performs approved mechanical excavation within the dripline of any tree, the guarantee period for a tree will be five years. The District will replace any retained tree that dies as a result of construction activities during the guarantee period with a tree of the same species. EBMUD will also implement a five year tree monitoring program that will apply to all replacement plantings. While no one can guarantee the continued health of each tree, these mitigation measures will minimize damage to trees in or near construction areas and will therefore minimize the potential for tree death.

As discussed in **Response BJT-1**, EBMUD staff is recommending that the Board of Directors approve the Happy Valley Pumping Plant Alternative site, which could be purchased from a willing seller. Impacts to trees at the Happy Valley Pumping Plant Alternative site were analyzed as less severe than impacts at the DEIR Proposed Happy Valley Pumping Plant site in Table 6-5 on DEIR p. 6-36. The site plan (Figure 22) and aerial photo (Figure 21) showing potential tree disturbance and removal at the Happy Valley Pumping Plant Alternative site are included in Chapter 3, Text Revisions, in this Response to Comments document, along with text discussing impacts at the Happy Valley Pumping Plant Alternative site.

The comment correctly states that development of the Happy Valley Pumping Plant at the alternative site would divide a residential parcel.

- BJT-10 Refer to **Response BJT-3**, above, as well as Section 2.1.5, Master Response on Social and Economic Costs.
- BJT-11 Additional text regarding the Happy Valley Pumping Plant Alternative site is included in Chapter 3, Text Revisions, in this Response to Comments document. A conceptual landscape plan is also included in Chapter 3.
- BJT-12 Refer to **Response BJT-5** (reasons District staff is recommending approval of the alternative site). As stated in **Response BJT-4**, the District has considered numerous options for addressing the lack of pumping capacity serving the Las Aromas Pressure Zone and has concluded that a new pumping plant is needed. Pursuant to Measure 3.3-2a (DEIR p. 3.3-35), the District is committed to coordinating with neighborhood representatives and the City of Orinda when developing design elements and landscaping to enhance the aesthetic appearance of the plant and to integrate it with its environment.

7 Stanton Court  
Orinda, CA 94563

10 August 2006

Utility  
East Bay Municipal Water District  
attn: Judy Zavadil  
375 11<sup>th</sup> Street  
Mail stop 701  
Oakland, CA 94607-4240

**RECEIVED**  
**AUG 14 2006**  
**WATER SERVICE PLANNING**

RE: Response to draft Environmental Impact Report, EBMUD Water Treatment and Transmission Improvements Program

To whom it may concern:

I live in Orinda in the area directly to the west of the Orinda EBMUD water treatment plant. My daughter and her friends attended Wagner Ranch Elementary School. We frequently use the sports field adjacent to the school site. I am concerned about the projects planned by EBMUD in the Orinda area. The major structures you want to build at their treatment plant and on the sports field are unacceptable. They will result in the loss of the sports field, which is the only such area available on the north side of Orinda. The structures will be eyesores. I expect that the projects will lower property values in the area. And there appears to be little or no benefit to those of us that live in Orinda from this project.

I have reviewed the draft EIR submitted by EBMUD, which supports my concerns. The DEIR provides little justification for any part of EBMUD's proposed project or program elements. It only considers a few alternatives, and inadequately dismisses most. For the chosen alternatives, it is unclear exactly what is being proposed, what elements are project-level and which are program-level, and how decisions on program level projects will be decided. It would appear that program-level projects could go forward with little or no further public input or oversight.

Stated justifications include compliance with current and future water regulations. With respect to Safe Drinking Water Act compliance, EBMUD is generally in compliance with current regulations. There is no reason to believe that they will not be compliant with future regulations with their current facilities and operations covered under this DEIR. Projected USEPA and CA DHS regulations that would require implementation and compliance over the next 10-15 years are unlikely to significantly affect EBMUD's water treatment operations at the facilities discussed in this EIR. The source water from the Mokulumne River is high quality, low in organic carbon and pathogens. For a surface water, it is easily treatable and produces low levels of disinfection byproducts. Beyond the new Stage 2 Disinfectant Byproducts Rule and the Long-term 2 Enhanced Surface Water Treatment Rule, the only regulation on the horizon that might have an impact is a possible distribution system regulation. This distribution system rule is likely to address operations and maintenance issues well beyond the treatment plants. If

EBMUD has considerations about compliance with these regulations, it should describe them in detail, and discuss the full range of treatment and operational alternatives that could be successfully used.

While improvements in treatment to provide even-safer water are laudable, a number of approaches are common within the industry, yet were not among the alternatives considered. As a whole, the DEIR does not show much appreciation for the treatment alternatives that could successfully meet water quality and regulatory drivers. For example, use of ultraviolet light as part of the primary treatment train to inactivate *Cryptosporidium*, *Giardia* and other microbial pathogens is practical, and would be unobtrusive for both the Orinda and Lafayette water treatment plants. Use of UV disinfection would allow modification of EBMUD's use of chloramine as a residual disinfectant, and probably eliminate the need for the clearwells proposed for Lafayette, for Manzanita Road and for the Orinda sports field. UV disinfection was discussed with respect to filter backwash treatment, indicating that EBMUD is willing to entertain that technology.

Membrane filtration was discussed as a treatment alternative for the Lafayette WTP, and acknowledged in the DEIR to be a superior and feasible alternative, but was rejected for no apparent reason beyond EBMUD's lack of experience with it. A number of utilities in California are successfully using this technology.

Beyond the limited consideration of treatment alternatives, project and program siting alternatives were also inadequately discussed. For example, even if it were needed, the large clearwell proposed for the sports field could be sited on EBMUD property to the north of Bear Creek Road. It would be far less visually intrusive and the sports field would remain available to Orinda.

The project purports to improve, in part, the seismic safety of the water system. However, it only addresses a portion of the likely problems resulting from a major earthquake. The Bay Area drinking water community, including EBMUD staff, is aware that a major earthquake on the Hayward fault would result in 1000's of leaks in local distribution systems and the inability to deliver safe drinking water for a substantial time. Benefits that could help Orinda and its neighboring communities would include upgrades to residential storage and distribution to improve their integrity and survivability to a major earthquake. These are not at all addressed or proposed here.

The DEIR is inadequate as written and merits substantial expansion to provide detail. In addition, the thinking behind the proposed alternatives should be reconsidered and additional alternatives brought forward. I hope that EBMUD will rethink their options for their water system upgrades to show more imagination and to better consider those that live in the communities they serve.

Sincerely,



Bruce A. Macler  
925 253-9592

## 2.17 Bruce Macler

BM-1 The commenter's opinion that WTTIP projects proposed in Orinda are unacceptable is noted. The District owns the land occupied by the Sports Field and leases it to the City of Orinda. There is an existing MOU between EBMUD and the City of Orinda addressing the use of the Orinda Sports Field (regarding "Recreational and Watershed Land Use Policies and Objectives in the City of Orinda"). As stated in the MOU "The City's current use of the Camino Pablo property for recreation fields will terminate when new recreational facilities to be constructed on the Gateway property are complete and ready for public use." The MOU states that the District agrees to defer projects that preclude City of Orinda use of the property where the Orinda Sports Field is located until the new sports fields at the Montenara/Orinda Gateway development (on land formerly owned by EBMUD) are complete. The MOU further states that the Montenara fields must be complete within five years of the MOU signing date (June 30, 2005). If they are not complete by June 30, 2010 but diligent efforts are being made by the City of Orinda to complete construction, then the agreement will be extended by a year (to June 2011). An additional one-year extension (to June 2012) would be granted under the same circumstances, after which the MOU could be renewed only by written agreement. Under either Alternative 1 or Alternative 2, the District may need to construct several facilities in the area now used as the Orinda Sports Field, but the earliest construction of such facilities would be June 2014 (see Table 2-8, DEIR p. 2-58). If the District does not move forward with any projects on the Camino Pablo property by the time the MOU expires, the City of Orinda will have the option to renew a lease to continue use of the sports field at the Camino Pablo property on terms mutually agreed upon by the City and the District.

It is acknowledged that the Orinda Sports Field is the only playing field on the north side of Orinda (north of Highway 24).

BM-2 The program-level facilities that could be located within what is currently the Orinda Sports Field and parking area include a clearwell, a chlorine contact basin, and an ultra-violet light disinfection facility. As indicated in the DEIR (p. 3.3-49), these structures as presently planned would be low profile but would require removal of some vegetation). DEIR Section 3.3, Visual Quality, describes the existing visual conditions at and near the Orinda WTP and evaluates potential project effects on visual resources and public view corridors. Visual quality impacts associated with program-level elements will be analyzed in detail during project-level CEQA review. Under Alternative 2, the project-level Orinda-Lafayette Aqueduct tunnel entry portal, would also be constructed at the Orinda Sports Field site. This facility would have minimal visual impacts after construction. Regarding the comment about property values, refer to Section 2.1.5, Master Response on Social and Economic Costs.

BM-3 The overall benefits of the WTTIP are described briefly on DEIR p. 2-23. All of the WTTIP improvements would make the EBMUD system more reliable, which would

benefit all District customers. The improvements to reduce microbial pathogens and to control disinfection byproducts are proposed at all of the regularly operated WTPs and therefore represent an added health benefit to all EBMUD treated-water customers. Improvements to address existing capacity deficiencies, to meet projected increases in demand, and to address existing hydraulic constraints and aging infrastructure would benefit customers in the Lamorinda/Walnut Creek area by ensuring that supplies continue to meet demand, maintaining or increasing the amount of water available for firefighting during warm weather, and reducing pressure fluctuation problems. Proposed improvements at the Orinda WTP would directly benefit Orinda residents during the months when that WTP serves Orinda. As stated on DEIR p. 2-10, a small portion of the treated water produced at the Orinda WTP during the summer serves the Lamorinda area, and during the winter months, all of the Lamorinda area is served by the Orinda WTP. Please also refer to Section 2.1.2, Master Response on Benefits to Orinda for additional response pertinent to this comment.

BM-4 Chapter 2 of the DEIR describes the need for the WTTIP projects. Refer to **Response BM-7** regarding compliance with current and future drinking water regulations.

BM-5 This comment states that the DEIR only “considers a few alternatives, and inadequately dismisses most.” The comment then indicates that for Alternatives 1 and 2, “it is unclear exactly what is being proposed, what elements are project-level and which are program-level, and how decisions on program-level projects will be decided.”

Regarding the number of alternatives considered, Table 6-1 (DEIR p. 6-3) and Section 6.10 (beginning on DEIR p. 6-39) describe the more than two dozen alternatives involving water treatment plants that have been considered to date and the reason that all but four were eliminated. Consistent with the California Environmental Quality Act (CEQA), each potential alternative was included in the EIR or eliminated based on feasibility, ability to meet most of the project’s basic objectives, and capacity to reduce environmental impacts.

Regarding the description of Alternatives 1 and 2, Sections S.3.2 (in the Summary) and 2.1 (in Chapter 2) provide overviews of both alternatives. Sections 2.4 and 2.5 (Chapter 2) provide detailed descriptions of Alternatives 1 and 2, respectively. Table S-2 (reprinted in Chapter 2 as Table 2-1) indicates the transmission and distribution system projects evaluated at a) a project level of detail and b) a program level of detail; Table S-3 (reprinted in Chapter 2 as Table 2-2) lists the proposed improvements at the water treatment plant and indicates the alternative under which the improvement is proposed as well as whether it is evaluated at a project level or a program level of detail.

The decisions to implement the various program-level elements will be discretionary actions by the EBMUD Board of Directors. Please note the following text from DEIR p. S-19:

*Decisions to Implement Potential Program-level Improvements.* The need for high-rate sedimentation and ultraviolet disinfection processes at the water treatment plants would be determined in the future, subsequent to Board action on project-level WTTIP elements, based on regulatory requirements. Likewise, the need to construct the program-level clearwells and San Pablo Pumping Plant and Pipeline at and from the Orinda WTP would be determined in the future, based on further consideration of water management strategies. In the future, EBMUD will need to implement the Saint Mary's Road/Rohrer Drive Pipeline, New Leland Pressure Zone Reservoir, and Leland Reservoir Replacement projects. As part of implementation of these various projects, EBMUD would conduct the necessary site evaluation, design, environmental review and permitting activities before beginning construction.

Please also refer to Section 2.1.1, Master Response on Program- and Project-Level Distinctions for additional response pertinent to this comment.

BM-6 At a minimum, public notification of future actions on the program-level elements will comply with the requirements of CEQA. As described in Appendix A of the DEIR and in the Introduction to this Response to Comments document, the District's public outreach efforts typically far exceed CEQA requirements.

BM-7 While the DEIR identifies several regulatory requirements that have been considered in the development of the treatment and transmission improvement program, minimal compliance with these regulations is not the sole goal of the program to improve the water treatment and transmission system.

As emphasized on DEIR pp. 2-18 and 2-19, it is the practice of EBMUD to establish internal water quality goals that surpass state or federal requirements. As stated in Section 2.2.3 Table 2-5, EBMUD sets these independent goals to ensure that it can meet regulations with an acceptable margin of safety, to plan for future more stringent regulatory standards, and to provide reliable, high quality service. Specifics on how the proposed program-level facilities would assist in compliance with future regulations are provided in the following paragraphs.

The Long-Term 2 Enhanced Surface Water Treatment Rule requires water systems begin monitoring their water sources in October 2006 for *Cryptosporidium*. The results of the monitoring will determine whether the system requires additional treatment and will generally have three years to comply with any requirements. Additional treatment process would include either physical removal or inactivation of pathogens. The proposed program-level high rate sedimentation basins or the ultra-violet light system would meet any additional treatment requirements if necessary based on source water quality monitoring. The District's in-line water treatment plants currently have only one barrier, filtration, for the physical removal of particulates and consequently *Cryptosporidium*. The proposed high rate sedimentation basin would provide an additional process for the removal of particulates. The program-level ultraviolet light

disinfection system in the primary treatment process would assist inactivating cryptosporidium, giardia, and other microbial pathogens.

The objective of the Stage Two Disinfection Byproducts Rule is to reduce potential cancer and developmental health risks from disinfection byproducts in drinking water by setting limits for disinfectants and disinfection byproducts in water distribution systems. The intent of the proposed program-level chlorine contact basin is to introduce chlorine at the end of the treatment process rather than before filtration. This would allow for removal of organics through filtration, reducing the dose of disinfectant required and reducing the formation of disinfection byproducts. See DEIR p. 2-20.

The Mokelumne River is a relatively high quality water source. However, there have been recent sporadic changes in Pardee Reservoir resulting in increases in raw water turbidity and plankton. Within the past five years, there have been episodes when the disinfection and the turbidity standards have been met with virtually no margin of safety. During this same period turbidity standards as applied to EBMUD facilities have become increasingly stringent. The District is concerned that if these types of upsets continue, they may lead to the inability to treat adequate quantities of water or violations leading to boil water notices. It is not known at this time if the water quality changes at Pardee are transitory or will be long lasting. Therefore, it is prudent for the District to plan for future additional treatment processes to accommodate a change in source water quality.

BM-8 EBMUD is concerned with compliance with regulations governing its distribution system. As discussed in Section 2.2 of the DEIR, as treated water ages disinfectant residuals decrease. Should the residuals decrease below the detection limit, additional disinfectants would need to be added to the distribution system, increasing disinfection byproduct formation. This could cause compliance issues with the Stage 2 Disinfection Byproduct Rule.

In addition, disinfection byproducts such as N-nitrosodimethylamine (NDMA) form in the distribution system with long treated water ages. This compound is currently not regulated, however, could be regulated by the State of California. California has recently taken similar action for another contaminant, perchlorate.

Excessive water age is a concern for EBMUD because clearwell storage is currently maintained in large open cut reservoirs in the West of Hills area. A clearwell at the water treatment plant would allow a reduction of storage in the large open cut reservoirs, thereby reducing water age and improving water quality in the distribution system. As discussed in Section 2.4.3 and in section 6.10.1, the purpose of constructing the clearwell from a water quality perspective<sup>1</sup> is two-fold: 1) to manage the quality of

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<sup>1</sup> From a non-water quality purpose of the clearwell would be to provide equalization storage between the WTP filter operations and the demands from the distribution system pumping plants and rate control stations.

treated water delivered to the distribution system and; 2) to allow the reduction in water volume to manage the quality of treated water in distribution storage reservoirs.

Overall, it should be noted that distribution system improvements are being undertaken to address capacity deficiencies and to replace and upgrade aging infrastructure.

BM-9 This comment refers to use of ultraviolet light (UV) as part of primary treatment processes as a potential WTTIP alternative, stating that use of UV to inactivate microbial pathogens is “practical and would be unobtrusive for both the Orinda and Lafayette water treatment plants.” The comment then cites benefits of such use of UV disinfection: modified use of chloramines as a residual disinfectant, and potential elimination of the need for the clearwells proposed at these WTPs.

While UV disinfection may be required or desirable in the future, it would not eliminate the need for the clearwells. UV disinfection has been shown to be effective for some drinking water pathogens including *cryptosporidium*. However, UV disinfection was not considered as a primary disinfection step in the DEIR, in part because EBMUD source water does not require this additional treatment step to meet current regulations. UV disinfection is considered as a step in treating clarified backwash water because this waste stream would potentially include concentrated pathogens filtered out of the water. EBMUD does not agree that adding UV disinfection for the primary process flows at the Lafayette or Orinda WTPs would reduce the required chloramine dosage. Chloramine dosage is determined based on maintaining high water quality in the distribution system; pilot work conducted by EBMUD as part of a collaboration with American Water Works Association Research Foundation (AWWARF) (published in 2005) indicates that use of UV would not result in any changes to the desired chloramines dosages in the distribution system. For EBMUD, UV disinfection is not an alternative to the plant clearwells. The clearwells would still be required to meet production requirements for short duration upsets, or to contain water not meeting regulatory requirements so that this water does not enter the distribution system. The clearwell would also provide equalization for the WTP flow rates and allow more energy-efficient use of distribution system pumping plants that pump directly from the discharge end of the WTP. This is the case for both the Orinda and Lafayette plants. The clearwells would also provide storage at the plant to ensure adequate water quality before releasing into gravity fed distribution reservoirs, as discussed on DEIR pp. 2-44 and 2-47.

The program and project elements in the EIR are compatible with the installation of UV treatment in the future for either Lafayette or Orinda WTPs, should such treatment be required due to changes in source water or changes in regulations.

BM-10 This comment questions why EBMUD has rejected membrane filtration and states that a number of utilities in California are using this technology. The Membrane Filtration Alternative has not been rejected. As stated on DEIR p. 6-9, if Alternative 1 is selected, membrane technology may be reviewed at the predesign stage of the project.

DEIR pp. 6-5 through 6-12 explain EBMUD's analysis and position on membrane technology. The DEIR does not reject the alternative technology at Lafayette. To clarify, at this point EBMUD believes that the use of membrane technology has not been properly analyzed and evaluated at this point. Nonetheless, if it becomes a viable technology for EBMUD, it will be considered. Pilot-testing with all water sources (Mokelumne, Briones and Freeport) would be essential to determine treatment efficiency (including energy cost because membranes are more energy intensive than gravity solid media filters), membrane longevity, appropriate membrane type, and required pretreatment. Only after adequate pilot testing could facilities be sized and fully evaluated, including evaluation of potential impacts. As noted in the DEIR, the District is aware that other utilities use membranes in this plant size range. If the planned pilot testing proves successful, EBMUD will give full and serious consideration to implementing this technology in lieu of rebuilding the conventional filters as currently proposed at Lafayette WTP. As noted in the DEIR, with the single exception of energy consumption, it is likely that all other impacts associated with this type of technology would result in either the same or a lesser environmental impact. Should EBMUD pursue this technology, impacts would be evaluated in accordance with CEQA.

- BM-11 This comment discusses the treatment plant alternative siting and suggests that the EBMUD property north of Bear Creek Road could be used for siting the proposed clearwell (then sports field would remain available to Orinda).

The project-level description in the DEIR sites facilities within the existing confines of plant, and thus is an efficient use of EBMUD owned property that is specifically allocated for treatment plant needs. The siting of facilities and processes that are discussed at a program level in the DEIR will be further refined in a subsequent project-level environmental document. With regard to locating some of the facilities on the property north of Bear Creek Road, this would be costly and more disruptive to construct, and much less efficient given the long and large pipelines that would be required to transport the plant water production to and from the remote clearwell. Further, the natural watershed environment associated with the facilities would be eliminated and visually changed and would adversely affect users of the watershed roads and trails and the local ecology.

Regarding future use of the Sports Field, refer to **Response BM-1**.

- BM-12 While reliability is an important objective of the WTTIP (see DEIR pp. 2-22 and 6-50), reliability to major earthquakes has been addressed through another program dedicated specifically to that issue, described herein. After the Loma Prieta earthquake in 1989, EBMUD initiated a seismic evaluation program. In 1994 the board of directors formally adopted a 10-year, \$189 million Seismic Improvement Program (SIP). Four main goals for post-earthquake service guided EBMUD to protect its water system through the SIP:

- Life Safety: Prevent the loss of life due to the failure of any EBMUD facility.
- Fire Service: Improve water service in all areas, especially high fire-danger zones.
- Customer Service: Restore water service quickly
- Water Quality and Public Health: Guarantee that all water entering the distribution system is fully treated.

As a result of the SIP, the following improvements have been made to the water system:

- 11 building structures and equipment anchorage projects have been seismically retrofitted for the protection of the public and staff; two others (East Area Service Center and South Area Service Center) in progress.
- 71 storage reservoirs have been upgraded or demolished.
- 2 are in progress (Richmond and Berryman South).
- 110 pumping plants have been upgraded and emergency backup equipment added.
- 5 water treatment plants have been upgraded to improve post-earthquake operations by upgrading control buildings, filter gallery roofs, chemical tanks and pipelines, and pumps and valves.
- 51 pipeline fault crossings and 5 transmission system upgrades have been completed to improve flexibility for transmitting water in the distribution system and to mitigate landslide hazards for key pipes.
- The Southern Loop Pipeline has been completed to provide redundancy in the water system on both east and west sides of the EBMUD's service area.
- The Claremont Tunnel Seismic Upgrade Project will provide a reliable source of water to customers west of the Berkeley Hills. Construction is in progress with an expected spring 2007 completion date.

Design and construction for buildings will be performed in accordance with the District's seismic design standards, which meet and/or exceed design standards for Seismic Zone 4 of the Uniform Building Code. All new WTTIP facilities will be designed to the latest state of the art seismic structural standards.

- BM-13 The DEIR meets the requirements of CEQA. The District, through preparation of this Response to Comments document, revisions to the DEIR, and ongoing discussions with concerned individuals and public representatives, is responding to the questions and concerns regarding the EIR and, more generally, the WTTIP project. The commenter's suggestions regarding consideration of alternatives is noted.

**From:** Barry Sweedler [mailto:sweedlb@hotmail.com]  
**Sent:** Monday, June 26, 2006 3:44 PM  
**To:** Water Treatment Transmission Improvements Program  
**Subject:** Comment WTTIP DEIR - Barry M. Sweedler

To: Judy Zavadil

Thank you for taking the time to talk to me this morning. After reviewing the material I received in the mail and information on your website, I would like to provide a number of comments and request consideration of my suggestions.

I reside at 3798 Mosswood Drive in Lafayette. Our property backs up to EBMUD property and is quite close to the proposed route of the Moraga Road Pipeline.

In January of 1988, one of your valves failed resulting in a major flood of our home. Obviously, since then we have been very interested in any work or proposed work on your facilities near us.

I would like to ask if you could consider moving the proposed route of the line below the dam to the south side of the permanent access road. That would move it further from our home and those of our neighbors. That would seem to have a number of advantages from our standpoint: 1) being further from us, any future failures would have a lesser impact, 2) the area at the top of the reservoir is open which would result in fewer large and small trees being lost. Not having to cut through the center of the pear orchard would preserve these historic 100 year old trees. They are the last remaining trees from the orchards that existed before the construction of the reservoir. Whichever route is selected I would hope that as small a right-of-way as possible be utilized in order to preserve as many trees as possible.

I recognize that my suggestion would require crossing the access road twice, but believe the extra cost is well justified from both the safety and environmental standpoint.

I support your improvement project, but hope you will consider my input.

Please contact me if I can provide additional information or if you would like to discuss this matter further.

Sincerely,

**Barry M. Sweedler, P.E.**  
**Partner**  
**Safety and Policy Analysis International, L.L.C.**  
**3798 Mosswood Drive**  
**Lafayette, CA 94549 USA**  
**Tel/Fax: 925-962-1810, Cell: 925-788-1865**  
**Email: [sweedlb@hotmail.com](mailto:sweedlb@hotmail.com)**  
**Web site: [www.safetyandpolicy.com](http://www.safetyandpolicy.com)**

## 2.18 Barry Sweedler

- BS-1 EBMUD does not desire to place the proposed pipeline on the south side of the access road because a portion of the alignment would have to be placed within the reservoir's embankment toe to avoid several heritage oak trees. Placing the pipeline in the embankment would also increase the risk of jeopardizing the reservoir embankment if a pipe rupture were to occur.
- BS-2 EBMUD recognizes the sensitivity of this project component to the adjacent residents and the remnant pear orchard. The Moraga Road Pipeline is a project-level element, so this is the proposed alignment. As indicated on DEIR p. 3.7-31, the remnant orchard would not likely qualify as a historic resource/historic landscape due to the highly altered setting. Therefore, removal of some of the orchard's pear trees due to the Moraga Road Pipeline would not be considered a significant impact to historic resources under CEQA, nor are the trees protected under the Lafayette Tree Ordinance.
- BS-3 EBMUD will review the alignment during preliminary design to preserve trees where feasible.
- BS-4 Please see **Response BS-1**.
- BS-5 Comment noted. The District intends to consider this input.

From: Bruce Van Voorhis [REDACTED]  
Sent: Tuesday, September 05, 2006 7:51 PM  
To: Water Treatment Transmission Improvements Program  
Subject: Orinda filter plant

Please add my name to the long list of residents living nearby who oppose the plan for expansion. Why not rethink the problem?

Bruce Van Voorhis  
[REDACTED]

## 2.19 Bruce Van Voorhis

BV-1 The commenter's opposition to the project is acknowledged. The WTTIP EIR is part of a process the District is engaged in to evaluate the improvements that may ultimately be implemented at the Orinda WTP. Community input is important to help to shape project development through the current CEQA process, as well as future environmental evaluations pursuant to CEQA that may be needed for improvements at the Orinda WTP. Please also refer to Section 2.1.2, Master Response on Benefits to Orinda.

**From:** Williams, Brandt [mailto:brawilliams@firstam.com]

**Sent:** Tue 7/18/2006 9:30 AM

**To:** Harlow, Nora; Foulkes, Katy

**Cc:** Glazer; Abrams; Bill Judge; Brandt - home; Larry Lange; Bill Gross; Brandt - home; Brandt Williams ; Carl H. Arvold; Don Scherer; dwightfoster@gmail.com; Edward Trippe; Goodwin; Jack Gilbert; Marc Cohen; Michael Hofmayer; Steve Bundy; Ursu; Brandt Williams (E-mail)

**Subject:** Request from Orinda Residents

Ms. Foulkes, Ms. Harlow and EBMUD Board of Directors

On behalf of the Orinda Estates Neighborhood and the Orinda Estates Neighborhood Association, I would like to formally request that the comment period for the Draft EIR Sch#2005092079 be extended an additional 60 days from the current deadline.

I would also like to make a second request that 2 additional informational meetings are held by EBMUD in Orinda and all citizens are notified by EBMUD of these additional meetings. The additional meetings would be after the August 2<sup>nd</sup> meeting. These additional meetings would be for the sole purpose for the citizens of Orinda to voice their support or opposition to the proposed expansion plans contained in the draft EIR. I cite the following justification for this request.

1. This document and the proposals within are very complicated to understand.
2. The response period is very short for such a large project with so many impacted citizens.
3. The City of Orinda has not had a chance to get adequate feedback from its citizenry.
4. Only one meeting has been held in the City of Orinda by EBMUD explaining the Draft EIR.
5. The time of year is unfortunate with many families and citizens traveling during the last 2 weeks of summer break.
6. Not all residents and EBMUD neighbors fully understand the impact of the proposed expansion by EBMUD.
7. OUSD, namely Wagner Ranch School, is greatly impacted by the proposed expansion and their staff is in recess for the summer hiatus.

Please contact me directly upon receipt of this request.

Respectfully,  
-Brandt Williams  
Orinda Resident

## 2.20 Brandt Williams

- BW-1 This email was sent on July 18, 2006. The comment period was extended to September 18, 2006.
- BW-2 EBMUD held two informational meetings in Orinda on June 27 and August 2, 2006 and extended the comment period to facilitate input from the community. At the meetings the District sought to ensure that residents understood the purpose of the project and its impacts.

**From:** Williams, Brandt [mailto:brawilliams@firstam.com]  
**Sent:** Monday, September 18, 2006 9:31 AM  
**To:** Water Treatment Transmission Improvements Program; Harlow, Nora; Foulkes, Katy  
**Cc:** Brandt - home; Brandt Williams ; Abrams; Amy Worth; City Offices; Glazer; Judge; Keeter; Smith; Ursu  
**Subject:** Draft EIR: Orinda - response

**Draft EIR (sch#2005092019)**

**Attn:**

**Judy Zavadil**

**Katy Foulkes**

**Board of Directors, EBMUD**

I am opposed to the current plan outlined in the Draft EIR (sch#2005092019). In my capacity as the most recent past President of the Orinda Estates Neighborhood Association I speak for the 62 homes on the Orinda Filter Plant's North Eastern border that we oppose your proposal for expansion of the Orinda Filter Plant.

EBMUD must scrap the current Draft EIR and start with a new plan for the following reasons.

1. It is not clearly stated in the draft EIR as to why the expansion is necessary to meet current and future demands.
2. It is not stated how the expansion will increase the quality of water or its transmission.
3. No consideration has been given to using newer technologies that would not require building large infrastructure, e.g. UV purification systems. Newer technologies would not require expensive and intrusive expansion of the footprint of the filter plant.
4. EBMUD has many locations that would be better suited to creating an expanded industrial site. No consideration was made in any public document or review process for examining using other sites for this expanding industrial site. There has been no evidence that building a new site or expanding an existing site in Lafayette or Walnut Creek would be better or more cost effective. Anecdotal evidence of "it would be expensive" as presented at a board meeting is not adequate for community review.
5. The current proposal as outlined will violate the city and county's charter of the scenic corridor along Camino Pablo
6. Locating large tanks in an industrial site contiguous to an elementary school is dangerous and impractical.
7. The proposed multi-story buildings, power plant building, multi level storage tanks and numerous ingress and egress changes will be an eyesore. The proposed plan fails to comply with any zoning, design review or aesthetic appeal that **ALL** residents of Orinda must comply. EBMUD has chosen to ignore those rules in the draft EIR.
8. Removal of much needed open green space and the sports fields shows EBMUD's lack of commitment to the community of Orinda and its residents.
9. The residents oppose this expansion.
10. The City of Orinda opposes this expansion.

Further I suspect that the EBMUD has not fully disclosed its intentions for the Orinda Filter Plant. The draft EIR does not address the future demands for water in higher

density communities and communities experiencing significant building growth in North Contra Costa County. The draft EIR omits any mention of the planned building growth for the next 20 years in the communities that will experience the most growth in population and residential building. Orinda receives NO benefit from any expansion to this industrial site.

Orinda residents are being asked: to bear the burden of an aging water system; live with a filter plant expansion that is not needed; suffer the poor planning of EBMUD; live with an industrial neighbor that has not considered the long term effect of the community; suffer the economic hardship with certain property value losses because our homes are next to an expanding industrial site.

Consider these objections as you have neighbors that do not wish to have you expand in our community.

Respectfully,

-Brandt & Amy Williams  
Orinda Resident

## 2.21 Brandt Williams

Many of the comments in this letter are similar to comments in the letter submitted by Ann Sharf. Consequently, many of the responses below cross-reference to responses in Ms. Sharf's letter.

BW1-1 The commenter's opposition to the project is acknowledged.

The District has disclosed all intentions for future facilities at the WTP. The District has fully disclosed its current intentions at the WTP. In an effort to fully disclose any reasonable future intentions the District has also included in the EIR numerous facilities at the program level.

BW1-2 This is a summary comment based on comments presented in **Comments BW1-3** through **BW1-17** (refer to relevant responses, below).

BW1-3 See DEIR Section 2.2.2 for a discussion on the need for the project.

BW1-4 The need for proposed improvements at the Orinda WTP is described in Section 2.2 of the DEIR. Overall, the WTTIP is intended to promote water quality and improve the transmission system. For more in-depth information, please see **Responses ORIN-9, ORIN-10** and **ORIN-11**.

BW1-5 Please see **Responses BM-7, BM-8, BM-9, BM-10, BM-11, ORIN-7, ORIN-9** through **ORIN-11**, and **ORIN-13** through **ORIN-16** for a description of the proposed technologies and consideration of alternate technologies.

BW1-6 Please see **Response AS-3** and the discussion in Chapter 6 of the DEIR about alternatives to the Orinda WTP (DEIR p. 6-52).

BW1-7 DEIR p. 6-52 describes other water treatment plant alternatives considered. As stated on DEIR p. 6-54, construction of a new WTP at one of the alternative sites listed on that page would cost \$1.9 billion to \$2.3 billion. Please also refer to Section 2.1.2, Master Response on Benefits to Orinda, for additional response pertinent to this comment.

BW1-8 Please see **Response AS-7**.

BW1-9 Please see **Response AS-5**.

BW1-10 Please see **Response AS-6**.

BW1-11 The District owns the land occupied by the Sports Field and leases it to the City of Orinda. There is an existing MOU between EBMUD and the City of Orinda addressing the use of the Orinda Sports Field (regarding "Recreational and Watershed Land Use Policies and Objectives in the City of Orinda"). As stated in the MOU, "The City's

current use of the Camino Pablo property for recreation fields will terminate when new recreational facilities to be constructed on the Gateway property are complete and fully ready for public use.” The MOU states that the District agrees to defer projects that preclude City of Orinda use of the property where the Orinda Sports Field is located until new sports fields at the Montenera/Orinda Gateway development (on land formerly owned by EBMUD) are complete. The MOU further states that the Montenera fields must be complete within five years of the MOU signing date (June 30, 2005). If the Montenera fields are not complete by June 30, 2010 but diligent efforts are being made by the City of Orinda to complete construction, then the agreement will be extended by a year (to June 2011). An additional one-year extension (to June 2012) would be granted under the same circumstances, after which the MOU could be renewed only by written agreement. Under either Alternative 1 or Alternative 2, the District may need to construct several facilities in the area now used as the Orinda Sports Field, but the earliest construction of such facilities would be June 2014 (see Table 2-8, DEIR p. 2-58). If the District does not move forward with any projects on the Camino Pablo property by the time the MOU expires, the City of Orinda will have the option to renew a lease to continue use of the sports field at the Camino Pablo property on terms mutually agreed upon by the City and the District.

BW1-12 The opposition of residents is acknowledged.

BW1-13 The stated opposition of the City is acknowledged.

BW1-14 Comment noted. The District fully discloses its intentions with regard to the Orinda WTP. See Sections 2.4 and 2.5 of the DEIR regarding improvements to the Orinda WTP under Alternatives 1 and 2.

BW1-15 The commenter raises a concern about the impact of future demands in north Contra Costa County. This comment does not indicate the cities in northern Contra Costa County to which it refers. Note that most of northern Contra Costa County, including areas undergoing substantial growth such as Brentwood, is served by the Contra Costa Water District, not EBMUD.

DEIR Figure 2-1 shows the District’s service area. DEIR Figure 2-2 shows the existing water treatment plant service areas. There is overlap in the service areas of the water treatment plants and on any given day the production at a particular water treatment plant can change to accommodate planned maintenance or emergencies. That portion of northern Contra Costa County served by EBMUD is primarily served by the Sobrante WTP in warm weather periods. DEIR Table 2-4 shows the forecasted demands in the water treatment plant service areas to the year 2030. The DEIR includes facilities at the Sobrante WTP as well as all the other EBMUD active WTPs to address both existing and future demands.

BW1-16 Please see Table 4-3 on DEIR p. 4-8 (*Project Water Demand by Pressure Zone*). The growth inducement analysis focuses on the areas where the project would remove

obstacles to growth, namely the areas where there is projected demand and WTTIP projects have been designed to meet that demand.

DEIR Table 2-4 shows the forecasted demands in the water treatment plant service areas to the year 2030. The DEIR is examining upgrades to address both existing and future demands.

BW1-17 DEIR p. 2-22 describes the communities that would benefit from implementation of WTTIP projects. Refer to Section 2.1.2, Master Response on Benefits to Orinda.



WATER DISTRIBUTION

JUL 25 2006

PLANNING DIVISION

Water Treatment & Transmission Improvements Program  
Draft Environmental Impact Report

Name: Bonnie Wixson - Quail Country Antiques  
Address: 1581 Boulevard Way  
Email: Bonnie@quailcountryantiques

COMMENTS:

traffic, road closures + access  
to my business which is located  
close to the corner of Olympic  
Bld.

Submit this form as you leave this meeting, mail or hand deliver the form to EBMUD at Mail Stop # 701, 375 Eleventh Street, Oakland, CA, or email comments to Judy Zavadil, Senior Project Manager, at [wtip@ebmud.com](mailto:wtip@ebmud.com).

NOTE: Comments on the Draft EIR must be received by EBMUD by August 25, 2006, at 4:30 pm. Comments should be in writing and include your name and address.

## 2.22 Bonnie Wixson

BW2-1 Section 3.8 of the DEIR, Traffic and Circulation, describes the projected traffic, the disruption of traffic flows and street operations, and other potential impacts due to construction activities near Boulevard Way and Olympic Boulevard. This section also describes mitigation measures that would be implemented to reduce traffic impacts. Information included in the section describes existing conditions, truck trips, incremental impacts and other issues. Boulevard Way between Olympic Boulevard and Warren Road would be subject to road closure with detour routing during construction of the Tice Pipeline. As stated on DEIR p. 3.8-16, the pace of open-trench work for proposed pipeline improvements in paved areas is estimated to average 80 feet per day, and the work schedule would be 8:30 a.m. to 4:30 p.m., Monday through Friday. Based on that estimated work pace, construction in front of an individual property would take approximately one or two days. As stated on DEIR p. 3.8-20, employees and customers would continue to have access to the business establishments; however parking adjacent to businesses and truck deliveries would be affected. With sufficient advance notice, this short-term inconvenience would have a less-than-significant impact.

**From:** Carl H. Arvold [mailto:carl@avron.com]  
**Sent:** Tuesday, September 05, 2006 5:48 PM  
**To:** Water Treatment Transmission Improvements Program  
**Subject:**

**EBMUD Board of Directors:**

I am a resident of Orinda and drive by the Manzanita entrance to the Orinda Filtration plant every day. It is an eyesore now and I cannot imagine how it will be getting any better based on what I have read in your EIR.

This facility is a water treatment plant and there are at least six trucks parked there every night that have nothing to do with water treatment. When are you going to operate this facility as it was designed and not continue to encroach on the neighborhood with an industrial site?

This use of the site as a truck parking lot is within the definition of a utility site designated as a water treatment facility.

Until EBMUD gets its house in order for this facility, how can you even think about expanding it.

I am opposed to the proposed plan of expansion for the Orinda Filter Plant for the following reasons:

The Draft EIR that has been submitted is ill conceived and problematic on many levels.

Please see the letter written by my neighbor who is familiar and who has taken EBMUD's EIR to task.

As I see it:

1. There is no clearly stated need or requirement in the Draft EIR as to why EBMUD must upgrade and expand the Orinda Filter Plant.
2. Locating this large and expanding facility in a residential community is impractical, risky and not necessary.
3. Removal of the sports fields will hurt the community and deprive children of much needed recreational playing fields.
4. Your proposed expansion is contiguous to an elementary school.
5. Additional structures proposed will be unattractive and will counter the semi-rural character in the City of Orinda.
6. Camino Pablo is designated a scenic corridor. EBMUD is planning to build multiple multi story buildings and huge storage tanks that will be visible from the corridor and therefore violate the scenic corridor designation.

**7. No consideration has been given to new technologies for water treatment that would eliminate the need for large storage tanks and additional buildings for water treatment and storage.**

**8. No Other EBMUD locations have been considered as part of this Draft EIR.**

**9. There are other EBMUD locations where a filter plant could be constructed or expanded that would have NO impact on the City of Orinda and its residents.**

**10.. Our property values will be negatively impacted because of the expansion of the Orinda Filter Plant.**

**Along with the community and The City of Orinda I oppose the expansion of EBMUD's Orinda Filter Plant.**

**Sincerely,**

**Carl H. Arvold**

**26 Hacienda Circle**

**Orinda, CA 94653**

7 Stanton Court  
Orinda, CA 94563

10 August 2006

East Bay Municipal Water District  
attn: Judy Zavadil  
375 11<sup>th</sup> Street  
Mail stop 701  
Oakland, CA 94607-4240

RE: Response to draft Environmental Impact Report, EBMUD Water Treatment and  
Transmission Improvements Program

To whom it may concern:

I live in Orinda in the area directly to the west of the Orinda EBMUD water treatment plant. My daughter and her friends attended Wagner Ranch Elementary School. We frequently use the sports field adjacent to the school site. I am concerned about the projects planned by EBMUD in the Orinda area. The major structures you want to build at their treatment plant and on the sports field are unacceptable. They will result in the loss of the sports field, which is the only such area available on the north side of Orinda. The structures will be eyesores. I expect that the projects will lower property values in the area. And there appears to be little or no benefit to those of us that live in Orinda from this project.

I have reviewed the draft EIR submitted by EBMUD, which supports my concerns. The DEIR provides little justification for any part of EBMUD's proposed project or program elements. It only considers a few alternatives, and inadequately dismisses most. For the chosen alternatives, it is unclear exactly what is being proposed, what elements are project-level and which are program-level, and how decisions on program level projects will be decided. It would appear that program-level projects could go forward with little or no further public input or oversight.

Stated justifications include compliance with current and future water regulations. With respect to Safe Drinking Water Act compliance, EBMUD is generally in compliance with current regulations. There is no reason to believe that they will not be compliant with future regulations with their current facilities and operations covered under this DEIR. Projected USEPA and CA DHS regulations that would require implementation and compliance over the next 10-15 years are unlikely to significantly affect EBMUD's water treatment operations at the facilities discussed in this EIR. The source water from the Mokulumne River is high quality, low in organic carbon and pathogens. For a surface water, it is easily treatable and produces low levels of disinfection byproducts. Beyond the new Stage 2 Disinfectant Byproducts Rule and the Long-term 2 Enhanced Surface Water Treatment Rule, the only regulation on the horizon that might have an impact is a possible distribution system regulation. This distribution system rule is likely to address operations and maintenance issues well beyond the treatment plants. If EBMUD has considerations about compliance with these regulations, it should describe them in

detail, and discuss the full range of treatment and operational alternatives that could be successfully used.

While improvements in treatment to provide even-safer water are laudable, a number of approaches are common within the industry, yet were not among the alternatives considered. As a whole, the DEIR does not show much appreciation for the treatment alternatives that could successfully meet water quality and regulatory drivers. For example, use of ultraviolet light as part of the primary treatment train to inactivate *Cryptosporidium*, *Giardia* and other microbial pathogens is practical, and would be unobtrusive for both the Orinda and Lafayette water treatment plants. Use of UV disinfection would allow modification of EBMUD's use of chloramine as a residual disinfectant, and probably eliminate the need for the clearwells proposed for Lafayette, for Manzanita Road and for the Orinda sports field. UV disinfection was discussed with respect to filter backwash treatment, indicating that EBMUD is willing to entertain that technology.

Membrane filtration was discussed as a treatment alternative for the Lafayette WTP, and acknowledged in the DEIR to be a superior and feasible alternative, but was rejected for no apparent reason beyond EBMUD's lack of experience with it. A number of utilities in California are successfully using this technology.

Beyond the limited consideration of treatment alternatives, project and program siting alternatives were also inadequately discussed. For example, even if it were needed, the large clearwell proposed for the sports field could be sited on EBMUD property to the north of Bear Creek Road. It would be far less visually intrusive and the sports field would remain available to Orinda.

The project purports to improve, in part, the seismic safety of the water system. However, it only addresses a portion of the likely problems resulting from a major earthquake. The Bay Area drinking water community, including EBMUD staff, is aware that a major earthquake on the Hayward fault would result in 1000's of leaks in local distribution systems and the inability to deliver safe drinking water for a substantial time. Benefits that could help Orinda and its neighboring communities would include upgrades to residential storage and distribution to improve their integrity and survivability to a major earthquake. These are not at all addressed or proposed here.

The DEIR is inadequate as written and merits substantial expansion to provide detail. In addition, the thinking behind the proposed alternatives should be reconsidered and additional alternatives brought forward. I hope that EBMUD will rethink their options for their water system upgrades to show more imagination and to better consider those that live in the communities they serve.

Sincerely,

Bruce A. Macler  
925 253-9592

## 2.23 Carl Arvold

Many of the comments in this letter are similar to comments in the letter submitted by Ann Sharf. Consequently, many of the responses below cross-reference to responses in Ms. Sharf's letter.

- CA-1 Overall, proposed facilities that would be visible from Manzanita Drive would be similar to existing facilities at the Orinda WTP site in terms of scale and general appearance; however, EBMUD has committed to mitigation measures (see Measures 3.3-2a through 3.3-2c, DEIR pp.3.3-35 through 3.3-36) to improve the appearance of new facilities. Figures 3.3-OWTP-8 and 3.3-OWTP-9 in the DEIR show an existing view of the Orinda WTP from Manzanita Drive and visual simulations of proposed improvements, with and without landscaping. Although no simulations were prepared of views from the roadway looking north, views from the north would be improved because EBMUD intends to install replacement landscaping and a new gate to screen the facilities.
- CA-2 The trucks are associated with EBMUD water treatment and distribution system operations and are parked at the site at the end of the day.
- CA-3 Please see **Response CA-2**.
- CA-4 Comment noted.
- CA-5 Please see **Responses ORIN-10 through ORIN-17 and BM-7, BM-8, BM-9 and AS-2**, as well as Section 2.1.2, Master Response on Benefits to Orinda.
- CA-6 Please see **Response AS-3**.
- CA-7 Please see **Response AS-4, BM-2, and BM-11**.
- CA-8 Please see **Response AS-5**.
- CA-9 Please see **Response AS-6**.
- CA-10 Please see **Response AS-7**.
- CA-11 Please see **Responses ORIN-118 through ORIN -120, and Response BM-9**.
- CA-12 Please see **Response AS-9**.
- CA-13 Please see **Response AS-9** as well as Section 2.1.2, Master Response on Benefits to Orinda.
- CA-14 Refer to Section 2.1.5, Master Response on Social and Economic Costs.
- CA-15 Please see **Response AS-11**.
- CA-16 Please see **Responses BM-1 through BM-13**.

# Oaks

California Oak Foundation

*Our mission is to protect and perpetuate native oak woodlands*

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July 18, 2006

Judy Zavadil, Senior Project Manager, MS #701  
East Bay Municipal Utility District  
375 Eleventh Street  
Oakland, CA 94607-4240

Re: Water Treatment and Transmission Improvements Project, Contra Costa County and Alameda County DEIR

Dear Ms. Zavadil:

The California Oak Foundation (COF) writes to advise East Bay Municipal Utility District (EBMUD) that the Water Treatment and Transmission Improvements Project (WTTIP) DEIR is in violation of Public Resources Code (PRC) §750 *et seq.* (Professional Foresters Law) and PRC §21083.4 (oak woodlands mitigation).

### PRC §750 Issue

The project does not appear to have utilized the services of a Registered Professional Forester to quantify site conditions, oak habitat impacts and mitigation measures as required by PRC §750 *et seq.* Therefore, the WTTIP DEIR oak woodland findings are unlawful.

The Board of Forestry and Fire Protection (Board) has sent the attached letter informing Lake County officials of Professional Foresters Law relevance when characterizing oak woodlands under California Environmental Quality Act (CEQA) processes. The Board letter was prompted by the failure of the City of Clearlake to comply with PRC §750 *et seq.* for the Provinsalia project. The Board has also conveyed this message to local officials statewide. Notably, DEIR author Environmental Science Associates was involved in the Provinsalia project. ESA, therefore, is fully aware of the oak woodland requirements of PRC §750 *et seq.*, as is Alameda County due to the inadequacies of the Boundary Creek project.

### PRC §21083.4 Issue

Relative to local oak woodland regulations, the DEIR states:

“Pursuant to California Government Code Section 53091, EBMUD, as a local agency and utility district serving a broad regional area, is not subject to building and land use zoning ordinances (such as tree ordinances) for projects involving facilities for the production,

WATER DISTRIBUTION  
JUL 19 2006  
PLANNING DIVISION



generation, storage or transmission of water. It is, however, the practice of EBMUD to work with host jurisdictions and neighboring communities during project planning and to conform to local environmental protection policies to the extent possible. The tree ordinances of cities and counties within the WTTIP project area are described below" (DEIR at 3.6-19).

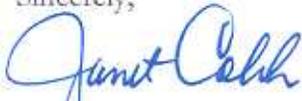
Although EBMUD is not subject to local oak regulations, the DEIR chooses to comply with Contra Costa County, Lafayette, Moraga, Orinda, Walnut Creek and Oakland oak mitigation standards; while disregarding applicable PRC §21083.4 mitigation requirements. As an agency serving a "broad regional area" and in this project review two counties, EBMUD must comply with CEQA county oak woodlands mitigation law. The WTTIP fails to comply with PRC §21083.4 in the following areas:

1. PRC §21083.4(a) requires mitigation for all impacted oak trees "5 inches or more in diameter at breast height."
2. In its discussion of Senate Bill 1334, the DEIR neglects to mention that the planting of PRC §21083.4(b) mitigation trees "shall not fulfill more than one-half of the mitigation requirement for the project." The WTTIP derives 100 percent of its oak woodland mitigation from tree planting.
3. Planted mitigation trees must be maintained for seven years, including replacement of failed plantings.
4. The DEIR impermissibly defers oak woodlands mitigation by not providing the location of mitigation planting sites.

COF urges EBMUD to halt the WTTIP project review until such time as a lawful CEQA oak woodlands evaluation is conducted and oak woodland mitigation measures consistent with state law are adopted. Failure to obey state oak woodland laws will dictate enforcement actions.

Thank you for your consideration and cooperation in conserving Contra Costa County and Alameda County oak woodland resources for future generations.

Sincerely,



Janet S. Cobb, President  
CALIFORNIA OAK FOUNDATION

cc: EBMUD Board of Directors  
attachments (2)

**BOARD OF FORESTRY AND FIRE PROTECTION  
PROFESSIONAL FORESTERS REGISTRATION**

P.O. Box 944246  
SACRAMENTO, CA 94244-2460  
Website: [www.bof.fire.ca.gov/licensing/licensing\\_main.html](http://www.bof.fire.ca.gov/licensing/licensing_main.html)  
(916) 853-8031



January 10, 2006

Ms. Rose Marie Moore, Principal  
RMM Environmental Planning  
3010 Beacon Boulevard  
West Sacramento, California 95691

**RE: UNLICENSED PRACTICE OF FORESTRY IN THE PROVINSALIA GOLF  
COMMUNITY DEIR.**

Dear Ms. Moore,

This letter is in response to a complaint received by this office in which unlicensed practice of forestry is alleged in the drafting of the Provinsalia Specific Plan EIR. I have reviewed portions of the Draft EIR (DEIR) and concur that the allegations of unlicensed practice are substantiated by that document. In my review of the DEIR Project Description and Section 5.3 (Biological Resources), I find no evidence that a Registered Professional Forester (RPF) was employed in the completion of the *tree survey, tree inventory, oak woodlands restoration plan, or tree preservation plan*. To the contrary, it would appear that another environmental consulting firm, Environmental Science Associates completed this work without the benefit of an RPF. Further, pages 58-59 of the DEIR specify that an *arborist* is to be employed in tree preservation planning efforts once the project has been approved. Please be advised that neither ESA's work nor the proposed use of an arborist in future forestry applications within the proposed project is compliant with the Professional Foresters Law (PFL), Public Resources Code (PRC) §750, *et seq.*

Though the PFL is often characterized as applicable only to activities related to the Forest Practice Act, i.e. preparation of Timber Harvest Plans (THP's, NTMP's, etc.) for removal of commercial conifer species, the PFL is in fact far broader in scope and no less applicable to oak woodlands or any other forest type. PRC §750, *et seq.* states that only a Registered Professional Forester (RPF) may practice forestry on non-federal, forested landscapes.

*Forestry* is defined as,

...the science and practice of managing forested landscapes and the treatment of the forest cover in general, and includes, among other things, the application of scientific knowledge and forestry principles in the fields of fuels management and forest protection, timber growing and utilization, forest inventories, forest economics, forest valuation and finance, and the evaluation and mitigation of impacts from forestry activities on watershed and scenic values... (PRC §753)

CONSERVATION IS WISE-KEEP CALIFORNIA GREEN AND GOLDEN

PLEASE REMEMBER TO CONSERVE ENERGY. FOR TIPS AND INFORMATION, VISIT "FLEX YOUR POWER" AT WWW.CA.GOV.

JAN 11 2006

*Forested Landscapes* are defined as,

...those tree dominated landscapes and their associated vegetation types on which there is growing a significant stand of tree species, or which are naturally capable of growing a significant stand of native trees in perpetuity, and is not otherwise devoted to non-forestry commercial, urban, or farming uses. (PRC §754)

The Board of Forestry and Fire Protection has generally interpreted the term *significant stand of tree species* to mean those stands with a canopy cover of 10% or greater.

While it has been argued that the preparation of tree inventories and forest cover characterizations in support of CEQA compliant documents does not constitute the practice of forestry, this perspective does not satisfy the Law. Regardless of context, be it a Timber Harvest Plan (THP) for a stand of ponderosa pine or an Environmental Impact Report (EIR) for development conversion of blue oak woodland, if the project occurs on a *forested landscape* an RPF must be involved. Certified arborists, vegetation ecologists, botanists, biologists or individuals from any other discipline may not serve as surrogates for a Registered Professional Forester.

With respect to the proposed Provinsalia DEIR, you are advised to cease unlicensed practice of forestry immediately. You are further advised to seek the services of an RPF for corroboration of the forestry work thus far provided by ESA and completion of ongoing or anticipated forestry work within the context of the EIR. Failure to comply with the Professional Foresters Law will result in further action by the Office of Professional Foresters Registration including but not limited to initiation of a formal accusation of unlicensed practice.

Sincerely,



Eric K. Huff, RPF No. 2544  
Executive Officer, Foresters Licensing

Cc: Environmental Science Associates  
Mr. William Cunningham, Deputy Attorney General

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PROFESSIONAL FORESTERS REGISTRATION**

P.O. Box 944246  
SACRAMENTO, CA 94244-2460  
Website: [www.bof.fire.ca.gov/licensing/licensing\\_main.html](http://www.bof.fire.ca.gov/licensing/licensing_main.html)  
(916) 653-8031

January 9, 2006

Mr. Anthony Farrington, Chair  
County of Lake Board of Supervisors  
255 North Forbes Street  
Lakeport, California 95453

Dear Mr. Farrington,

This letter is in response to the growing misconception regarding the application of the Professional Foresters Law (PFL), within the context of the California Environmental Quality Act (CEQA). As you may be aware, the PFL became effective on January 1, 1973, one year prior to the effective date of the Z'berg-Nejedly Forest Practice Act. With the passage of the PFL, the Legislature declared the existence of a public interest in the management and treatment of California's forest resources, and regulates all persons who practice the profession of forestry. The intent of the Law is to provide the consuming public with a source of forest management experts—knowledgeable, trained, experienced and skilled in the scientific fields relating to forestry.

Though the PFL is often characterized as applicable only to activities related to the Forest Practice Act, i.e. preparation of Timber Harvest Plans (THP's, NTMP's, etc.) the PFL is in fact far broader in scope and no less applicable to oak woodlands or any other forest type. Public Resources Code (PRC) §750, *et seq.* states that only a Registered Professional Forester (RPF) may practice forestry on non-federal, forested landscapes.

*Forestry* is defined as,

...the science and practice of managing forested landscapes and the treatment of the forest cover in general, and includes, among other things, the application of scientific knowledge and forestry principles in the fields of fuels management and forest protection, timber growing and utilization, forest inventories, forest economics, forest valuation and finance, and the evaluation and mitigation of impacts from forestry activities on watershed and scenic values... (PRC §753)

*Forested Landscapes* are defined as,

...those tree dominated landscapes and their associated vegetation types on which there is growing a significant stand of tree species, or which are naturally capable of growing a significant stand of native trees in perpetuity, and is not otherwise devoted to non-forestry commercial, urban, or farming uses. (PRC §754)

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The Board of Forestry and Fire Protection has generally interpreted the term *significant stand of tree species* to mean those stands with a canopy cover of 10% or greater.

While it has been argued that the preparation of tree inventories and forest cover characterizations in support of CEQA compliant documents does not constitute the practice of forestry, this perspective does not satisfy the Law. Regardless of context, be it a Timber Harvest Plan for a stand of ponderosa pine or an Environmental Impact Report (EIR) for development conversion of blue oak woodland, if the project occurs on a *forested landscape* an RPF must be involved. Certified arborists, vegetation ecologists, botanists, biologists or individuals from any other discipline may not serve as surrogates for a Registered Professional Forester.

The Board of Forestry and Fire Protection respectfully requests the assistance of your Board to ensure that CEQA projects under county control comply with the Professional Foresters Law. To that end, this office will provide whatever assistance it may to your Board and county departments. Further information on the Registration of Professional Foresters may be found at [www.bof.fire.ca.gov/licensing/licensing\\_main.asp](http://www.bof.fire.ca.gov/licensing/licensing_main.asp).

Thank you for your time and consideration in the review of this correspondence. Questions or concerns may be directed to me at (916) 653-8031.

Sincerely,

Eric K. Huff, RPF No. 2544  
Executive Officer, Foresters Licensing

## 2.24 California Oak Foundation

CAOF-1 An EIR is not a technical document that can be prepared only by a registered professional. (See CEQA Guidelines §15149.) Moreover, nothing in the law requires that assessments of oak trees or woodlands be conducted only by a registered professional forester. EBMUD consults certified arborists or biologists for projects that may have an impact on trees. For the purposes of this DEIR, biologists employed by Environmental Science Associates (ESA) conducted tree assessments to estimate the number of protected trees that may be affected by the proposed projects. Further, should any of the proposed projects in the DEIR be approved, a certified arborist will be retained to assist with implementing the mitigation measures described on DEIR pp. 3.6-33 through 3.6-34.

CAOF-2 The Oak Woodlands Conservation Act directly applies to counties and not to municipal utility districts. See Public Resource Planning Code section 21083.4. However, as described on DEIR pp. 3.6-20 through 3.6-22, it is the practice of EBMUD to comply with local tree ordinances to the extent feasible and to mitigate any removal or damage to trees that may occur as a result of water distribution projects. Furthermore, as mentioned in **Response CAOF-1**, a certified arborist will be retained to assist with implementing Mitigation Measures 3.6-1a through 3.6-1e, which pertain to removal of and damage to protected trees. In addition, Measure 3.6-1d has been revised in the DEIR (refer to Section 3.2, Text Revisions, in this Response to Comments document).

See **Response LAF-10** for clarification and specification of mitigation regarding replacement trees.

CAOF-3 EBMUD evaluated the potential impacts on trees in the DEIR in accordance with all applicable state laws. EBMUD does not agree that the DEIR fails to comply with the Oak Woodlands Conservation Act.

-----Original Message-----

From: Thomas Barber [mailto:[thomas.barber@comcast.net](mailto:thomas.barber@comcast.net)]

Sent: Tuesday, September 12, 2006 11:40 PM

To: Water Treatment Transmission Improvements Program

Subject: Orinda

EBMUD Board of Directors:

As a resident of Orinda, I am opposed to the proposed plan of expansion for the Orinda Filter Plant for the following reasons:

- . The Draft EIR that has been submitted is ill conceived and problematic on many levels.
- . There is no clearly stated need or requirement in the Draft EIR as to why EBMUD must upgrade and expand the Orinda Filter Plant .
- . Locating this large and expanding facility in a residential community is impractical, risky and not necessary.
- . Removal of the sports fields will hurt the community and deprive children of much needed recreational playing fields.
- . Your proposed expansion is contiguous to an elementary school.
- . Additional structures proposed will be unattractive and will counter the semi-rural charter in the City of Orinda.
- . Camino Pablo is designated a scenic corridor. EBMUD is planning to build multiple multi story buildings and huge storage tanks that will be visible from the corridor and therefore violate the scenic corridor designation.
- . No consideration has been given to new technologies for water treatment that would eliminate the need for large storage tanks and additional buildings for water treatment and storage.
- . Other EBMUD locations have not been considered as part of this Draft EIR.

There are other EBMUD locations where a filter plant could be constructed or expanded that would have NO impact on the City of Orinda and its residents. Our property values will be negatively impacted because of the expansion of the Orinda Filter Plant. Please consider that the community and its residents and The City of Orinda oppose the expansion of EBMUD's Orinda Filter Plant.

Sincerely,

Carol Ann Barber

## 2.25 Carol Ann Barber

Many of the comments in this letter are similar to comments in the letter submitted by Ann Sharf. Consequently, many of the responses below cross-reference to responses in Ms. Sharf's letter.

- CB-1 The commenter's opinion is noted. Refer to subsequent responses regarding specific issues raised, as well as Section 2.1.1, Master Response on Program- and Project-Level Distinctions.
- CB-2 Please see **Response AS-2** as well as Section 2.1.2, Master Response on Benefits to Orinda.
- CB-3 Please see **Response AS-3** as well as Section 2.1.2, Master Response on Benefits to Orinda.
- CB-4 Please see **Responses AS-4, BM-2 and BM-11**.
- CB-5 Please see **Response AS-5**.
- CB-6 Please see **Response AS-6**.
- CB-7 Please see **Response AS-7**.
- CB-8 Please see **Responses ORIN-118 through ORIN-120, and Response BM-9**.
- CB-9 Please see **Response AS-9**.
- CB-10 Please see **Response AS-9**.
- CB-11 Please see Section 2.1.5, Master Response on Social and Economic Costs.

-----Original Message-----

From: Charlotte Cairney [mailto:[charbob@silcon.com](mailto:charbob@silcon.com)]  
Sent: Saturday, August 19, 2006 12:36 PM  
To: Water Treatment Transmission Improvements Program  
Subject: Proposed site for Lafayette Treatment Plant

I firmly oppose the present contemplated site for a new treatment plant.

Surely, you can find a site where mature trees are not sacrificed and the visual impact is considered for the many residents and non-residents who so enjoy and utilize the reservoir.

We have always thought of EBMUD as an enhancer of our environment here in the East Bay and hope you will continue to contribute to the public's enjoyment of the beauty of where we live.

Thank you.

Charlotte L. Cairney  
481 Peacock Blvd.  
Lafayette, CA 94549  
925.283.3654

A homeowner at this address since 1954.

## 2.26 Charlotte Cairney

- CC-1 The commenter likely is referring to the Highland Reservoir and Pipelines project. EBMUD has revisited potential reservoir layout designs at the preferred site. As a result, EBMUD is proposing to move the reservoir approximately 120 feet north and to use a temporary retaining wall during construction to minimize the number of large oak trees impacted by construction of the new facility. Refer to Section 3.3 of this Response to Comments document for more detail.

**From:** kestrel96@aol.com [mailto:kestrel96@aol.com]  
**Sent:** Monday, September 18, 2006 2:36 PM  
**To:** Water Treatment Transmission Improvements Program  
**Cc:** runbets@msn.com; ajrothman@comcast.net; mjm393@comcast.net; kfulkes@ebmud.com; jzavakil@embud.com  
**Subject:** DEIR comments-Trans imp project

I'm writing to state my opposition to the EBMUD proposal to construct a pumping plant at the intersection of Miner Road and Camino Sobrante in Orinda.

In general, I'm not in favor of construction of any pumping plant within any residential area in Orinda, but this particular site appears to have the most significant unmitigatable impacts in the way of noise and visual quality to neighbors. The site is flanked by two residences, and they are in close proximity to the proposed pumping plant. The chronic noise and reduction in visual quality posed by the pumping plant cannot be adequately mitigated because the site is too small and shallow (measured from Miner Road to the creek) to host substantial screening and noise reduction measures. As it is, these neighbors are already subjected to traffic noise, and a pumping plant would have a further negative effect on their ability to enjoy their properties. As such, I'd consider that a pumping plant would negatively alter the neighborhood property values as well.

If the plant is to be lighted at night for security purposes, this would result in an additional intrusion for the neighbors at 393, 400, and 401 Miner Road. Ingress and egress at this location is also troublesome because of the speed and traffic volumes along Miner Road.

If the pumping plant has to be constructed, please consider the other sites (#1 Miner Road and the Lombardy Lane property) as mitigation measures can be effective at these locations and the proximity and number of adjacent neighbors is less of a factor. I'd suggest a less utilitarian fencing and building construction scheme to be more compatible with the neighborhood environment.

Thank you for considering these comments.

Cheryl Nevares  
15 La Cintilla  
Orinda, CA 94563  
(925)254-3362

## 2.27 Cheryl Nevares

CN-1 The comment expresses opposition to construction of the Happy Valley Pumping Plant at the alternative site on Miner Road. Approval of the alternative site is at the discretion of the EBMUD Board of Directors. In response to concerns expressed in this and other letters commenting on the alternative site, the District has expanded the discussion presented in Chapter 6 of the DEIR to clarify the discussion of environmental impacts (refer to Chapter 3, Text Revisions, in this Response to Comments document).

CN-2 Refer to **Response RCW1-4** for a discussion of the potential noise impacts associated with the Happy Valley Pumping Plant Alternative site. Regarding potential visual impacts refer to DEIR pp. 6-35 through 6-37. Figures 27 through 30 provide visual simulations of the Happy Valley Pumping Plant Alternative site. In addition, text in Section 3.4 of this Response to Comments document provides further discussion of this site.

CN-3 Refer to **Response RCW1-4** regarding noise impacts at the Happy Valley Pumping Plant Alternative site. In response to this and similar comments, the District has prepared visual simulations of the alternative site. Refer to Section 3.4, in this Response to Comments document. The visual simulations show the general appearance (shape, massing, orientation) of the proposed pumping plant. As required by mitigation measures set forth in the DEIR, the pumping plant would be integrated with its surroundings through architectural design features and landscaping. See Measure 3.3-2c (DEIR p. 3.3-36). The District would coordinate with neighborhood representatives during development of landscape plans (Measure 3.3-2a, DEIR p. 3.3-35).

Figure 9 (below) provides examples of pumping plants designed to blend in with their surroundings.

Please also note that the owner of the Happy Valley Pumping Plant Alternative site has submitted an application to the City of Orinda to construct an 1100-square-foot accessory structure at the same location; therefore, the future setting of the site would likely change significantly whether or not the pumping plant is constructed at that location.

CN-4 See Sections 3.8 and 3.10 in the DEIR for mitigation measures related to traffic and noise. Refer to Section 2.1.5, Master Response on Social and Economic Costs.

CN-5 As stated on DEIR p. 3.3-48 in Measures 3.3-5b and 3.3-5c, EBMUD would install lights at the Happy Valley Pumping Plant. The preliminary design for the Happy Valley Pumping Plant does not include night lighting for security purposes. Motion detector security lighting would not be used either. However, EBMUD will install lights on the outside of the facility to be used only in the event of after-hours





SOURCE: EBMUD

EBMUD Water Treatment and Transmission Improvements Program . 204369

**Figure 9**  
Pumping Plant Examples  
(Page 2)

(emergency) maintenance. These lights will be focused to specific areas (i.e., not flood lights) such as the entrance to the building and the electrical switch gear, and will include shielding to prevent the light from being directed off-site or into the sky. Lights will be manually activated via a typical light switch within the facility. The switch will include a 60-minute timer in the event that EBMUD staff neglect to turn the lights off upon departure. Lights will be attached to the facility using full cutoff wall packs and short bollards in lieu of pole-mounted lighting. Given the infrequent use and the new design to avoid light spill on adjoining properties, new lighting proposed for the WTTIP projects is not expected to create substantial new sources of light and glare.

- CN-6 Section 6.8.2 of the DEIR acknowledges that traffic impacts would be incrementally less (relative to impacts at the proposed site) because the haul route to the Happy Valley Pumping Plant Alternative site would be shorter and less pipe would be constructed. Traffic safety and parking issues would be incrementally greater because the Alternative site is smaller than the DEIR Proposed site, and therefore has less room for construction staging. It is also adjacent to a road that carries more traffic. However, the maximum trip generation of about 34 one-way vehicle trips per day (see Table 3.8-5) would represent an increase of about 0.6 percent of the average daily volume of about 6,140 vehicles on Miner Road (see Table 3.8-1); a less-than-significant impact. Measure 3.8-1 (DEIR p. 3.8-14) stipulates that the contractor(s) will be required to comply with roadside safety protocols, including provision of “Road Work Ahead” warnings and signs informing drivers of double fines for speed infractions in a construction zone to achieve speed reductions required for safe traffic flow through the work zone. As described on DEIR pp. 3.8-7 and 3.8-8, the Project would not cause significant long-term (operational) traffic effects because the various project facilities, once installed, would only require periodic maintenance activities. On average, EBMUD’s Operations and Maintenance staff would visit the Happy Valley Pumping Plant four or five times per month (for operations and maintenance activities and landscaping).
- CN-7 Refer to **Response BJT-5** (reasons District staff is recommending approval of the alternative site). As stated in **Response BJT-4**, the District has considered numerous options for addressing the lack of pumping capacity serving the Las Aromas Pressure Zone and has concluded that a new pumping plant is needed. Pursuant to Measure 3.3-2a (DEIR p. 3.3-35), the District is committed to coordinating with and involving neighborhood representatives and the City of Orinda when developing design elements and landscaping to enhance the aesthetic appearance of the plant and to integrate it with the existing environment. Refer to **Response BJT-6** regarding reasons for rejecting the 1 Miner Road alternative site.
- CN-8 EBMUD will install fencing and an access gate will be installed approximately 20 feet off Miner Road. The architectural styles of the fence, gate, and building will be developed to blend in with the surrounding neighborhood. Refer to Measure 3.3-2 starting on DEIR p. 3.3-35.

-----Original Message-----

From: Chris Valle-Riestra [<mailto:ChrisValle@att.net>]

Sent: Wednesday, August 09, 2006 12:34 AM

To: Harlow, Nora

Cc: bob\_solotar@HOTMAIL.COM; Foulkes, Katy

Subject: Proposed steel tank reservoir at Lafayette Reservoir

Nora Harlow  
Public Affairs  
East Bay Municipal Utility District

Dear Ms. Harlow:

I would like to protest the proposed steel tank to be built adjacent to the Rim Trail at Lafayette Reservoir. It is very unfortunate that the EBMUD would seek to remove large oaks and to ruin the natural scene along this popular trail through what is now a remarkably pristine enclave surrounded by towns. I urge the district to select one of the less-damaging alternatives to this project.

Very truly yours,  
Chris Valle-Riestra  
257 Vernon St. #321  
Oakland, Calif. 94612  
(510) 891-0621

## 2.28 Chris Valle-Riestra

CV-1 EBMUD has revisited potential reservoir layout designs at the preferred site. As a result, EBMUD is proposing to move the reservoir approximately 120 feet north and to use a temporary retaining wall during construction to minimize the number of large oak trees impacted by construction of the new facility. Refer to Section 3.3 of this Response to Comments document for more detail.

August 31, 2006

Ms. Judy Zavadil  
Senior Project Manager  
EBMUD

WATER DISTRIBUTION  
SEP 05 2006  
PLANNING DIVISION

Subject: Proposed New Leland Pressure Zone Reservoir Project

We regret that EBMUD failed to notify the Sugarloaf residents of the public meetings for the proposed Leland Pressure Zone Reservoir Project. It is disturbing to learn that our private roads have been identified as a potential construction access route. The draft EIR did not provide sufficient justifications to use the Sugarloaf route for construction, nor did it provide adequate analyses on all impacts to our neighborhood. The following are some issues for your consideration in your next EIR/project planning meetings:

- Land Use: Sugarloaf Drive and Sugarloaf Lane are private roads. The Sugarloaf Open Space allows pedestrian access only.
- Traffic: Sugarloaf Drive and Sugarloaf Lane are narrow residential roads; it is not capable of accommodating large construction vehicles. Traffic generated by construction workers, equipments and vehicles, estimated at 178 vehicles per day based on your Highland Reservoir project data, are significant higher than the typical volume we experienced. Our neighborhood children often walk to Alamo Elementary School using the roads and Open Space trails, their safety is our utmost concern. Further, the estimated construction period of 1 to 2 years cannot be lightly classified as 'Temporary'.
- Noise/Dust/Debris: Noise, dust and debris associated with the construction traffic will not be tolerable to our quiet, upscale neighborhood.
- Soil Instability: The hills of Sugarloaf Open Space are undisturbed grounds that are known to have expansive soils. The external loads and vibration exerted by the constant construction traffic will likely to disintegrate the soil structure. The grounds will bound to have more cracks and become more susceptible to slope failure upon water infiltration. The construction activities will affect the stability of the slope. Our properties and lives at the foot of the hills will be threatened by possible future landslide danger.
- Environmental Impacts: The Sugarloaf Open Space provides habitat for a range of wildlife species, including, foxes, deer, raccoons, frogs, snakes, cranes, and several species of birds. It is yet to be verified any of which are in the 'Sensitive Species' category per government mandates. The creek transverse through the Sugarloaf development serves as riparian habitat for these wildlife species. The proposed construction route will disturb natural drainage course and cause stormwater runoff carrying pollutants to the creek, and eventually discharge to the San Ramon Creek. The potential degradation to wildlife habitats and stream quality due to construction-related activities requires careful planning and responsible actions.

As identified above, using Sugarloaf roads as construction access will have significant impacts to our quality of life during construction and will likely to cause adverse consequences to our environment years after the construction. It is therefore prudent to thoroughly evaluate the many significant issues regarding the Sugarloaf construction route option prior to adopting this plan at the project level.

As owners of 81 Sugarloaf Lane and its adjoining roads, Sugarloaf Drive and Sugarloaf Lane, we hereby object to your proposal to use our property as construction access and will deny any future requests of this kind.

Sincerely,



David Chen and Anne Yang  
Owners  
81 Sugarloaf Lane  
Alamo Ca 94507

cc: Supervisor Piepho, Contra Costa County  
Mike Gibson, Alamo Improvement Association  
Sugarloaf residents/Sugarloaf HOA

## 2.29 David Chen and Anne Yang

Please note that the New Leland Pressure Zone Reservoir is examined at program level of detail in the WTTIP EIR. EBMUD is committed to engaging in a project-level EIR at an appropriate date in the future. Refer to Section 2.1.6, Master Response on the New Leland Pressure Zone Reservoir Alternatives, for more information.

DCAY-1 The commenter notes that EBMUD failed to directly notify Sugarloaf area residents of the public meetings for the proposed New Leland Pressure Zone Reservoir.

EBMUD acknowledges that the Sugarloaf area residents were not individually notified of the public meeting for the proposed New Leland Pressure Zone Reservoir along with many other landowners and regrets that this occurred. After this lack of individual notice was discovered, a letter describing the proposed project was sent to the Sugarloaf area residents on August 24, 2006. Although it is not required by CEQA, EBMUD endeavors to individually notify landowners directly impacted by District projects where possible. EBMUD places great value on community involvement.

DCAY-2 The commenter states that the DEIR does not provide sufficient analyses and justifications for the selection of Option B as a proposed access route to the New Leland Pressure Zone Reservoir. The commenter includes several items for consideration at the District's next planning meetings regarding the proposed project. These items include concerns regarding construction traffic, the potential for noise, dust, debris, soil instability, and environmental impacts to wildlife.

The New Leland Pressure Zone Reservoir is discussed at a programmatic level of analysis in the DEIR (see Table S-2 on page S-5). The reservoir construction and the associated construction access routes will be analyzed in-depth in a future project-level EIR in which EBMUD will consider the comments indicating that Option B may not be a feasible access route to the reservoir site identified in the DEIR.

DCAY-3 Refer to **Response DCAY-2**, above. EBMUD will consider this in a future project-level EIR.

DCAY-4 Refer to **Response DCAY-2**, above. EBMUD will consider this in a future project-level EIR.

DCAY-5 There are no specific truck volumes estimated for the New Leland Pressure Zone Reservoir project. The impact discussion is a program-level analysis intended to characterize the types and magnitude of impacts that would be associated with reservoir construction at this particular site. Refer to **Response DCAY-2**, above. EBMUD will consider this in a future project-level EIR.

- DCAY-6 Refer to **Response DCAY-2**. No information on access road design has been developed for this project. DEIR p. 3.4-35 presents general information on slopes at the tank site (see also **Response WC-16**).
- DCAY-7 Refer to **Response DCAY-2**. DEIR pp. 3.6-74 and 3.6-75 presents general information on wildlife habitat and water-associated features in the New Leland Pressure Zone Reservoir project area.
- DCAY-8 Refer to **Responses DCAY-2** and **DCAY-7**. Stormwater run-off issues will be evaluated in detail in a project-level EIR once the proposed project is better defined.

**From:** Dr. D. V. Giri [mailto:Giri@dvgiri.com]  
**Sent:** Thursday, July 27, 2006 10:35 AM  
**To:** Water Treatment Transmission Improvements Program  
**Cc:** Harlow, Nora  
**Subject:** Leland Reservoir

Sir/Ma'am

Some of the residents of Rudgear Drive in Walnut Creek area attended the EBMUD meeting on Thursday July 20<sup>th</sup> in Walnut Creek, where we were briefed about the DEIR and how to navigate thru this voluminous report.

At that meeting we requested a site meeting with the engineer(s) from EBMUD. Ms. Nora Harlow is coordinating such a meeting for August 20<sup>th</sup> between 12 noon and 2 PM. We would have preferred to have this site meeting in early August, but this appears to be not suitable for some key EBMUD personnel.

You are aware that the deadline for submitting the written comments to DEIR is 25<sup>th</sup> August 2006.

We are looking forward to meeting with the engineers and get our questions answered and discuss alternative access and service routes. We can not articulate our comments until after the proposed meeting. We strongly feel that between the August 20<sup>th</sup> meeting and the deadline of August 25<sup>th</sup>, we do not have sufficient time to get our written comments well prepared.

For the reasons cited above, I am writing on behalf of the residents in my neighborhood to request an extension of the deadline for written comments by 2 weeks.

Thank you, in anticipation of your assistance with this matter.

Sincerely  
Dave Giri

My home address:

Dr. Dave V. Giri  
101 Rudgear Drive  
Walnut Creek, CA 94596-6353  
Day time phone: 1 925 552 0510  
E-mail: [Giri@DVGiri.com](mailto:Giri@DVGiri.com)  
URL: [www.dvgiri.com](http://www.dvgiri.com)

## 2.30 Dave Giri

Please note that the New Leland Pressure Zone Reservoir is examined at program level of detail in the WTTIP EIR. EBMUD is committed to engaging in a project-level EIR at an appropriate date in the future. Refer to Section 2.1.6, Master Response on the New Leland Pressure Zone Reservoir Alternatives, for more information.

DG-1 The comment period was extended to September 18, 2006.



RECEIVED

SEP 15 2006

Water Treatment & Transmission Improvements Program  
Draft Environmental Impact Report

WATER SERVICE PLANNING

Name: Donald + Gene Bozorth

Address: 3380 Freeman Rd Walnut Creek CA 94595

Email: dgbozorth@ifn.net

**COMMENTS:**

This pertains to the East Bay MUD proposed alternate pumping plant on the South-West side of Olympic Blvd. This very recently announced site as a second choice is apposed by Freeman Road residents. It is unbelievable that you would consider an industrial pump station on residential property vs. across Olympic where there is an access road and no homes. The delicate ancient valley oaks add to the pleasure of the residents plus increase their home value. We have watched over the last 50 years the former Chevron station where Olympic village sits—a glorious oak killed by cement. We saw the developer kill another with his pipe line. No home owner wants a 20' pumping station over their back fence making noise all night. A plant located in back of the Service Station hurts no one.

Submit this form as you leave this meeting, mail or hand deliver the form to EBMUD at Mail Stop # 701, 375 Eleventh Street, Oakland, CA, 94607, or email comments to Judy Zavadil, Senior Project Manager, at [wtip@ebmud.com](mailto:wtip@ebmud.com).

NOTE: Comments on the Draft EIR must be received by EBMUD by September 18, 2006, at 4:30 pm. Comments should be in writing and include your name and address.

Matosæ@Bos.cccounty.us

Gayle @ ↓ ↓

## 2.31 Donald and Gene Bozorth

DGB-1 EBMUD staff is not recommending selection of the Tice Pumping Plant alternative site. However, approval of WTTIP projects and project sites is at the discretion of the EBMUD Board of Directors.

DGB-2 See **Response AH-2**.

DGB-3 The commenter's opposition to the alternative location for the Tice Pumping Plant is noted. District staff is not recommending this alternative for Board approval.

At the alternative site, the pumping plant could be located as close as approximately 100 feet from two homes to the north, at the east end of Freeman Road. At this distance, construction noise levels would range between 74 and 85 dBA (Leq) without noise controls and 68 to 69 dBA (Leq) with controls for all equipment except impact equipment. With the exception of noise caused by impact equipment, construction noise levels at the closest receptors would not exceed the 70-dBA speech interference criterion with implementation of feasible controls. Similar to the preferred site the alternative site, absent mitigation, would pose significant construction-related noise impacts because the 70-dBA speech interference criterion would be exceeded. However, this impact would be mitigated to a less-than-significant level with implementation of feasible noise controls listed in Measures 3.10-1a. In addition, since the alternative site is located 100 feet from the closest receptors (20 to 40 feet closer to receptors than the preferred site), Measure 3.10-1e, requiring temporary sound barriers, would also be required under this alternative.

Noise increases during pumping plant operations would be greater at the alternative site since it is approximately 20 to 40 feet closer to residences than the preferred site. At a distance of 100 feet, operational noise levels from the pumping plant and transformer would be approximately 49 dBA (Leq) at the closest receptors, which would exceed the 45-dBA nighttime noise limit. As shown in Table 3.10-8 on DEIR p. 3.10-41 (footnote "e"), locating the vents on the side of the pumping plant enclosure farthest away from residential receptors (so that solid walls face receptors) would provide an additional 20-dB reduction at these receptors. Operational noise impacts would be significant but could be mitigated to a less-than-significant level with Measure 3.10-4, similar to the preferred site. This measure would require that the pumping plant not exceed the 45-dBA nighttime noise limit at the closest residential receptors and presents various feasible design measures that could be implemented to comply with this noise limit.

**From:** burkede@comcast.net [mailto:burkede@comcast.net]  
**Sent:** Thursday, September 07, 2006 11:16 AM  
**To:** Water Treatment Transmission Improvements Program  
**Subject:**

**EBMUD Board of Directors:**

**As residents of Orinda, we are opposed to the proposed plan of expansion for the Orinda Filter Plant for the following reasons:**

- **The Draft EIR that is ill conceived and problematic on many levels.**
- **There is no clearly stated need or requirement in the Draft EIR as to why EBMUD must upgrade and expand the Orinda Filter Plant.**
- **Locating this large and expanding facility in a residential community is impractical, risky and unnecessary.**
- **Removal of the sports fields will hurt the community and deprive children of much needed recreational playing fields**
- **Your proposed expansion is contiguous to an elementary school.**
- **Additional structures proposed will be unattractive and counter to the semi-rural charter in the City of Orinda.**
- **Camino Pablo is designated a scenic corridor. EBMUD is planning to build numerous multi story buildings and large storage tanks that will be visible from the corridor and therefore violate the scenic corridor designation.**
- **No consideration has been given to new technologies for water treatment that would eliminate the need for large storage tanks and additional buildings for water treatment and storage.**
- **Other EBMUD locations have not been considered as part of this Draft EIR.**
  - **There are other EBMUD locations where a filter plant could be constructed or expanded that would have NO impact on the City of Orinda and its residents.**
- **Our property values will be negatively impacted because of the expansion of the Orinda Filter Plant.**
- **The community and its residents and The City of Orinda oppose the expansion of EBMUD's Orinda Filter Plant.**

**Sincerely,**

**David & Joyce Burke**

**117 Van Ripper Lane, Orinda**

## 2.32 David and Joyce Burke

Many of the comments in this letter are similar to comments in the letter submitted by Ann Sharf. Consequently, many of the responses below cross-reference to responses in Ms. Sharf's letter.

- DJB-1 The opinion regarding the DEIR is noted. Please refer to subsequent responses regarding more specific concerns as well as Section 2.1.1, Master Response on Program- and Project-Level Distinctions.
- DJB-2 Please see **Response AS-2** as well as Section 2.1.2, Master Response on Benefits to Orinda.
- DJB-3 Please see **Response AS-3**.
- DJB-4 Please see **Responses AS-4, BM-2, and BM-11**.
- DJB-5 Please see **Response AS-5**.
- DJB-6 Please see **Response AS-6**.
- DJB-7 Please see **Response AS-7**.
- DJB-8 Refer to **Responses ORIN-118 through ORIN -120, and Response BM-9**.
- DJB-9 Please see **Response AS-9**.
- DJB-10 Please see **Response AS-9** as well as Section 2.1.2, Master Response on Benefits to Orinda.
- DJB-11 Please see Section 2.1.5, Master Response on Social and Economic Costs.
- DJB-12 Please see **Response AS-11**.

From: Diana MaKieve [mailto:dimakieve@sbcglobal.net]  
Sent: Saturday, August 26, 2006 11:26 PM  
To: Water Treatment Transmission Improvements Program  
Subject: Route B response-resident Sugarloaf Dr

Dear Sir and/or Madam,

Thank you for forwarding the information regarding the WTTIP project: New Leland Reservoir and the potential impact if route B is selected.

I am a resident of Sugarloaf Dr, a private street that accesses Sugarloaf Open Space and is part of the Route B proposal. Our road is private and is maintained by residents of our subdivision. I would not want our private street used for construction access to your site. The additional traffic would be an unreasonable burden for our quiet neighborhood to absorb. In addition, just looking at the various route proposals, I don't even understand why "B" would even be a viable option. The route requires the trucks to travel through, not only our quiet neighborhood, but up, around and through the open space itself. It seems to me that there would be far more environment impact via that route than any of the others. I am strongly opposed to the Route B proposal.

Thank you again for forwarding this information and allowing us to provide you with feedback.

Diana MaKieve  
1330 Sugarloaf Dr  
988-9707

## 2.33 Diana MaKieve

Please note that the New Leland Pressure Zone Reservoir is examined at program level of detail in the WTTIP EIR. EBMUD is committed to engaging in a project-level EIR at an appropriate date in the future. Refer to Section 2.1.6, Master Response on the New Leland Pressure Zone Reservoir Alternatives, for more information.

DM-1 The commenter indicates that Sugarloaf Drive is a private road unfit for use as an access route for construction of the New Leland Pressure Zone Reservoir in accordance with Option B on DEIR p. 2-86. The commenter also objects to construction access through the Sugarloaf Open Space. These objections are based on concerns regarding the impact of construction traffic on quiet residential roads.

The New Leland Pressure Zone Reservoir is discussed at a programmatic level of analysis in the DEIR (see Table S-2, DEIR p. S-5). The reservoir construction and the associated construction access routes will be analyzed in-depth in a project-level EIR. As part of this EIR, EBMUD will consider these comments regarding potential traffic impacts indicating that Option B may not be a feasible access route to the preferred reservoir site. Mitigation measures similar to Measures 3.8-1 and 3.8-7 (DEIR p. 3.8-24) likely would be required for the New Leland Pressure Zone Reservoir and Pipeline.

DM-2 See **Response DM-1**.

DM-3 See **Response DM-1**.

**From:** Marney Ackerman [mailto:pilikianui@webtv.net]

**Sent:** Tue 9/12/2006 7:45 PM

**To:** Harlow, Nora

**Subject:** pumping station

We have just been informed of the pump station to be erected in our neighborhood. This is very disturbing considering the value of the many oak trees which can be harmed. Oaks at the corner of Olympic and Boulevard were killed by the construction of the mini mall. Oaks in Rossmoor were killed by careless construction too close.

Arborists must be consulted and advice followed

The area at the end of the trail on Newell would seem to be the better choice with less harm to mature trees. However, are there no other choices, ones which would not impact the neighborhood? We have lived here 35 years and would hate to have the value of our property reduced should this pump station be placed so close with terrible consequences to the landscape.

Thank you for your attention to this matter.

David and Marney Ackerman

3375 Freeman Rd.

Walnut Creek 94595

## 2.34 David and Marney Ackerman

- DMA-1 This comment is presumed to address the alternative site for the Tice Pumping Plant. EBMUD staff is recommending the proposed site on the south side of Olympic Boulevard for Board approval. For either the preferred site, where the District is proposing to remove trees, or the alternative site, where no trees are proposed for removal but where potential damage to trees could occur, Measures 3.6-1a to 3.6-1e (DEIR pp. 3.6-33 and 3.6-34) would require that damage to trees be minimized and that a certified arborist be consulted.
- DMA-2 See **Response DMA-1**, above.
- DMA-3 Please note that biologists who visited the alternative Tice Valley Pumping Plant site concluded that while potential tree damage could occur, development of the site would not require the removal of any protected trees (DEIR p.6-40) and that mitigation measures could be implemented to minimize potential damage to trees (Measures 3.6-1a – 3.6-1c, DEIR p. 3.6-33). As described in Table 6-1 on DEIR p. 6-4, on DEIR pp. 6-64 – 6-65, and as shown on the map in DEIR Appendix J, four potential sites were evaluated for the Tice Pumping Plant, two of which are presented in the DEIR (the preferred site south of Olympic Boulevard and the alternative site north of Olympic Boulevard). The two other sites were considered and rejected. Site 1 was rejected based on adverse effects to adjacent businesses. Site 4 was rejected because it was located in an entirely residential area and therefore was less desirable than the sites located at the intersection of Olympic and Tice Valley Boulevards.
- DMA-4 Refer to Section 2.1.5, Master Response on Social and Economic Costs.

-----Original Message-----

From: Dave Richardson [mailto:DRichardson@rmcwater.com]

Sent: Tuesday, July 18, 2006 2:51 PM

To: Water Treatment Transmission Improvements Program

Cc: Harlow, Nora

Subject: FW: EBMUD Public Meeting- Orinda 8/2/06; Comment on Long-Range Programmatic Facilities in Vicinity of EBMUD Orinda Filter Plant

Here is my comment, below.

David L. Richardson, PE

99 Tara Road

Orinda, CA 94563

---

Subject: RE: EBMUD Public Meeting- Orinda 8/2/06; Comment on Long-Range Programmatic Facilities in Vicinity of EBMUD Orinda Filter Plant

I am particularly interested in what is planned for future years on the sports fields and working with EBMUD to get their storage facilities and clear wells built at grade/below ground so that the sports fields can be replaced on top of them. This approach minimizes the visual impact of the project, minimizes the impact on the community regarding the loss of recreational facilities in the Wagner Ranch area of Orinda, and creates a substantial asset for EBMUD with long-term revenue potential as the land will be providing multiple benefits to the community.

Thanks, David L. Richardson, PE

## 2.35 David Richardson, PE

DR-1 The facilities that may occupy the Orinda Sports Field include the ultraviolet disinfection building, chlorine contact basin, and clearwell. All three of these facilities are program-level elements of the DEIR and require future study. The bottom elevation of the clearwell is constrained by the elevation of the Claremont Tunnel and the diameter of the clearwell is constrained by the geometry of the site. EBMUD cannot determine the final configuration of the clearwell until a study is completed to determine the required storage volume. At that time the multiple use concept will be analyzed. A subsequent CEQA document will be published to discuss the potential impacts of the clearwell prior to final design and construction of the facility.

As discussed in Section 3.3 of the DEIR, Visual Quality, program-level facilities would be largely below grade, but could include low-profile, above-ground features. Mitigation measures, including preparation of site-specific landscape plans and aesthetic treatment of proposed new structures (similar to Measures 3.3-2a through 3.3-2c), would be implemented to minimize visual impacts. As described in Section 3.2 of the DEIR, the Orinda Sports Field will be moved from the Orinda WTP property to a new location as part of the Montanera development prior to proposed construction. This new location would provide recreational value similar to the current location.

Dana Dumas Sankary  
62 Van Ripper Lane  
Orinda, CA 94563

September 17, 2006

EBMUD  
Ms. Judy Zavadil  
Senior Project Manager  
375 Eleventh Street  
Oakland, CA 94607

Re.: Water Treatment and Transmission Improvements Project

Dear Ms. Zavadil:

I live at 62 Van Ripper Lane in Orinda, just around the corner from the Happy Valley Pumping Plant and Pipeline proposed to be built on Lombardy Lane. The first notice my family received of this proposed project was just before the 8-2-06 final public meeting to review the Draft Environmental Impace Report. Before the meeting, I reviewed the information on the EBMUD website, including the DEIR, to try to determine the potential impact of the project on my family and the other areas of Orinda. Although I am an attorney, and very used to reviewing compicated documents, I found the DEIR and other information on the website to be very confusing. For example, it was unclear whether the noise, traffic congestion, and other analyses were referring to the construction phase or operations stage, and I found virtually no information regarding any logical reason the improvements need to be made in Orinda. I have since learned that very little, if any, of the water will be used by Orinda residents and that there is no other basis for the disparate burden this project would have on Orinda residents and neighborhoods.

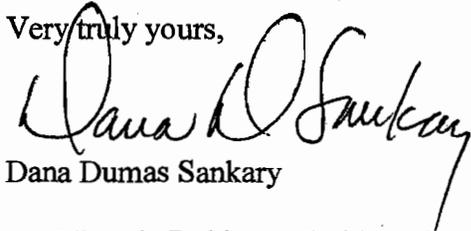
When I was unable to obtain meaningful answers to my questions on the website, I attended the 8-2 meeting. At the meeting, the EBMUD representatives were asked many of the questions I had, such as how noisy will the Happy Valley station be during operations, i.e. can you hear it from 200 feet away, 400 feet away, is the noise comparable to an air conditioning unit coming on, etc. The answers given by EBMUD were as unclear as the DEIR, and appeared to be intentionally evasive, such as saying the level of noice depended on the sensitivity of the individual. It was also unclear how precautions such as directing vents away from houses could be accomplished where there are houses on most, if not all, sides. It was also not explained whether, during operations, there will be traffic in and out of that site which would cause safety issues even after the lengthy construction is completed.

In short, the concerns of my family have not been addressed either by the DEIR or the meeting I attended. They include:

- 1) The noise level both during the construction and operations periods;
- 2) Blocking access to and from our home – In addition to the normal concerns shared by all of the residents, my husband is a physician with critically ill patients and must be able to quickly get from our house to the hospital at all hours of the day and night without delays due to construction; the limited number of ways in and out of the neighborhood create an unusual problem, especially where the construction period is so long;
- 3) The proposed location of the Happy Valley Pumping station is at an already dangerous curve on Lombardy Lane – the cars coming from the direction of Dalewood Drive cannot see around the curve so that stopped vehicles or workers in the street would not be visible until it may be too late for the cars to slow down or stop; after construction is complete, the blind curve makes it dangerous for vehicles to be going in and out of the station;
- 4) There is no identified need to locate these water improvements in these heavily populated, exclusively residential, areas of Orinda where residents have paid a very high price for the peace and quiet of their neighborhoods; the system is to serve other areas and there are other more industrial or isolated spaces that should be available to house the elements of this project that will not have such an unfair impact on Orinda residents' homes and quality of life;
- 5) From the information provided, the construction for the Happy Valley station will last one to years and, as I understand it, that does not include the time necessary for the pipeline work along Lombardy Lane; from the amount of construction in the neighborhood by private owners, the inconvenience and traffic congestion is substantial; a project of this magnitude lasting over a number of years will severely overburden the streets in the Sleepy Hollow neighborhood – both in terms of traffic congestion and in terms of wear and tear on the streets from heavy trucks and equipment; since the condition and repair of Orinda streets is already a substantial issue the City is trying to address, this project will seriously compound an already substantial problem.

On behalf of my family and neighbors, I am requesting that EBMUD find another location in an industrial or more isolated area for this project. Although, at a minimum, EBMUD owes the residents of Orinda much more information about the project and involvement in decisions concerning it, the overriding fact is that this is the wrong location for this project.

Very truly yours,



Dana Dumas Sankary

cc: Victoria Robinson Smith, Orinda City Council

## 2.36 Dana Dumas Sankary

DS-1 EBMUD regrets any confusion the commenter experienced reviewing project materials. The DEIR is necessarily complex because the WTTIP projects are complex and numerous. The organization of the DEIR project description and the need for cross-referencing reflect a balancing of CEQA directives to be concise and avoid redundancies while meeting the requirements specified in CEQA Guidelines Section 15124 (contents of a project description).

The impact analyses are presented in Chapter 3 and divided by topical area. The evaluation of impacts associated with construction and impacts associated with operations varies by topic. In Section 3.10, Noise and Vibration, Impact 3.10-1 (beginning on DEIR p.3.10-8) addresses construction-related noise at project sites; Impact 3.10-2 (beginning on DEIR p.3.10-33) addresses noise from trucks along construction haul routes; Impact 3.10-3 (beginning on DEIR p.3.10-38) addresses vibration from construction; and Impact 3.10-4 (beginning on DEIR p. 3.10-40) addresses noise increases during facility operations. The DEIR analysis of traffic impacts focuses on potential impacts during construction of the various proposed WTTIP facilities. As described on DEIR pp. 3.8-7 and 3.8-8, the Project would not cause significant long-term (operational) traffic effects because the various project facilities, once installed, would only require periodic maintenance activities. On average, EBMUD's Operations and Maintenance staff would visit the Happy Valley Pumping Plant four or five times per month (for operations and maintenance activities and landscaping).

DS-2 Refer to Section 2.1.2, Master Response on Benefits to Orinda, and Section 2.1.4, Master Response on the Need for and Alternatives to the Happy Valley Pumping Plant and Pipeline project.

DS-3 The comment regarding events at the meeting is noted.

DS-4 The public meetings were held for informational purposes. Answers to questions posed at the meetings were attempts to provide immediate information, but as was stated were not meant to be a substitute for the detailed information in the DEIR or responses provided to comments submitted in writing. The responses to questions at the meeting were not intended to be evasive, but instead were intended to ensure that EBMUD addresses community concerns.

Table 3.10-8 (DEIR p. 3.10-42) presents estimated noise levels for operation of the pumps (53 dBA, Leq) and transformer (23 dBA, Leq) at the residence located 50 feet to the east of the DEIR Proposed Happy Valley Pumping Plant.<sup>1</sup> Other nearby residences are 180 feet to the west, 200 feet to the north, and 350 feet to the south of the pumping plant site (DEIR p. 3.10-25). The residence to the east is the closest, and noise levels

<sup>1</sup> The residence is 90 feet east of the proposed pumping plant transformer.

would be highest at this location. If maximum noise levels at the residence to the east are reduced to meet local nighttime limits, then noise levels at other residences located farther away would be relatively lower and would also meet nighttime limits. CEQA requires evaluation of worst-case conditions, and the DEIR provides such an impact evaluation. Table 3.10-8 of the EIR also estimates noise levels at the closest receptor with implementation of Measure 3.10-4. Likewise, mitigated pumping plant noise levels at all other nearby residences would be relatively lower than the mitigated levels listed in this table since these residences are located farther away.

The comment asks whether pumping plant noise could be heard at distances of 200 feet, 400 feet, or at what distance. The commenter is referred to two tables in the DEIR: Table 3.10-2, which list existing noise levels at the site DEIR Proposed Happy Valley Pumping Plant site, and Table 3.10-8, which indicates that pumping plant noise at 50 feet from the pumping plant. Table 3.10-2 shows that this site is subject to average daytime noise levels of averaging 54 dBA (Leq) between 7 a.m. and 7 p.m. (ranging between 51 and 56 dBA, Leq). During the evening hours (7 p.m. to 10 p.m.), noise levels average 50 dBA (Leq), ranging between 50 and 53 dBA (Leq). Noise levels during the nighttime hours (10 p.m. to 7 a.m.) averaged 50 dBA (Leq), ranging between 42 and 53 dBA (Leq). Therefore, at 50 feet from the vent or opening, the pumping plant would be 53 dBA (Leq), and would increase average daytime noise levels to 57 dBA (Leq), a 3 dB increase. For most people, a 3 dB increase is barely perceptible, while a 5 dB increase is readily noticeable. This is consistent with the DEIR findings, which identify potential operational noise impacts associated with this pumping plant as significant. Since all other residences in the vicinity of this pumping plant are at distances greater than 50 feet, the effects of this pumping plant on ambient noise levels would decrease with distance and be less than for the one closer residence. On page 3.10-46, the DEIR requires that sound walls be constructed around the transformer and that building vents or openings be located away from adjacent or nearby sensitive receptors. Based on noise measurements taken at other pump stations, implementation of these design measures can reduce pump noise at the vent by approximately 20 dB. With such a reduction, mitigated noise levels (33 dBA, Leq) would be lower than all measured ambient noise levels at this site, which ranged between 42 and 53 dBA (Leq).

- DS-5 The residences closest to the pumping plant would be 50 feet to the east, 180 feet to the west, 200 feet to the north, and 350 feet to the south. Based on these distances, pumping plant noise at the vent opening would be 53 dBA (Leq) at 50 feet, 42 dBA (Leq) at 180 feet, 41 dBA (Leq) at 200 feet, and 36 dBA (Leq) at 350 feet. Locating the vent opening on the south side of the building would generate noise levels below minimum ambient noise levels at the closest residential receptor (measured at 42 dBA, Leq). A sound barrier would be provided opposite this opening to reduce noise levels further at the residence to the south. Refer to **Response DS-4** for information regarding vent openings.

- DS-6 See **Response DS-4**. The low level of traffic in and out of the DEIR Proposed Happy Valley Pumping Plant site would not cause traffic safety impacts at either the proposed or the alternative site.
- DS-7 See **Responses DS-4** and **DS-5** for discussion of operational noise levels at the DEIR Proposed Happy Valley Pumping Plant site. See **Responses ORIN-87** and **ORIN-88** for discussion of construction noise levels at the DEIR Proposed Happy Valley Pumping Plant site.
- DS-8 Note that although the overall construction period for the Happy Valley Pumping Plant and Pipeline could last up to two years, pipeline construction is expected to progress at a rate for 80 feet per day, and at that rate, could be completed in 14.5 weeks. Road closures would occur in segments, between 8:30 a.m. and 4:30 p.m. Monday through Friday. Outside the hours of construction, the road where pipeline construction was occurring would be reopened to traffic. Pipeline construction would not be in front of any one property for very long (1 to 2 days, followed by paving later) There would be no pipeline construction directly on Van Ripper Lane. For vehicles traveling to 62 Van Ripper Lane during pipeline construction (between 8:30 a.m. and 4:30 p.m. Monday through Friday), detour routing would depend on the specific location under construction, as follows (from DEIR p.3.8-21):
- For closures of Miner Road between Oak Arbor Road and Lombardy Lane: detour routing is available via St. Stephens Drive, Via Las Cruces, Honey Hill Road, and Miner Road.
  - For closures occurring on Lombardy Lane between Miner Road and Van Ripper Lane: detour routing is available, via Upper Happy Valley Road, Happy Valley Road, Sundown Terrace, and Dalewood Drive.

For closures occurring on Lombardy Lane east of Irving Lane, 62 Van Ripper Lane could be accessed via Irving Lane.

Access disruption to land uses and streets for both general traffic and emergency vehicles during WTTIP construction is analyzed in the DEIR under Impact 3.8-5. As stipulated in Measure 3.8-1, access for emergency vehicles would be maintained at all times, and owners or administrators of sensitive land uses such as hospitals would be notified in advance of the timing, location, and duration of construction activities and the locations of detours and lane closures. If hospital personnel must respond to an emergency, EBMUD will accommodate their needs as soon as the District receives notice regarding these needs.

- DS-9 Measure 3.8-1 (DEIR p. 3.8-14) will require the contractor(s) to comply with roadside safety protocols, including provision of “Road Work Ahead” warning signs and signs informing drivers of double fines for speed infractions in a construction zone to achieve required speed reductions for safe traffic flow through the work zone. In addition, the location of the DEIR Proposed Happy Valley Pumping Plant is between two all-way

- stop-control intersections, at Lombardy Lane / Van Ripper Lane and Lombardy Lane / Dalewood Drive. It is therefore reasonable to expect that the speeds of vehicles passing the project site would not be fast, and the above-cited mitigation measure will ensure less-than-significant traffic safety impacts. The estimated maximum trip generation (34 one-way vehicle trips per day, and 2 one-way truck trips per hour) on Lombardy Lane would occur for up to an estimated two weeks. Although the added traffic could be noticeable to residents, the effect on traffic flow would be less than significant because the traffic volumes would still be clearly less than the carrying capacity of the road. Regarding traffic associated with operations and maintenance activities see **Response DS-6**.
- DS-10 Refer to Section 2.1.2, Master Response on Benefits to Orinda, and Section 2.1.4, Master Response on the Need for and Alternatives to the Happy Valley Pumping Plant and Pipeline project.
- DS-11 See **Response DS-8** regarding construction duration. See **Response DS-9** regarding the estimated maximum project trip generation for the DEIR Proposed Happy Valley Pumping Plant site. The DEIR discusses the potential for wear and tear on streets under Impact 3.8-7, pp. 3.8-22 and 3.8-23. As stated on those pages, residential streets are generally not built to withstand substantial truck traffic. The DEIR includes Measure 3.8-7, which stipulates that, prior to and after completion of project construction, road conditions will be documented for all routes used by project-related vehicles. The measure, which is proposed to mitigate this potentially significant impact, also states that roads damaged by construction will be repaired to a structural condition equal to that which existed prior to construction activity.
- DS-12 This comment expresses opposition to construction of the Happy Valley Pumping Plant. Please note that District staff is recommending that the EBMUD Board of Directors approve the Happy Valley Pumping Plant Alternative site. The various alternatives considered for the Happy Valley Pumping Plant and Pipeline project, and the reasons each was rejected, are described on DEIR pp. 6-61 and 6-62.
- DS-13 The Happy Valley Pumping Plant and Pipeline is scheduled for construction in 2011. EBMUD will periodically update the City of Orinda and other interested parties (through its website and other means to be determined) as development of the project progresses. EBMUD will also consult with the City of Orinda as noted in the DEIR.



## Water Treatment & Transmission Improvements Program Draft Environmental Impact Report

RECEIVED  
SEP 11 2006  
WATER SERVICE PLANNING

Name: Ed Elkins  
70 Rudgear Drive  
Address: Walnut Creek, CA 94596  
eelkins@sbcglobal.net  
Email: \_\_\_\_\_

### COMMENTS:

Comments and questions concerning the proposed Leland 9 million gallon water tank SE of the intersection of I 680 and Rudgear Road:

- Rudgear Drive is not stable enough to carry truck traffic. Check 10 year EBMUD maintenance history along street...particularly south (up hill) of 51 Rudgear Dr.
- Rudgear Drive is too narrow for truck traffic. Flagmen will be required. With 84 trucks per day for over one year, restrictions on resident traffic will be unlivable. A typical day schedule should be shown in order to visualize the huge restrictions on travel by the residents. The road will be blocked for each truck up the hill...and for each truck down the hill.
- Rudgear Drive has at least two totally blind curves. It will unsafe for truck traffic...particularly random trips and support vehicles.
- Replacement of the cement roof on the Lafayette tank should be seriously reconsidered in light of modern methods. An unbiased consultant should contact the chemical/oil/water industries for newer methods...for example, spun Styrofoam roofs. Should be considerably cheaper than a completely new tank and avoid the installation problems of a new tank..
- The land owned by EBMUD in the middle of the Sugarloaf area could be traded for a better site with better access. A re-look at supposed restricted sites should be done using the trade off approach.
- A number of other viable sites (elevation, etc.) are listed. The EIR report should list the responses to EBMUD, and by whom, to the proposal to use the other sites. Any legal restrictions mentioned should be sighted in detail.

Submit this form as you leave this meeting, mail or hand deliver the form to EBMUD at Mail Stop # 701, 375 Eleventh Street, Oakland, CA, or email comments to Judy Zavادل, Senior Project Manager, at [wttip@ebmud.com](mailto:wttip@ebmud.com).

NOTE: Comments on the Draft EIR must be received by EBMUD by August 25, 2006, at 4:30 pm. Comments should be in writing and include your name and address.

## 2.37 Ed Elkins

Please note that the New Leland Pressure Zone Reservoir is examined at program level of detail in the WTTIP EIR. EBMUD is committed to engaging in a project-level EIR at an appropriate date in the future. Refer to Section 2.1.6, Master Response on the New Leland Pressure Zone Reservoir Alternatives, for more information.

EE-1 See **Response WC-35** regarding consideration of alternative routes to the identified New Leland Pressure Zone Reservoir site.

EE-2 See **Responses WC-22** and **WC-35**.

EE-3 See **Response WC-35**.

EE-4 In 1995 the condition of the roof was evaluated in the Concrete Reservoir Roof Repair and Replacement Study by J. Carollo Engineers. The study recommended that the roof as well as the columns and beams that support it be replaced. The District is not aware of any construction techniques that can replace the roof without taking the reservoir out of service. Floating roofs do not function well in these open cut reservoirs because the walls slope inward.

The reservoir has needs beyond the roof repair. The California Department of Water Resources, Division of Safety of Dams (DSOD) has requested that Leland Reservoir's spillway crest be structurally lowered from elevation 359.2 to 357. DSOD has accepted as an interim measure our lowering of the maximum reservoir operation level to elevation 357, but insists that our long term plans for the reservoir include providing additional structural freeboard for the dam.

Leland Reservoir will need to be removed from service for an extended period of time whether it is replaced or repaired. Storage elsewhere serving the Leland Pressure Zone is required to support the pressure zone during this construction period.

EE-5 As stated above, feasible alternatives will be evaluated in a future project-level EIR. Please see **Response WC-37** which states that "the open space areas adjoining the New Leland Pressure Zone Reservoir were purchased using funds collected by an assessment and cannot be sold without public approval; requiring a two-thirds vote of the public." The District will continue discussions with the City of Walnut Creek, but trading land within the open space for a better site does not appear to be a feasible alternative.

EE-6 Sites 1, 2, and 6 require the use of open space owned by the City of Walnut Creek (see DEIR pp. 6-65 and 6-66). The City of Walnut Creek has stated that sale or conveyance of open space land is restricted by Government Code Section 38502. Please refer to **Response WC-37**.

-----Original Message-----

From: McGowan, Timothy On Behalf Of Water Treatment Transmission Improvements Program

Sent: Thursday, July 06, 2006 9:04 AM

To: 'Ed Presten'

Subject: RE: Draft EIR

Dear Mr. Presten,

Thank you for taking the time to read our environment impact report. The information given to you at the Orinda Meeting on 6/27 is correct. Please review location maps A1 & B1. The solid line on the map represents the portion of the pipe alignment that will be in a tunnel and the dashed line on the map represents the portion of the pipe alignment that will be installed using open trench construction. A description of open trench construction can be found in Figure 2-9 on page 2-38 of the Draft EIR. El Nido Ranch Road is in the open trench portion of the pipe alignment. Appendix C only lists the properties that are within 50 feet of the centerline of the proposed tunnel portion of the alignment. I would also encourage you to look at Map C-OLA-4 that gives an aerial view of the pipe alignment in the vicinity of your property.

Please feel free to send a response e-mail to [WTTIP@ebmud.com](mailto:WTTIP@ebmud.com) if you have any additional questions and/or comments to the Draft EIR.

Sincerely,  
Timothy McGowan  
Associate Civil Engineer

-----Original Message-----

From: Ed Presten [<mailto:edpresten@peoplepc.com>]

Sent: Thursday, June 29, 2006 8:30 PM

To: Water Treatment Transmission Improvements Program

Subject: Draft EIR

Dear Ms. Zavadil, you may recall that we spoke on 03/03 in response to my letter to you dated 01/05/06 . Our property at 1025 Via Nueva abuts Sunnyhill Road which intersects El Nido Ranch Road. At the meeting in Orinda on 06/27, I asked about the effect to private property if the tunnel is constricted under the alternative 2 proposal, and was told it would only be the trenching during the construction period.

I viewed the CD given out at the meeting, and under appendix C of properties within 50 feet of the centerline of the proposed tunnel, it does not list Sunnyhill Rd or El Nido Ranch Rd. I am curious why, as I understand the tunnel would be on El Nido Ranch Rd and there are homes on this street.

As stated in my 01/05/06 letter, my main concerns are the impact of the tunnel [or aqueduct] that runs under our property, and our access at the rear of our property via Sunnyhill Rd. Ed Presten

## 2.38 Ed Presten

EP-1 Refer to the e-mail response from EBMUD printed above **Comment EP-1**.

8/24/2006

To Whom It May Concern,

As a resident on 121 Rudgear Drive, I am very concerned about the proposed routing of the Leland Reservoir Site/Walnut Creek. We were recently informed by a representative from the EBMUD that the following would be occurring while creating the new water reservoir.

- 1) Trucks will be driving up and down the steep and windy Rudgear Drive 84 times per day for two years. This is unacceptable. The road is very narrow, has blind curves, and is already in poor condition. Truck traffic will cause extensive delays that need to travel to/from the grocery store, doctors appointments etc. As an elderly resident I am very concerned that access will be limited, particularly in the case of an emergency. The noise and fumes of the truck traffic will be extensive. Restricting traffic from 9-4 will still result in high noise/fume levels for much of the day for residents.
  - a. There are at least two other options that could be viable. ***I request that each of these options be carefully considered and the pros/cons, with data, be presented to the residents of the community.*** There clearly are other roads that could be used for access and would have less impact.

It is not up to the residents to find these solutions: it is the job of paid engineers and consultants to exhaustively compare options and present residents with clear data and interpretations.

- 2) It is not clear that all aspects of the Leland Reservoir Site/Walnut Creek siting have been critically evaluated. For example, there is an annual wetland environment at the edge of the open space that will be consumed by this project. This wetland is a habitat for many species of wildlife, including migrating ducks. ***The environmental impact of destroying this habitat must be considered.***

***Felix and Ann Pallavicini  
121 Rudgear Drive  
Walnut Creek, CA 94596  
925 939-7950***

## 2.39 Felix and Ann Pallavicini

Please note that the New Leland Pressure Zone Reservoir is examined at program level of detail in the WTTIP EIR. EBMUD is committed to engaging in a project-level EIR at an appropriate date in the future. Refer to Section 2.1.6, Master Response on the New Leland Pressure Zone Reservoir Alternatives, for more information.

- FAP-1 See **Response WC-22** regarding the detailed construction traffic information and the intent to evaluate impacts to Rudgear Road or other access routes in detail in a later project-level EIR. Refer also to **Response WP-35** regarding evaluation of alternative access routes to the New Leland Pressure Zone Reservoir. Implementation of DEIR Measures 3.8-1 (p. 3.8-14) and 3.8-7 (p. 3.8-23) would address some of the traffic safety and roadway wear-and-tear issues raised in this comment.
- FAP-2 See **Response WC-35** and Measure 3.8-1 (DEIR p. 3.8-14, tenth bullet) and the discussion on DEIR p. 3.8-20 addressing potential disruption to emergency vehicular access and steps to avoid these disruptions.
- FAP-3 See **Response DCAY-5**, which addresses similar issues relative to truck traffic associated with the identified New Leland Pressure Zone Reservoir site.
- FAP-4 The DEIR has not determined a preferred alternative access route to the New Leland Pressure Zone Reservoir. As noted above, this analysis will be done as part of the planning to develop the project for consideration at a project level.
- FAP-5 This project will undergo detailed evaluation of potential biological impacts prior to implementation (in a project-level EIR) and the presence of wetlands and wildlife habitat will be considered at that time.