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WATER DISTRIBUTION

JUL 13 2006

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

PLANNING DIVISION

Name: Greg Alioshin.

Address: 3792 Mosswood Drive, Lafayette, CA 94549

Email: \_\_\_\_\_

**COMMENTS:**

See attached of January 10, 2006.

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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.

January 10, 2006

Mr. Steven Falk  
Lafayette City Manager  
3675 Mr. Diablo Blvd.  
Room 201  
Lafayette, CA 94549

Subject: East Bay Municipal Utility District  
Lafayette Water Treatment Plant

Dear Mr. Falk:

We have enclosed a copy of the letter we sent to the East Bay Municipal Utility District for your information.

This letter addresses our primary concerns regarding the East Bay Municipal Utility District Water Treatment and Transmission Improvements Program project.

We will appreciate any consideration you may give our concerns if the City of Lafayette participates in any way in this project.

Sincerely,

Greg Alioshin

January 10, 2006

Ms. Judy Zavadil, Senior Civil Engineer

East Bay Municipal Utility District  
Mail Slot 701  
375 Eleventh Street  
Oakland, CA 94607-4240

Subject: Revised notice of preparation  
Water treatment and transmission improvements program  
Alameda and Contra Costa Counties  
Environmental impact report  
(SCH #2005092019)

East Bay Municipal Utility District

Re: Lafayette Water Treatment Plant  
Environmental Impact: noise

Dear Ms. Zavadil:

We have reviewed the above subject documents and offer the following comments.

We have lived for the last 30 years across the street, Mount Diablo Blvd., and approximately 100 feet south east of the Lafayette Water Treatment Plant in the neighborhood called Sunset Village.

East Bay Municipal Utility District has been a good neighbor except for a few significant exceptions; when the southeast portion of the Lafayette Water Treatment Plant site has been used for receiving, storage, and distribution of materials. This has included the use of large trucks and equipment such as backhoes, which generate loud engine noises and vehicle backup warning alarms. These noises are heard in our homes and are very disturbing during the day, and when it has occurred during the night, sleep has been impossible.

Because of the noise generated by construction and the environmental impact this will have on our neighborhood we request that alternate 2 be pursued.

However, if alternate 1 is selected, we request that you include in the Environmental Impact Report noise abatement provisions. These provisions should be for both construction and for the typical use of the southeast portion of the site.

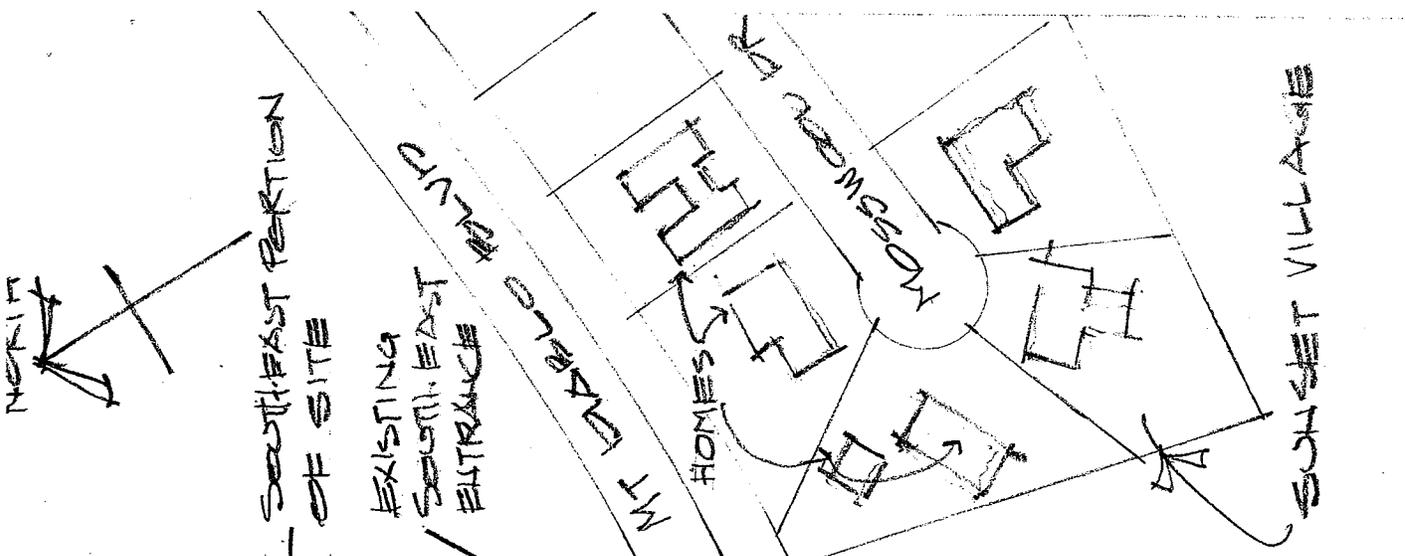
Noise Abatement Provisions should include the following: Truck site access, material receiving, storage, and distribution, both during construction and as typical site use, should be located as far northwest as possible, no closer than the existing main entrance. The existing southeast site, including its entrance, should not be used for these purposes. We request that these provisions be included in the Environmental Impact Report.

We appreciate the services that East Bay Municipal Utility District has provided us. Our comments are intended to keep a good neighborhood relationship between the Lafayette Water Treatment Plant and the Sunset Village residential area.

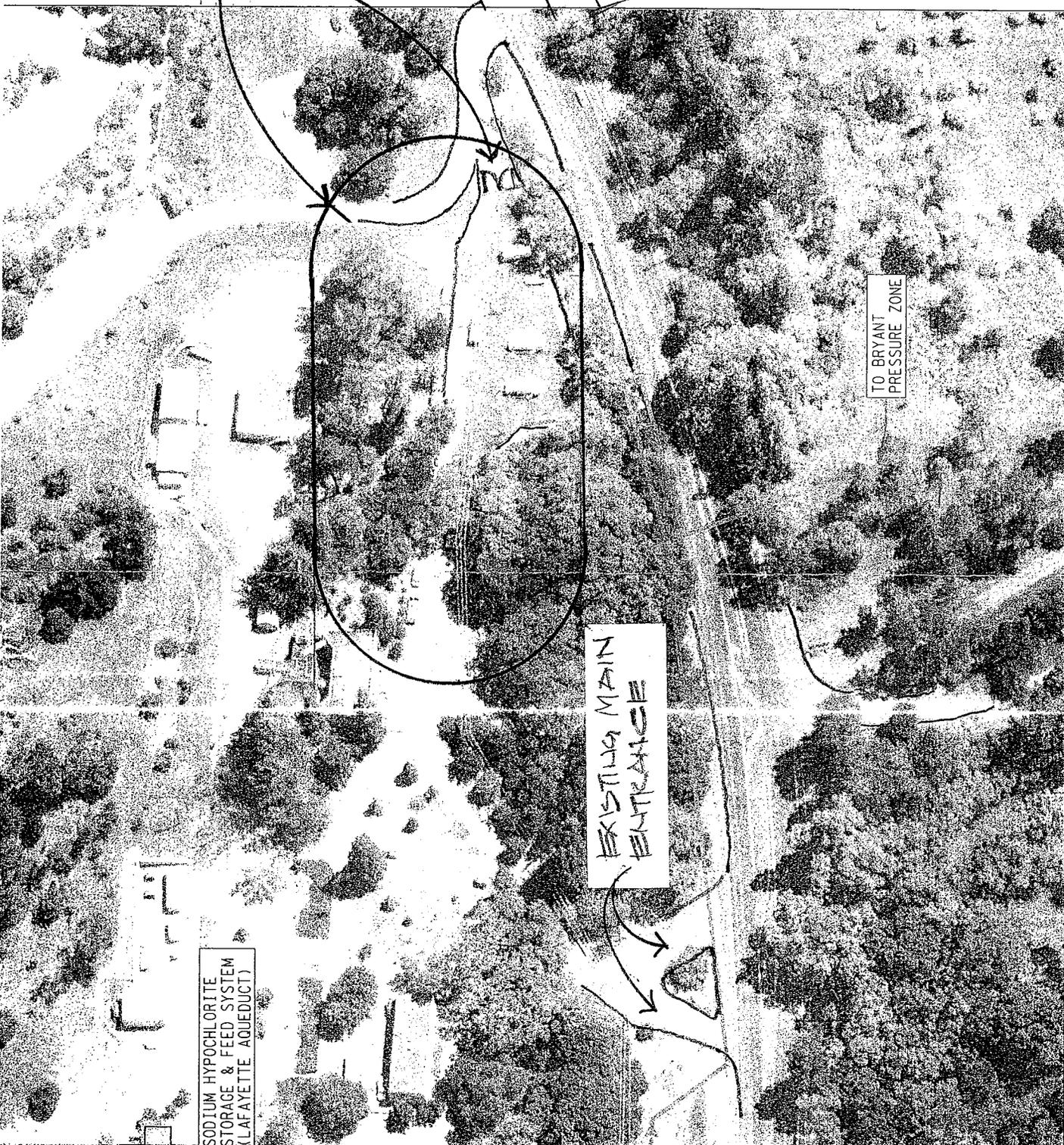
Sincerely,  
  
Greg Alioshin  
3792 Mosswood Drive  
Lafayette, CA 94549  
925-284-9598

Encl: Site Plan

CC: Mr. Steven Falk  
Lafayette City Manager  
3675 Mt. Diablo Blvd.  
Room 201  
Lafayette, CA 94549



SITE PLAN  
 10 JAN 88



WATER TREATMENT AND TRANSMISSION IMPROVEMENTS PROGRAM  
 LAFAYETTE WTP ALT. 2 - SITE PLAN  
 ATTACHMENT 4

## 2.40 Greg Alioshin

GA-1 Comment noted.

GA-2 Section 3.10 of the DEIR, Noise and Vibration, includes a full discussion of noise impacts due to construction and operation of new facilities at the Lafayette WTP. This section also describes mitigation measures that will be implemented to reduce noise impacts to less-than-significant levels. Implementation of Measures 3.10-1a and 3.10-1b would address noise levels above ambient noise levels during construction at Lafayette WTP. Implementation of Measure 3.10-4 would ensure that pumps and other facilities at the Lafayette WTP are designed to maintain operational noise impacts at a less-than-significant level.

No treatment facilities are proposed to be located in the southeast portion of the site (area encircled on the commenter's attached map). However, new pipelines would be constructed along the north side of Mt. Diablo Boulevard within 300 feet of the closest residential receptors in this neighborhood. As indicated in Table 3.10-5 of the DEIR, operation of trucks and impact equipment could exceed the 70-dBA speech interference criterion at the closest residential receptors in this neighborhood. Noise controls outlined in Measure 3.10-1a on DEIR p. 3.10-30 would be required to reduce this potential impact to a less-than-significant level. Pipeline construction would progress along the alignment so that maximum construction noise levels would not occur at any one receptor for more than about two weeks (plus a few more days for paving the trench).

Implementation of DEIR Measure 3.10-1b would require adjusting proposed construction hours for noise-producing activities to be consistent with those in the Lafayette Noise Ordinance (8:00 a.m. to 8:00 p.m.) except during critical water service outages or other emergencies and special situations. As detailed in a change to Measure 3.10-1b (See Section 3.2 of this Response to Comments document) "EBMUD will coordinate with local agencies regarding noise controls for any construction work that needs to occur after 6:00 p.m. and before 7:00 a.m."

GA-3 The commenter's preference for Alternative 2 is acknowledged. As stated on DEIR p. 3.10-17, Alternative 2 would avoid some of the potential noise impacts at the Lafayette WTP that would be associated with Alternative 1 (significant but mitigable). However, much more significant noise impacts would occur along the Orinda-Lafayette Aqueduct alignment, including the tunnel entry and exit shafts and along the pipeline alignment in El Nido Ranch Road. This alternative would still result in the same pipeline-related construction noise impacts on the Sunset Village neighborhood that would occur under Alternative 1. Under Alternative 1, pipeline construction would generate the highest construction noise levels in this neighborhood, although for a shorter period of time than treatment facility construction.

Section 6.11.1 of the DEIR (DEIR p. 6-66), provides a comparison of the No Project Alternative, Alternative 1 and Alternative 2. Given the whole of the environmental analysis, Alternative 1 is considered environmentally superior to Alternative 2.

GA-4 Refer to **Response GA-2**. Design for the areas of the Lafayette WTP that would be used during construction is still underway, but EBMUD intends to primarily use the main entrance. To the extent that areas east of the main entrance are used for construction staging, then the noise mitigation measures described in **Response GA-2** would apply.

No new facilities are proposed west of the main entrance road except for a raw water control valve and flow meter facility. This facility would be located over 800 feet from the closest residential receptor in the Sunset Village neighborhood.

The typical current uses of the southeast portion of the site as identified in the site plan attached to your letter are not part of the project under either Alternative 1 or Alternative 2. The mitigation measures within this DEIR do not apply to current, on-going operations in the southeast portion of the site. Please note, however, that your comments have been passed on to EBMUD's Operations department.

September 12, 2006

Ms. Judy Zavadil  
Senior Project Manager  
East Bay Municipal Utility District  
Mail Slot #701  
375 Eleventh Street  
Oakland, CA 94623

WATER DISTRIBUTION

SEP 13 2006

PLANNING DIVISION

Subject:

Water Treatment and Transmission Improvement Program  
Draft Environmental Impact Report

RE:

Lafayette Water Treatment Plant  
Environmental Impact: Noise

Dear Ms. Zavadil:

This letter supplements our previous letter, dated January 10, 2006, which we sent to you, addressing our concerns about construction noise and daily operation noise at the Lafayette Water Treatment Plant. A copy of this letter is enclosed.

Currently there is a construction project at the Lafayette Water Treatment Plant titled "Lafayette Water Treatment Plant Filter Upgrade". The periodic vacuuming of filters and vehicle back-up alarms can be heard, even though greatly muffled by distance, in our area. However, this volume of noise, given the location and necessity of the project, is acceptable. If this project were located on the southeast portion of the site the noise would be intolerable. Hopefully this information further clarifies the concerns we stated in our previous letter.

Thank you for the very informative EBMUD public meetings regarding the Water Treatment and Transmissions Improvement Program.

Sincerely,



Greg Alioshin  
3792 Messwood Drive  
Lafayette CA, 94549  
925-284-9598

ENCL:

Letter to Ms. Judy Zavadil Dated January 10, 2006  
Site Plan dated January 10, 2006  
Letter to Mr. Steven Falk dated January 10, 2006

## 2.41 Greg Alioshin

- GA1-1 The commenter's concern about potential noise impacts should certain construction activities occur in the southeast portion of the site, is acknowledged. See **Responses GA-2** and **GA-4** that address this concern. The locations of permanent facilities are shown on in the DEIR on Map D-LWTP-1 for Alternative 1 and Map D-LWTP-2 for Alternative 2. Most of the permanent facilities would be located west of the main entrance gate.
- GA1-2 The referenced attachments were submitted as part of Greg Alioshin's earlier letter.

**From:** Grant Fine [mailto:gwfine@pacbell.net]  
**Sent:** Wednesday, September 06, 2006 9:46 AM  
**To:** Water Treatment Transmission Improvements Program  
**Subject:** EBMUD project in 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.**

**The community and its residents and The City of Orinda oppose the expansion of EBMUDs Orinda Filter Plant.**

**Sincerely,**

Grant W. Fine

Grant W. Fine  
Fine and Associates  
120 Village Square #145  
Orinda, CA 94563  
Cal PI# PI21085  
Cal Bar# 158161  
tel: 925-253-0525  
fax: 925-253-0545  
Website: fineandassociates.com

## 2.42 Grant Fine

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.

- GF-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.
- GF-2 Please see **Response AS-2**.
- GF-3 Please see **Response AS-3**.
- GF-4 Please see **Responses AS-4, BM-2, and BM-11**.
- GF-5 Please see **Response AS-5**.
- GF-6 Please see **Response AS-6**.
- GF-7 Please see **Response AS-7**.
- GF-8 Please see **Responses ORIN-118 through ORIN -120, and Response BM-9**.
- GF-9 Please see **Response AS-9** as well as Section 2.1.5, Master Response on Social and Economic Costs.

WATER DISTRIBUTION

SEP 18 2006

PLANNING DIVISION



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

Name: Gail Ford  
 Address: 3322 Freeman Rd., Walnut Creek CA  
 Email: gailrford@comcast.net

**COMMENTS:**

I have very recently been informed that East Bay Municipal Water District is proposing to construct a pumping plant in our neighborhood, and that the "alternative site" now being considered is the property on the north side of Olympic Blvd. I strongly oppose this proposal. This site directly abuts several residential properties in our neighborhood. Building and operating a pumping plant here would most certainly lower the quality of life of these residents. In addition, building such a structure on this site would threaten the numerous heritage valley oaks located on and surrounding this property.

With so many residents being directly impacted, and numerous heritage valley oaks being threatened, this site is clearly inappropriate. I trust that EBMWD will reconsider.

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 Zavakil, Senior Project Manager, at [wttip@ebmud.com](mailto:wttip@ebmud.com).

Gail Ford

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.

## 2.43 Gail Ford

- GF1-1 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.
- GF1-2 Refer to Section 2.1.5, Master Response on Social and Economic Costs.
- GF1-3 See **Response AH-2**.
- GF1-4 See **Responses GF1-1** and **AH-2**. EBMUD acknowledges the commenter's objection to the site.

**From:** CSIP [mailto:CSIP]  
**Sent:** Thursday, July 13, 2006 4:17 PM  
**To:** Plumb, Marie  
**Subject:** Subject Matter Expert Inquiry Handoff Number 62914

Hello,

An individual has contacted us with a request for certain information. You have been identified as the Subject Matter Expert in this field.

**Subject:** Office of the Secretary SME  
**Handoff Number:** 62914

This person's contact information and a description of their request follows:

**Contact Info:**

Name: Gayle Hirschfeld  
Phone: email  
Address: No address given  
City: No city given  
Zip: No zip given

**Their Inquiry:**

I read in the paper today about the proposed water tank to be build at the Lafayette Reservoir. PLEASE reconsider the location. So many people use the upper trail throughout the year. It provides such a beautiful, natural landscape of our oak woodlands. And where would all the birds go? Certainly out of our sight. Furthermore, the location is much faster to get to than, for instance, Briones or the Oakland Hills sites. I would prefer if you spend a little more of my tax dollars and build the tank on a more remote site, one that cannot be seen from the path. It would take more than my remaining lifetime to have new trees grow to the size of the current ones and the tank would never be completely camouflaged. It would be obtrusive, as it is on the far end. Thanks for your attention...  
Gayl Hirschfeld gaylh@comcast.net

## 2.44 Gayle Hirschfeld

GH-1 Please see **Response EBMUD\_NR-3** regarding visual impacts. Please see **Response EBMUD\_NR-4** regarding EBMUD's alternatives analysis.

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

From: Greg Norman [mailto:[greg94595@yahoo.com](mailto:greg94595@yahoo.com)]

Sent: Sunday, August 13, 2006 3:36 PM

To: Water Treatment Transmission Improvements Program

Subject: Olympic Blvd Pumping Station

To Judy Zavadil - EBMUD:

Judy, in light of the suggestion that is currently circulating amongst the neighborhood that the Tice/Olympic pumping station be located on the north side of Olympic rather than the south side as proposed by EBMUD, I have to say the north side makes a lot more sense. I hope we see an alternate proposal for the north side, soon.

Thank you for considering this suggestion.

Greg Norman  
2511 Olympic Blvd.  
(925) 935-6023

## 2.45 Greg Norman

GN-1 EBMUD staff is recommending the proposed site south side of Olympic Boulevard for approval by the Board of Directors. The proposed site is recommended because it has fewer nearby residences that would be directly affected by the construction and operation of the plant than the alternative site north of Olympic Boulevard.

East Bay MUD  
Judy Ravadil  
Senior Project Engineer  
MS #701  
375 Eleventh St.  
Oakland, Ca. 94607-4240

Gerald Perry  
49 Sleepy Hollow Lane  
Orinda, Ca. 94563

9/7/06

WATER DISTRIBUTION

SEP 11 2006

PLANNING DIVISION

Re: WTTIP draft EIR comments.

Dear Ms. Zavadil,

I have reviewed the EIR regarding the Happy Valley Pumping Plant and Pipeline, Orinda-Lafayette tunnel/pipeline and the Lafayette Filter Plant.

My comments are as follows:

**1. Happy Valley Pumping Plant:**

The Sleepy Hollow area is a very very quiet section of Orinda where in the summer the crickets dominate the night time sound. An above ground P.P. would generate inappropriately high noise even with sound control. A much better solution is a below ground pumping plant similar to Reliez P.P. on Oak Vista Court, Pleasant Hill. The below ground P.P. would solve the noise problem, the visual problem, the security problem and reduce maintenance costs. I believe that all pumping plants should be below ground plants.

**2. Pipeline:**

In 1969 a ground fire occurred in the Sleepy Hollow area on a steep hillside. Road work was being done on Miner Road. The road work prevented the fire dept. from quickly reaching the fire. The house was completely lost.

Therefore, it would be prudent for the District to look into:

A. Installing the pipeline in the shoulder of the road. The road right of ways are 50' wide. In some areas cuts would have to be made and some trees would be cut and perhaps telephone poles moved. In so doing the District would obtain extra room for the pipeline installations allowing cars to pass. Since the pipeline would be off the road no asphalt would be required - just crushed rock. Just widening this road 3 feet would greatly improve its safety for joggers and bikers.

B. Installation of the pipeline at night. In so doing the road would be open during the day.

C. Maintaining emergency personnel at a deployable location if the road has to be closed. Sleepy Hollow School might be an appropriate location.

**3. Orinda-Lafayette tunnel:**

The Orinda to Lafayette tunnel could be a major problem. The tunnel would have to pass under the Lafayette aqueducts 1 & 2. In so doing they would require shutdown and dewatering. If this tunnel were built, the possibility of a seismic collapse is always there. This tunnel should not be built.

**4. Lafayette Filter Plant:**

Most of the District is supplied by water from Orinda Filter Plant. Its water is the most economical. However, one plant providing water for so many people and now wanting to add Lafayette to that list is not good judgment.

Lafayette Filter plant should be enlarged at any expense so that water will be available throughout the District and not concentrated from one location.

Sincerely,

  
Gerald Perry

## 2.46 Gerald Perry

GP-1 EBMUD does not generally construct fully buried pumping plants due to concerns regarding surface water drainage. Generally, buried pumping plants extend up above grade by approximately two to four feet and have a unique set of visual impacts. However, EBMUD intends to design and construct and landscape the Happy Valley Pumping Plant to be consistent with and blend into the surrounding neighborhood. In the past, EBMUD has designed many pumping plants to match surrounding architectural styles (see Figure 9).

Section 3.10 of the DEIR describes potential noise impacts and mitigation measures for the Happy Valley Pumping Plant. Table 3.10-8 lists noise increases during facility operations (Impact 3.10-4). The primary sources of operational noise are from the passive vent openings along the roofline of the pumping plant and from the transformer. A buried pumping plant must be actively vented with an electric fan. Transformers are generally constructed above grade. As such, above-grade and partially buried pumping plants generally have very similar operational noise impacts.

EBMUD does not believe that a buried pumping plant has a lower security risk, as every pumping plant has either a locked site access door or hatch that would be equally accessible to a potential vandal. EBMUD also disagrees that a buried pumping plant has reduced maintenance costs, as below-grade structures require waterproofing, subdrains and active ventilation (i.e. fans), and the on-going maintenance and repair of these features.

GP-2 The DEIR (p. 3.8-20) evaluates access disruption to land uses and streets for both general traffic and emergency vehicles during WTTIP construction. As stipulated in Measure 3.8-1, access for emergency vehicles would be maintained at all times, and owners or administrators of hospitals and fire stations would be notified in advance of the timing, location, and duration of construction activities and the locations of detours and lane closures.

GP-3 EBMUD is not proposing to widen Miner Road or Lombardy Lane as part of the Happy Valley Pipeline construction, nor remove of any trees along these roadways. The specific alignment within the streets will be determined largely by the presence of existing utilities and easements.

GP-4 Pipeline construction during the nighttime hours would be in substantial conflict with construction hourly limits specified in the Orinda, Lafayette, and Moraga noise ordinances. All noise ordinances prohibit nighttime construction. Although zoning ordinance noise limits for mechanical equipment could be applied to any nighttime construction noise, noise generated by pipeline construction would exceed these limits due to the proximity of residential receptors to pipeline alignments, as well as the types of equipment needed for pipeline construction.

- GP-5 EBMUD will coordinate with emergency service providers regarding maintenance of vehicular access to areas where road closures would occur due to pipeline construction. The emergency service providers would determine whether to establish a temporary deployment site for emergency vehicles.
- GP-6 Construction of the Orinda-Lafayette Aqueduct would not require shutdown and dewatering of Lafayette Aqueducts 1 and 2.
- GP-7 Comment noted. Refer to Measure 3.4-2 (DEIR p. 3.4-27) regarding measures to mitigate the effects of seismic ground shaking.
- GP-8 Comment noted.
- GP-9 This comment, regarding the importance of system redundancy, is acknowledged.

SEP 11 2006



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

Name: HEINZ & MARTHA EGENSPERGER SEPT. 7, 2006  
Address: 111 RUDGEAR DRIVE, WALNUT CREEK, CA. 94596  
Email: HEINZEGENS@SBCGLOBAL.NET

**COMMENTS:**

1- Have you investigated the possibility of placing the water tank on the land you own on Sugar Loaf Open Space - We have measured the height of that hill, it is only about 92 feet high -

2- What impact would the installation of this tank have on my house foundation, patio, pool etc.  
My health, I suffer from asthma.

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 [wttip@ebmud.com](mailto:wttip@ebmud.com).

NOTE: Comments on the Draft EIR must be received by EBMUD by <sup>Sept. 18<sup>th</sup></sup> ~~August 25, 2006~~, at 4:30 pm. Comments should be in writing and include your name and address.



Water Treatment & Transmission Improvements Program  
Draft Environmental Impact Report

Name: HEINZ & MARTHA EGENSERGER SEPT. 7, 2006

Address: 111 RUDGEAR DRIVE .

Email: WALNUT CREEK, CA 94596

COMMENTS:

3- The impact of construction equipment  
on Rudgear Drive would be overwhelming,  
and devastating on all the residents -

thank you.

Sincerely

Martha Egenseger  
Henry Egenseger

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 [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.

## 2.47 Heinz and Martha Egensperger

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.

- HME-1 In order for storage tanks to work correctly and efficiently, they must be at the proper elevation (within a foot or two). The property in Sugarloaf open space was purchased as a potential reservoir site for the next higher pressure zone.
- HME-2 The commenter is concerned with impacts to their house foundation, patio, and pool. Site-specific analysis of slope stability and vibration impacts will occur as part of a project-level EIR for the reservoir project. If that analysis identifies any significant impacts associated with slope stability or vibration, implementation of mitigation measures similar to Measures 3.4-1 (DEIR p. 3.4-25) and 3.10-3a (DEIR p. 3.10-54) would mitigate those effects to a less-than-significant level.
- HME-3 Analysis of project-level impacts to air quality associated with the New Leland Pressure Zone Reservoir will take place during a future project-level EIR. With implementation of mitigation measures similar to Measures 3.9-1a, 3.9-1b, and 3.9-1c (see Section 3.9 of the DEIR) impacts to air quality due to increased emissions during construction would likely be reduced to a less-than-significant level.
- HME-4 Please see **Responses WC-22** and **WC-35**.

WATER DISTRIBUTION  
SEP 18 2006  
PLANNING DIVISION *MP*

**NEIGHBORHOOD PETITION IN OPPOSITION TO TICE  
PUMPING PLANT ALTERNATE SITE**  
SEPTEMBER 18, 2006

This petition is submitted on behalf of the Association of Homeowners of Freeman Road and surrounding neighbors in the Saranap community of Walnut Creek (together referred to as the "Homeowners") in opposition to East Bay Municipal Water District's proposal to construct and operate a pumping plant at what is referred to by the District as the Tice Pumping Plant Alternative Site (the "Project"). As set forth in greater detail below, the Homeowners object to the lack of timely or reasonable notice regarding the proposed Project, and the complete lack of detail or consideration of site specific and neighborhood impacts. The Homeowners also object that the proposed land use is inconsistent with the character, use, and quiet enjoyment of our neighborhood, will constitute a nuisance, will endanger a number of heritage valley oak trees, and will have a detrimental impact on all of our property values. In short, this ill-conceived, ill-prepared and ill-considered Project represents an unnecessary and unwelcome intrusion into our residential neighborhood.

As the group of Homeowners most directly impacted by the Project, we are deeply disturbed by the manner in which the Project has been presented to the neighbors. The District has known about the Project for many months (if not years), yet it has neglected to provide the neighbors with adequate notice or information about the Project. For the record, Homeowners in the Freeman Road neighborhood were not informed of the District's interest in the Project until August 29, 2006, at which point the District advised two neighbors that it was considering the installation of a pumping plant in their backyards. We were told at that time that the cut-off date for submitting comments to the Project was September 18, 2006. No specific details, studies or other information was furnished about the proposed Project. The Homeowners were provided with a huge volume of technical data the following week, but none of that information provided any level of detail whatsoever about the Alternate Site or any impacts on the surrounding neighborhood.

The District's engineers met with the Homeowners at the proposed Project site on September 12, 2006. They could only describe the Project at a conceptual level and admitted that no environmental impact studies, arborist studies, traffic studies, property value studies or any specific analysis of impacts had been performed by the District specifically directed at the Alternate Site.

While the District's representative feign concern about the community and potential neighborhood impacts, its actions speak volumes otherwise. The "last minute" notice of the proposal, coupled with the utter lack of detail and analysis of the Project's impacts, has raised a cloud of suspicion and distrust among the Homeowners about the District's competence and the sincerity of its expressions of concern toward our neighborhood. Indeed, the District's handling of the Alternate Site proposal has all the trappings of a project that the District was hoping to slip by the neighbors because it recognizes full well that it cannot withstand close scrutiny.

While the District's engineers apologize for the District's lack of timely notice and detailed information, the fact remains that the neighbors have had less than two weeks to dig through volumes of useless technical data provided by the District, and have been forced to assess the Project's impacts without the aide of any impact analysis or technical assistance. The net effect of the District's actions has been to prejudice the Homeowners' individual and collective ability to oppose this Project. Further, the Homeowners have also been told that they must submit all comments to the Project on September 18, 2006, even though the District has disclosed virtually no detailed information about the Project scope or impacts. Should the District ever provide such detail, we reserve the right to comment on it.

Even absent more specific information, the impacts of the Project on our neighborhood community are considerable. Freeman Road and the surrounding Saranap neighborhoods are among the oldest residential communities in the Walnut Creek area. Our neighborhood is characterized by custom built homes in a charming, rural setting. The neighborhood is comprised of large lots landscaped with mature trees, including one of the oldest surviving stands of heritage valley oak trees in the region.

The neighbors on Freeman Road are a close, friendly supportive group. The neighbors take great pride in the neighborhood. Many of us have spent a tremendous amount of resources, both time and money, to improve, to rejuvenate and to maintain the original charm of the neighborhood. This accounts for the peaceful, open, country feel of Freeman Road, and has contributed greatly to the increased property values throughout that neighborhood. The property values of the homes at the end of Freeman Road most affected by the Project range from \$1.4 million to \$2.7 million dollars, or more.

From a land use perspective, the placement of a pumping station and related inlet and outlet piping in the midst of our residential community is completely incompatible with the surrounding neighborhood. While the District has not disclosed even a conceptual site plan for the Alternate Site, it is apparent that it will be constructed and operated on a parcel that abuts 3 houses. It also will be situated in close proximity to dozens of other residences.

From a construction stand point, the Project will directly impact the surrounding neighbors, creating noise, dust, and traffic problems. These impacts, particularly dust problems pose serious health and safety risks for some of the elderly and infirm living in nearby homes. Our concern about dust is heightened because the District has apparently performed no soils analysis to evaluate the presence of contaminates that may be sent airborne or otherwise disturbed by heavy construction on, and operation of, the Project. This is a sensitive issue since the adjacent neighbors were advised by law enforcement agencies that chemical contaminates were illegally stored throughout the proposed Project site. Accordingly, we object strenuously to the District's failure to study and evaluate these apparent impacts.

The Homeowners further object to the Project on the grounds that the operation of the proposed facility will result in a nuisance to the neighbors, including, but certainly not limited to, those that abut the proposed site. The operation of the plant, particularly during the quiet evening hours, will interfere with the quiet enjoyment of our neighborhood.

All of these factors will have a direct and detrimental impact on property values, not only for those abutting the project, but also for the neighborhood at large. You don't need to be a real estate appraiser to understand that an impact to one person's property value in the neighborhood will resonate through the entire neighborhood, and will impact each and every homeowner.

We also are gravely concerned about our heritage valley oaks. These trees are the pride and joy of our neighborhood. A simple drive through the neighborhood reveals a rural enclave of homes nestled among trees and shrubs, springing from two natural waterways that surround us. We have not been provided sufficient notice to retain an arborist to address the specific risks to these trees that are inherent in a project of this nature. Further, no construction details have been made available by the District.

Nonetheless, the impacts to the trees are readily apparent. It does not take an arborist to see that the proposed site is surrounded by large heritage valley oak trees. Many of these trees are over 100 to 150 years old. Many have been marked or tagged by Contra Costa County officials for preservation and are specifically protected by County ordinance and zoning plans. These trees are the focal point of our neighborhood and are among our greatest assets.

The District's claims that it will protect these trees have a very hollow ring to it. First, the District has done nothing whatsoever to study impacts to these trees. Second, the District's interests are of a commercial nature. The Homeowners have witnessed first hand the impact of commercial development on neighborhood trees. In the 1990's, one of the most majestic valley oaks in the county died following the development of the Olympic Village at the corner of Boulevard Way and Olympic Blvd. The tree died despite promises by the developer to protect those trees.

As arborists involved in our neighborhood have explained to the Homeowners from time to time, the health of the entire strand of trees is dependent upon the health of all of the trees. Accordingly, while harm to the trees adjacent to the proposed Project site will directly harm the neighbors who share those trees, the impacts will eventually extend well beyond those trees and those neighbors.

Finally, the Homeowners object to the lack of a site specific environmental study. The District has failed to comply with California environmental laws. It has failed to comply with Fish and Game regulations. It has acted in disregard of County tree preservation policies and regulations. It has not studied or properly evaluated traffic problems specific to the proposed Project site (which is located along a blind curve on a well traveled road).

In conclusion, the Homeowners object for all the reasons above to the Tice Pumping Plant Alternative Site. We also believe that the best and least obtrusive location for the proposed pumping station is on or adjacent to the parking lot behind the commercial property at the southeast corner of Olympic and Tice Valley. We hope that the District will consider these comments in opposition to the Project. As Homeowners, we reserve all of our rights and remedies under the law with respect to the Project and any damages it may cause all or any one of us. By copy of this Petition, the Homeowners are also advising the Contra Costa County Community Development Department, the Contra Costa County Board of Supervisors, and Supervisor Gayle Uilkema of their objections to the Project.

Submitted by The Association of Homeowners of Freeman Road and the following Homeowners:

Name Stephen J. Fowler

Address: 3351 Freeman Rd, Walnut Creek

Name Kimberly Fowler

Address: 3351 Freeman Rd, Walnut Creek

Name Elizabeth Ann Lee

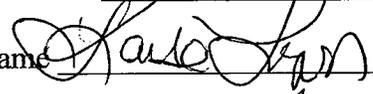
Address: 3303 Freeman Rd. Walnut Creek

Name RICHARD D. LEE 

Address: 3303 FREEMAN RD. WALNUT CREEK

Name Jon A. Christensen 

Address: 3311 FREEMAN RD. WALNUT CREEK

Name Karen Lynn 

Address: 3300 Freeman Rd, Walnut Creek

Name Adam Lynn

Address: 3300 FREEMAN RD W.C 94595

Name Matt Broback Matt Broback

Address: 3304 Freeman Rd WC, 94595

Name Tracy Broback *Tracy Broback*

Address: 3304 Freeman Rd. Walnut Creek 94595

Name JAMES NEIGHBOR *James Neighbor*

Address: 3314 Freeman Rd., Walnut Creek 94595

Name Mary Beal Neighbor *Mary Beal Neighbor*

Address: 3314 Freeman Rd. Walnut Creek Ca 94595

Name Gail R. Ford *Gail R. Ford*

Address: 3322 Freeman Rd., Walnut Creek 94595

Name Robert Ford *Robert Ford*

Address: 3322 Freeman Rd., Walnut Creek 94595

Name Donna Crawford *Donna Crawford*

Address: 3330 Freeman Rd. Walnut Creek CA. 94595

Name Tim Crawford

Address: 3330 Freeman Rd WC CA 94595

Name ADAM HENDERSON *Adam Henderson*

Address: 3338 FREEMAN RD W.C. CA 94595

Name Kim Henderson

Address: 3338 Freeman Rd. W.C. Ca 94595

Name Richard Ramona

Address: 3343 FREEMAN RD WC

Name John T. Corbett

Address: 3346 FREEMAN RD

Name Virginia M. Cockree  
Address: 3346 Freeman Rd W.C. Ca 94595

Name W. Scott Komoto SKomoto  
Address: 3367 Freeman Rd 94595

Name Robera Studya  
Address: 3370 Freeman Rd WC 94595

Name Janice C. Nation JANICE C. NATION  
Address: 3306 Freeman Rd W.C. 94595

Name JIM NATION  
Address: 3306 Freeman Rd, WC 94595

Name Gene S Bozorth Gene S Bozorth  
Address: 3380 Freeman Rd

Name Donald Bozorth  
Address: 3380 Freeman Rd WC

Name Bill Boselli Bill Boselli  
Address: 3399 Freeman Rd

Name Lisa Greif  
Address: 3386 Freeman Rd WC 94595

Name William Greif  
Address: 3386 Freeman Rd WC 94595

Name Wendi Boselli Wendi Boselli  
Address: 3399 Freeman Road

Name Michael Perry  
Address: 3383 Freeman Rd Walnut Creek CA 94595

Name Karen Perry  
Address: 3383 Freeman Rd. Walnut Creek CA 94595

Name Marney Alesman  
Address: 3375 Freeman Rd WC 94595

Name David Geberman  
Address: 3375 Freeman Rd WC 94595

Name John & Ann Theodoropoulos  
Address: 12 Freeman Ct Walnut Creek CA 94595

Name Suzanne Yag Simctana  
Address: 48 Freeman Ct Walnut Creek CA 94595

Name Allye TRAVERSO  
Address: 3354 FREEMAN RD.

Name JOHN TRAVERSO  
Address: 3354 FREEMAN RD. WC 94595

Name Rebecca Christensen  
Address: 3311 Freeman Rd. WC. 94595

Name Sarah Johnson  
Address: 3319 Freeman Rd. Walnut Creek, CA.

Name Mike Johnson  
Address: 3319 Freeman Rd. Walnut Creek CA 94595

Name \_\_\_\_\_

Address: \_\_\_\_\_

Name \_\_\_\_\_

Address: \_\_\_\_\_

## 2.48 Homeowners Association of Freeman Road

- HOA-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. EBMUD acknowledges the concerns expressed by this comment.
- HOA-2 This comment summarizes the comments made later in the letter. Please see **Responses HOA-3 through HOA-18**, which acknowledge these concerns.
- HOA-3 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. This District generally tries to notify landowners impacted by District projects. When the District discovered that individual notices were not received, these were later sent out. Comments on the project were accepted until September 18, 2006. Seven public meetings on the project were held at various locations. In addition, District staff met with residents on Freeman Road at their request on September 12, 2006.
- HOA-4 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, and presents a side-by-side comparison of impacts at the preferred and alternative sites. However, as noted in **Response HOA-1**, above, District staff is recommending the Board of Directors approve the preferred site.
- HOA-5 Refer to **Responses HOA-1 and HOA-4**.
- HOA-6 Refer to **Response HOA-3**, above. EBMUD regrets that individual notices were not provided at the same time that the EIR was released but it has always been the policy of the District to work closely with communities in which water treatment and transmission projects may be located in order to incorporate community input into the project design and implementation process. The DEIR has to analyze and compare the proposed plant site and alternatives with sufficient detail to allow an informed comparison.
- HOA-7 Refer to **Responses HOA-3 and HOA-4**, above.
- HOA-8 Please refer to **Response HOA-1**, above. Because EBMUD staff is not recommending the Tice Pumping Plant Alternative site, no further design work is being developed at this time. Nonetheless, the DEIR has analyzed both the proposed site and alternatives with sufficient detail to allow an informed comparison.
- HOA-9 Pumping plants often are located by necessity in residential areas because their purpose is to allow for water distribution to these areas. For examples of EBMUD

pumping plants designed to be consistent with residential neighborhoods refer to **Response CN-3**, Figure 9, in Section 2.27 of this document.

- HOA-10 See **Response HOA-1**, above. Orion Environmental Associates conducted environmental database reviews to assess the potential presence of soil or groundwater contamination at WTTIP project sites (refer to DEIR pp. 3.11-10 through 3.11-17). The database search included areas within one-quarter mile of proposed sites; consequently, the Tice Pumping Plant Alternative site was included. Text on DEIR pp 3.11-17 describes potential contamination sources in the vicinity of the Olympic Boulevard/Boulevard Way intersection. The database search did not identify any sources of contamination on the alternative site, although four leaking underground storage tanks were located along the pipeline route, which is common to both the preferred and alternative sites. Although regulatory agencies have closed all four sites, there is still the possibility that contaminated soils and/or groundwater could be encountered, but could be mitigated through implementation of Measure 3.11-1 (DEIR pp. 3.11-27). Regarding dust control measures, refer to DEIR p. 3.9-24.
- HOA-11 EBMUD understands that a former methamphetamine laboratory was illegally operated at the alternative site, and that the laboratory and associated structures have since been demolished and removed. While the environmental database review conducted for the Tice Pumping plant did not identify the former drug lab referred to in this comment as an environmental case, in the event that EBMUD pursues the development of the alternative site, an environmental screening assessment will be performed on the on-site soils and groundwater. However, EBMUD staff is not recommending selection of the Tice Pumping Plant Alternative site.
- HOA-12 As noted above, District staff is not recommending the alternative site for construction of the new Tice Pumping plant. However, as noted in **Response DGB-3**, noise from the pumping plant would not be allowed to exceed the 45-dBA nighttime limit at the closest residential receptors.
- HOA-13 Refer to Section 2.1.5, Master Response on Social and Economic Costs.
- HOA-14 Please see **Responses AH-2** and **HOA-4**. EBMUD will commit to specific mitigation measures for impacts to protected trees.
- HOA-15 Please see **Responses HOA-4** and **HOA-11**.
- HOA-16 The commenters suggest that the District has failed to comply with California environmental laws and regulations enforced by the California Department of Fish and Game (CDFG), and has disregarded tree preservation policies.

EBMUD complied with all applicable California environmental laws during the DEIR drafting process and will continue to do so throughout the implementation

phases of the proposed projects. The District will consult with CDFG as needed and seek all necessary permits (see DEIR pp. 2-91 for projects requiring permits from CDFG). Regarding tree preservation policies and regulations, as a local agency and utility district serving a broad regional area, EBMUD is not subject to building and land use zoning ordinances. However, it is the practice of the District to work with host jurisdictions and neighboring communities during project planning and conform to local tree ordinances to the extent possible. See DEIR pp. 3.6-20 through 3.6-22 for more information regarding the tree ordinances of communities affected by the WTTIP.

- HOA-17 See **Response AH-3** regarding the DEIR's analysis of potential traffic and circulation impacts (and associated mitigation measures), and the use of Olympic Boulevard, associated with construction of the Tice Pumping Plant (both the proposed site and alternative site).
- HOA-18 The comments refer to Alternative Site 1 which is discussed in Chapter 6, Alternatives Analysis (DEIR p. 6-65). This site was considered and rejected because it would permanently eliminate parking for adjacent businesses.

**From:** Jack Behseresht [mailto:ixbehse@pacbell.net]  
**Sent:** Saturday, August 19, 2006 4:59 PM  
**To:** Water Treatment Transmission Improvements Program  
**Subject:** Rudgear Tank

I am writing to provide an input regarding the potential access route to the planned tank. One of the identified routes is through Sugarloaf Dr. and Sugarloaf Lane. These are private streets and maintained by the homeowners. It is my understanding per the meeting of August 19th, 2006 that this access would require the permission of the homeowners. Given the required heavy dirt hauling by large trucks over extended period of time, it is clear that this option is not appropriate for our streets and the small neighborhood. Therefore permission will not be granted.

Jack Behseresht  
Sugarloaf HOA  
1350 Sugarloaf Dr.  
Alamo Ca, 94507  
925-256-9055

## 2.49 Jack Behseresht

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.

JB-1 The comment indicates that Sugarloaf Drive and Sugarloaf Road are private roads unfit for use as access routes for construction of the New Leland Pressure Zone Reservoir in accordance with Option B (DEIR p. 2-86) due to construction traffic impacts and that permission to use these roads will not be granted.

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 subsequent project-level EIR. Other reservoir sites will be considered as well. EBMUD will consider these comments regarding the impacts of construction and the private nature of the roads indicating that Option B may not be a feasible access route to the preferred reservoir site during the project-level EIR process. Mitigation measures similar to Measures 3.8-1 and 3.8-7 (DEIR p. 3.8-24) would likely be required for the New Leland Pressure Zone Reservoir.

**From:** Jim & Francoise Cervantes [mailto:jrcervantes@earthlink.net]  
**Sent:** Friday, July 28, 2006 11:25 AM  
**To:** Water Treatment Transmission Improvements Program  
**Cc:** Jim & Francoise Cervantes  
**Subject:** EBMUD's Water Treatment Plant Project

Judy,

I believe we traded messages on this project some months ago. I am a board member of the Sleepy Hollow Homeowners's Association. I've reviewed portions of the EIR with a specific focus on the proposed Happy Valley Pumping Station and the pipeline work along Lombardy Lane and Miner Road. I have a few questions for you:

- 1) How large will the HV pump station be in terms of its footprint, height, etc. ? It would be helpful to equate it to the dimensions of a home (i.e., 2,000 square feet and 40x50).
- 2) We've heard that it will be surrounded by a barbed wire fence, etc. Can you elaborate?
- 3) We also understand that the site would be used as a staging area during the construction process. What does this entail? Given that the area around the proposed Lombardy Lane is a residential area and that Lombardy Lane is rather narrow, this poses concerns.
- 4) Would the two acre parcel be used in its entirety, or would EBMUD propose to acquire a portion of the site. Related to this, how much acreage does EBMUD require for the site?
- 5) Can you comment on the sound that would be produced from the pumping plant (i.e., volume, during what periods of the day would it run, etc.)
- 6) Does EBMUD have schematic of what the pump station would look like?
- 7) Is there a viable alternative site? There is another, smaller vacant parcel on Miner Road across from Camino Sobrante. Would this work for EBMUD's purposes?
- 8) The EIR comments that "there is currently inadequate pumping capacity to supply the Las Aromas pressure zone during maximum day demand conditions; an additional 3.2 mgd is required to meet maximum day demand conditions in 2030." In lay terms, what does this mean? For example, what area does the Las Aromas pressure zone include? What is the shortfall during maximum day

conditions? I'm assuming that the HV pump station will provide the 3.2 mgd pumping capacity...what portion of this capacity would be for current needs vs. future demand?

9) With regard to the Lombardy Lane/Miner Road pipeline project: how long is this project expected to take? I noted the schematics in the EIR...I take it that one traffic lane will likely be closed when the work is done. Will the work be done in segments?

10) Will the pipeline project increase fire flow in the immediate area?

Thank you very much for your consideration of these questions. I look forward to meeting you in person at the August 2 hearing. Given the level of questions regarding this project, I'm sure that EBMUD will have a comprehensive presentation of the purpose, rationale and logistics of the project.

Yours,

Jim Cervantes  
[jrcervantes@earthlink.net](mailto:jrcervantes@earthlink.net)

## 2.50 Jim Cervantes

- JC-1 The layout of the proposed Happy Valley Pumping Plant is depicted on Map D-HVPP-1 (following Chapter 2 in the DEIR). The pumping plant will house two 200 hp pumps. As stated on DEIR p.5.3-31, the pumping plant building will be approximately 30 feet by 50 feet and 1500 square feet. The height will be up to 15 feet (top of roof line). Architectural details will be developed to match the surrounding neighborhood. Thus, the structure will appear to be a single-story, 1,500 square foot home.
- JC-2 Pursuant to Measure 3.3-2 (DEIR p. 3.3-36, last bullet), the design of the gate to be installed at the proposed Happy Valley Pumping Plant will include aesthetic architectural treatment that will blend in with the surrounding neighborhood.
- JC-3 As described on DEIR p. 2-74, the DEIR Proposed Happy Valley Pumping Plant site would serve as the construction staging area. This likely would involve storage of pipe and other construction materials and equipment (see Figure 2-9, DEIR p. 2-38, for a list of equipment used in pipeline construction) during and after construction hours. However, EBMUD is proposing to construct at the Happy Valley Pumping Plant Alternative site, not at the Lombardy Lane site.
- JC-4 Please see **Response JC-3**.
- JC-5 The Happy Valley Pumping Plant could operate at any time of the day or night, and the impact assessment assumes worst-case conditions (operation during the more noise-sensitive nighttime hours). See **Responses DS-4** and **DS-5** for discussion of operational noise impacts at the nearest residences.
- JC-6 DEIR Figures 3.3-HVPP-4 and 3.3-HVPP-5 (following Section 3.3 of the DEIR) present visual simulations of the pumping plant building at the DEIR Proposed Happy Valley Pumping Plant site. Section 3.4 of this Response of Comments document presents simulations at the alternative site. Architectural details will be finalized during later stages of project design and will incorporate input from neighborhood representatives, pursuant to Measure 3.3-2c (DEIR p. 3.3-36).
- JC-7 The Happy Valley Pumping Plant Alternative site is located on Miner Road at Camino Sobrante and is evaluated in Chapter 6 (DEIR p. 6-33). District staff are recommending that the pumping plant be constructed at the alternative site (the owner of that site is willing to sell the property to EBMUD).
- JC-8 “Maximum day demand” refers to water demand occurring during peak use periods: typically the hottest days of the year during long periods without precipitation. Maximum day demand may only occur during a small portion of the year but it drives the capacity needed to serve EBMUD customers. As stated in Table 4-2 (DEIR p. 4-7), the Las Aromas Pressure Zone serves elevations between 650 and 850 feet above sea level. It is

located in parts of Lafayette and Orinda north of Highway 24 and east of Camino Pablo. Figure 2-3 (DEIR p. 2-12) provides a map of pressure zones in the Lamorinda/Walnut Creek area. The Las Aromas Pressure Zone is depicted on Figure 2 of this Response to Comments document. The commenter is correct in assuming that the Happy Valley Pumping Plant would provide the needed 3.2 mgd additional pumping capacity (see Table 2-11, DEIR p. 2-70). The additional capacity would serve both current and future demands. The 2005 maximum day demand was projected to be 4.08 mgd in the Las Aromas Pressure Zone Planning Program study; it is projected to increase to 4.30 mgd by 2030.

Refer also to Section 2.1.4, Master Response on the Need for and Alternatives to the Happy Valley Pumping Plant and Pipeline, for an expanded discussion of the need for this facility.

- JC-9 Construction of the Happy Valley Pumping Plant and Pipeline project is scheduled to begin in May 2011 and last 1 to 2 years; pipeline construction is expected to last about 14.5 weeks. Section 3.8 of the DEIR, Traffic and Circulation, describes the projected traffic, disruption of traffic flows and street operations (including road closures and pipeline construction), and other potential impacts due to construction activities. As stated on DEIR p. 3.8-18, there are certain roadways that are not wide enough to maintain alternate one-way traffic flow around the pipeline construction site, road closure would be necessary. For example, segments of Nordstrom Lane, Glen Road, Miner Road, Lombardy Lane, and Boulevard Way would need to be closed to all through-traffic (except emergency vehicles) during work hours, with detour routing available in some, but not all, cases. As described on DEIR p. 3.8-21, for 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. In addition, for 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.
- JC-10 The need for the Happy Valley Pumping Plant and Pipeline project is discussed on DEIR p. 2-74. Refer also to Section 2.1.4, Master Response on the Need for and Alternatives to the Happy Valley Pumping Plant and Pipeline, for an expanded discussion of the need for this facility.

**From:** Joyce Leavitt [mailto:Joyce\_Leavitt@fd.org]  
**Sent:** Monday, September 11, 2006 2:40 PM  
**To:** Water Treatment Transmission Improvements Program  
**Subject:** proposed expansion of Orinda Filter plant

September 11, 2006

Dear Judy or to whom it may concern:

I have two kids at Wagner Ranch Elementary School and our family lives off of Camino Pablo, about a quarter mile away and very close to the EBMUD filter plant in Orinda. My husband and I strongly oppose any expansion of this plant. I understand that it will cause us to lose the Orinda Sports fields which are used by the town and local soccer and baseball teams. An expansion of the plant will also cause us to lose the nice view of the fields and surrounding area and make me very uncomfortable regarding how close it will be to my kids' elementary school. Please do not allow this to happen. It would cause us to think about moving and leaving the community. If you have any questions or concerns, feel free to call me on my cell phone (925) 360-0467 or at home (925) 258-0224. Thank you for taking the time to read this.

Joyce Leavitt Fine

## 2.51 Joyce Leavitt Fine

- JF-1 The commenter's opposition to proposed improvements at the Orinda WTP and concern for the Orinda Sports Field is acknowledged. There is an existing Memorandum of Understanding (MOU) between EBMUD and the City of Orinda regarding 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.
- JF-2 DEIR Figures 3.3-OWTP-6 and 3.3-OWTP-7 provide visual simulations of the Backwash Water Recycle System (at the southwest corner of Manzanita Drive and Camino Pablo) 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. Regarding facilities under consideration for the Sports Field area, refer to **Responses VC-4 and VC-5**.
- JF-3 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). Under Alternative 1, as shown on Map D-OWTP-1, the facilities that would be nearest the Wagner Ranch School are program-level, and include a clearwell, chlorine contact basin, and ultraviolet disinfection building. 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 (DEIR p.S-19).

Under Alternative 2, as shown on Map D-OWTP-2, there is also a project-level entry portal of the Orinda-Lafayette Aqueduct that would be near the Wagner Ranch School. The DEIR considers the presence of the Wagner Ranch Elementary School in the impact evaluations of the Orinda-Lafayette Aqueduct (see, for example, pp. 3.8-14, 3.9-9, 3.10-39, 3.11-20).

For information regarding program-level/project-level distinctions, please see Section 2.1.1, Master Response on Program- and Project-Level Distinctions.

- JF-4 Comment noted. Additional information on improvements in the sports field area, near the Wagner Ranch School, would be presented in an environmental document and circulated to the public prior to any approval action and project implementation.



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

RECEIVED

AUG 02 2006

WATER SERVICE PLANNING

Name: James Murphy  
Address: 13 Kittiwake Rd  
Email: jmymur@pacbell.net

**COMMENTS:**

Re: ~~Original~~ Pumping Plant Addition.  
Request lowering base of  
proposed back wash building  
to lower the apparent  
height of the building as  
seen from Manzanita

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 [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.

## 2.52 James Murphey

JM-1 A site plan of the proposed backwash water recycle system is shown on Map D-OWTP-2 and a cross-section (Section B) is shown on Map D-OWTP-3. The facility cannot be lowered substantially as the top of the open flocculation and sedimentation basins are already near the existing ground level. The height of the proposed new Orinda WTP backwash facilities will be finalized during design and will be consistent with the visual simulations and specified measures which mitigate the visual impacts to a less-than-significant level. They will not be any higher than necessary consistent with structural, process sizing, and hydraulic requirements. See DEIR Figures 3.3-OWTP-8 and 3.3-OWTP-9 for visual simulations of the backwash system from Manzanita Drive.

RECEIVED

AUG 15 2006

WATER SERVICE PLANNING



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

Name: Joan von Kaschnitz  
Address: 11 Charles Hill Rd. Orinda  
~~Email:~~ owner of property 2541 Olympic Blvd.

**COMMENTS:**

re: Tide Pumping Plant Alternative Site  
We oppose the placement of the  
plant at the end of the cul-de-sac in  
this residential neighborhood. We  
firmly encourage you to go forward  
with the alternative plan to  
eliminate the necessity of massive  
excavation and the removal of  
trees. The residential area should  
remain in tact!

Thank you!  
Joan von Kaschnitz

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 [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.

## 2.53 Joan von Kaschnitz

JV-1 Refer to **Responses BB-1** and **BB-2**.

**From:** John Walkinshaw [mailto:jwalkinshaw@yahoo.com]  
**Sent:** Friday, September 15, 2006 11:43 AM  
**To:** Water Treatment Transmission Improvements Program  
**Cc:** Harlow, Nora  
**Subject:** Comments on Draft EIR as they relate to the proposed Leland Reservoir near Rudgear Road and Drive and I-680

Dear Judith Zavadil and Nora Harlow,

I believe I am still within the extended deadline given to residents of Rudgear Drive to submit comments on the Proposed New Leland Reservoir.

A little background:

My name is John Walkinshaw. My wife, Janine and I have lived at 173 Rudgear Drive since October of 2003. I had a 26 year Civil Engineering career with the Federal Highway Administration (FHWA), first as a pavement engineer, then Geotechnical followed by 7 years as consultant. I am now retired.

Prior to moving to Rudgear Drive, we lived for 29 years in Rudgear Estates at 1960 Woodbury Court. One side of our lot bordered the access road to EBMUD's Hawthorn Reservoir and we endured the demolition and reconstruction activities of that reservoir. I am therefore very familiar with the construction equipment and process for this kind of project. Rudgear Estates has wide streets designed to newer standards and we still had damage done to our property due to the large turning radius required by the construction equipment. Fortunately, because of the wide streets, the hauling trucks could park while waiting to access the site without seriously impeding local traffic.

My comments:

As an engineer I understand the need for a new reservoir and the criteria for selecting the proposed site. I am not opposed to the project itself IF it can be integrated into the environment in which is proposed and become "transparent" within the "open space" it is proposed.

EIR page 3.3.49 at the bottom states. The project could potentially affect public views from the surrounding area. These impacts could be reduced to "less than significant level" with implementation... Shortly following this,

On page 3.3.50 ..."however, visual impacts at this site could remain significant and unavoidable."

There seems to be a conflict between the often used (overused in my opinion) "less than significant level" with the more blunt reality of the other statement.

Since I-680 is "Scenic Highway" and in order to qualify has to meet certain criteria such as "Major Intrusions" that dominate the landscape must not exceed a third of the length,

would the water tower as proposed be classified as a "major intrusion"? If so, does this project need approval of the original requesting agency and/or Caltrans from an Environmental standpoint (not just the access and use of the area)?

Since the current EIR admits that it "could REMAIN SIGNIFICANT and UNAVOIDABLE" (emphasis added), it appears that EBMUD Engineers are not using all of today's technologies to integrate their reservoir at this site. Obviously, making a reservoir more transparent involves more investment, but in view of its proximity to Open Space, I believe this should more properly be addressed in the EIR (after input from EBMUD Engineers).

Access Road Discussion:

Let me just reinforce what I know my other neighbors have said. Using Rudgear Drive as an access road for temporary and/or permanent access to the construction site is OK as a point of discussing alternates, BUT TOTALLY UNACCEPTABLE for this type of project. It is VERY NARROW IN PLACES, STEEP, CURVILINEAR AND WITH POOR EYE SIGHT DISTANCE.

I doubt that the existing pavement section would survive the construction equipment traffic very long.

This is a street with no other exit, so in case of closure, residents would be stranded.

Please discuss other alternatives as more desirable.

Sincerely,

John L. Walkinshaw

## 2.54 John L. Walkinshaw

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.

- JW-1 The comment regarding construction activities is noted. See **Response WC-35** regarding consideration of access route alternatives for the New Leland Pressure Zone Reservoir.
- JW-2 The commenter is requesting that the reservoir tank be integrated into the surrounding environment upon completion, especially in light of its location in open space. Mitigation measures to restore the reservoir site would require choosing colors for the tank that blend with the surrounding environment and planting landscaping to help the tank blend with its surroundings similar to those prescribed in Section 3.3 of the DEIR, Visual Quality. These measures would help reduce the impacts of concern to the commenter. However, as stated on DEIR p. 3.3-50, impacts to visual quality at the identified New Leland Pressure Zone Reservoir site could remain significant and unavoidable. The commenter quotes a statement from DEIR p. 3.3-49, which is from the discussion of the Leland Reservoir Replacement, a different project in a different location from the identified site for the New Leland Pressure Zone Reservoir. (Refer to DEIR pp. 2-85 and 2-86 for a description of both projects.) As noted above, the New Leland Pressure Zone Reservoir is evaluated at a program level in this document and will undergo a future project-level EIR.
- JW-3 Environmental impact reports are submitted to the State Clearinghouse and distributed to the various departments of the State of California for their comment. This would be appropriate venue for the California Department of Transportation to review and comment on the potential environmental impacts of the project. Caltrans is aware of the project and did not comment on the WTTIP DEIR.
- JW-4 Refer to **Response JW-2**. Additional options for project design and detailed mitigation will be considered in the future project-level EIR.
- JW-5 Comment noted. See **Response WC-35** regarding consideration of access route alternatives for the New Leland Pressure Zone Reservoir.

**From:** KHoulahan@aol.com [mailto:KHoulahan@aol.com]  
**Sent:** Wednesday, September 06, 2006 10:45 PM  
**To:** Water Treatment Transmission Improvements Program  
**Subject:** (no subject)

stop the ebmud expansion in Orinda!!!

## **2.55 K. Houlahan**

KH-1 The commenter's opposition to proposed improvements at the Orinda WTP is acknowledged.

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SEP 18 2006 10



PLANNING DIVISION

# Water Treatment & Transmission Improvements Program Draft Environmental Impact Report

Name: Kim Henderson

Address: 3338 Freeman Rd

Email: \_\_\_\_\_

### COMMENTS:

I strongly object to the  
absurd idea of a water pumping  
plant being proposed at the  
alternate site on North Olympic Blvd.  
Traffic and hazards on Olympic are  
already close to unacceptable. Any  
addition of traffic a hazard is  
unappropriate. The environmental damage  
due to the guaranteed elimination of  
grand heritage oak trees is unacceptable.  
The notice period is unacceptable all of  
which adds up to an unacceptable location and  
unacceptable economic loss to the neighborhood.

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 Zavakil, 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.

## 2.56 Kim Henderson

- KH1-1 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.
- KH1-2 See **Response AH-3** regarding the DEIR's analysis of potential traffic and circulation impacts (and associated mitigation measures), and the use of Olympic Boulevard, associated with construction of the Tice Pumping Plant (both the proposed site and alternative site).
- KH1-3 See **Response AH-2**.
- KH1-4 Consistent with 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 on the project were held at various locations. In addition, District staff met with residents on Freeman Road at their request on September 12, 2006.
- KH1-5 See **Response KH1-1**. Refer to Section 2.1.5, Master Response on Social and Economic Costs.

**From:** Kelly Lemon [mailto:kelly.lemon@sbcglobal.net]  
**Sent:** Monday, September 18, 2006 2:53 PM  
**To:** Water Treatment Transmission Improvements Program  
**Cc:** Kirkpatrick, William; McGowan, Timothy; nharlo@ebmud.com  
**Subject:** Revised- Comments on Draft EIR SCH # 2005092019 of June 2006 EBMUD Water Treatment and Transmission Improvements Program (WTTIP)

Hi Judy,

Below is the correct letter.

Thanks.  
Kelly

To Whom It May Concern:

Thursday September 14 was garbage day on Rudgear Dr. as I followed a PG&E utility truck up the road it maneuvered around each garbage can; I wondered how the dump trucks would make it around them even with a flagman standing by? The road is narrow and windy; in March a garbage truck hit a small Honda coming around a blind corner. My husband was hit in my little Acura back in 1997 by an EBMUD Jeep truck. How has EBMUD factored in emergency vehicles coming up during this time, not only fire trucks but ambulances (there are quite a few elderly residents).

I believe that EBMUD has prematurely presented a project that has not been well thought out. It might look like a well thought out plan by the various maps, photograph, tables in the EIR but it seems irresponsible to me to think Rudgear Rd could be used to access the New Leland Reservoir project.

At the meeting I attended in Oakland EBMUD office I spoke to the woman in charge of writing the EIR, whose name escapes me but I believe to be Jill Hamilton, EIR Consultant with ESA Water, I asked if she had ever personally driven up Rudgear Drive? I said that I did not think anyone could properly evaluate a project if they had not physically visited the site. She said she would make a point of visiting the site and would drive up Rudgear Drive. At the next public meeting at Heather Farms meeting in July I again asked her if she had driven up Rudgear? She said, "No, but I sent other people there." How is it possible for a person to intelligently write an evaluation in such great detail without ever visiting the locally accessible site? Why would someone not take the opportunity to visit a locally accessible site when questions regarding the suitability of that site had been brought to their attention by a concerned resident? Why would someone tell a resident that they would visit the site and

then not do so? These questions are troubling and seem to demonstrate the actions of an organization that is merely going through the motions as opposed to honestly evaluating the concerns of residents and suitability of a project site.

I would also like to know why at the neighborhood meeting in August at 121 Rudgear Drive a representative from the city of Walnut Creek initially attended but did not stay for the meeting? Is this because it was clear this project had not been properly planned out? The residents raised so many questions that could not be answered by the EBMUD representatives; we were finally asked to put our questions in writing to be addressed in the EIR.

If EBMUD truly wants the public and residents of the surrounding area of the New Leland Reservoir Project to have a say, ask questions and have their concerns answered there would be a separate EIR just for this project so it would not be so confusing.

I understand we all need water, and I appreciate what you are trying to accomplish but I do not think access to the Leland Reservoir that is being proposed, up Rudgear would be the best route. I also believe that there are alternatives that have not been looked into, a fact that was apparent at the August meeting, for example there is property that is owned by EBMUD in the Sugarloaf open space. It may not be the optimum site but I do not believe it was really given full consideration due to there being an easement issue? More careful consideration should be given before saying it is not a possible site?

Sincerely,

Kelly Lemon

## 2.57 Kelly Lemon

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.

- KL-1 See **Response WC-35** regarding consideration of access route alternatives for the New Leland Pressure Zone Reservoir. EBMUD evaluates access disruption to streets for emergency vehicles as part of the CEQA review of all projects. This evaluation is included on DEIR pp.3.8-20 and 3.8-21.
- KL-2 See **Response WC-35**.
- KL-3 The commenter is concerned about whether sufficient field visits have been made to analyze the project site. The site has been visited by the environmental consultants, EBMUD staff, the Director of Engineering, and a Board Member. As noted above, the District has evaluated the New Leland Pressure Zone Reservoir at a general (programmatic) level of detail in the WTTIP EIR. A detailed analysis of the project will be undertaken in a project-level EIR in the future and the City and residents will be provided with an additional opportunity for comment at that time.
- KL-4 In response to the comment that a representative of the City of Walnut Creek left the informational meeting held in Walnut Creek (July 20, 2006) early, it cannot be presumed that the behavior of the City staff was intended as commentary on the adequacy of the DEIR. Commenters were asked to put comments or questions in writing so that an official response could be made in the Final EIR and become part of the public record on the WTTIP.
- KL-5 The New Leland Pressure Zone Reservoir is evaluated at a program level in this document and will undergo further project-level CEQA review in an EIR at a future time.
- KL-6 Comment noted. See **Response WC-35**.
- KL-7 Refer to **Response HME-1**.

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

Name: Kaisa Lyon  
 Address: 3300 Freeman Rd. Walnut Creek 94595  
 Email: KaisaLyon@comcast.net

COMMENTS: Opposition to Ice Valley Pumping Plant alternate site.

- ① Disruption of a quiet, tree-lined, family oriented neighborhood.
- ② Unavoidable death of numerous Heritage Oak trees that are older than all of us?
- ③ Effect on property values on Freeman Rd.
- ~~④~~ ④ Unacceptable way EBMUD contacted impacted homeowners (I should say LACK of communication).

I believe that the original site chosen, near the gas station, comes with NONE of these issues. Houses are well set back from original plant site, there aren't trees the age or size of ours on property + it is already a noisier site.

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 wttip@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.

## 2.58 Kaisa Lyon

KL1-1 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 Board of Directors.

KL1-2 Please see **Response AH-2**.

KL1-3 Refer to Section 2.1, Master Response on Social and Economic Costs.

Also see **Response AH-2**.

KL1-4 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. Seven public meetings were held on the project at various locations. EBMUD regrets that the Freeman Road residents were inadvertently left off the mailing list for individual notices of the public meetings. After this oversight was discovered, EBMUD notified the several residences on Freeman Road and held a special neighborhood meeting on September 12 to discuss the proposed and alternative pumping plant sites.

KL1-5 See **Response BB-3**.

**From:** kaisalyon@comcast.net [mailto:kaisalyon@comcast.net]  
**Sent:** Wednesday, September 13, 2006 1:14 PM  
**To:** Ad Lyon; marose@bos.cccounty.us; gaile@bos.cccounty.us; Coleman, John; Zavadil, Judith  
**Subject:** Water Plant Proposal (Tice Valley)

Good morning:

I am writing you today to express my concerns over the Alternate Site ("Site #2") for the Tice Valley water pumping station, located on Olympic Blvd. My family has lived on Freeman Road (directly on the backside of the proposed pump area) for the past couple of years. We moved here because of the peace and tranquility of the neighborhood - an area where children ride their bikes on the cul de sac and bounce around from one backyard to another. It is an ideal place to live and raise children. However, having a noisy water pumping station will disrupt all of this - not to mention my concerns over the impact to our environment.

I am concerned about what this plant would do to the lovely creek we have running through many of our backyards. And, I am even more concerned over the health and welfare of the amazing Oak trees that are older than all of us. There would be no way to build this plant without disrupting their root systems and kill these incredible trees - which are such an important part of Saranap history...

From my understanding the site initially proposed "Site #1" (behind the Saranap gas station) would come without ANY of these issues. I believe that an incredible amount of tax payers money has already gone into developing this site for the Tice Valley pumping plant. It would seem a waste to throw away that money and look at developing the alternate site - especially when it comes with the higher price tag of fundamentally changing the neighborhood by killing our Oak trees and potentially harming our creek as well as ruining the quality of life for all of the residents on Freeman Road. Many of these residents have poured an incredible amount of money into maintaining and improving their properties because it is such a peaceful neighborhood to live in. I know this would impact our property values as well.

I hope that you have considered all of these issues and come to the reasonable decision to NOT waste anymore time and money on developing site #2.

Thank you for your time. I look forward to hearing from you soon.

Kaisa Lyon

Resident of Freeman Road

## 2.59 Kaisa Lyon

- KL2-1 The commenter's opposition to the alternative location for the Tice Pumping Plant is noted. 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 pumping plant would not be allowed to exceed a 45-dBA nighttime noise limit at the closest residential receptors. See **Response DGB-3** for more discussion.
- KL2-2 The commenter's concern about potential impacts to the referenced creek is acknowledged. Development of the site would not require construction in areas under the jurisdiction of the California Department of Fish and Game (see DEIR p. 6-40).
- KL2-3 See **Response AH-2**.
- KL2-4 See **Response KL1-5**.
- KL2-5 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.
- KL2-6 Refer to Section 2.1.5, Master Response on Social and Economic Costs, for discussion of property values.
- KL2-7 See **Response KL2-5**, above.

**EBMUD  
PO Box 24055  
Oakland CA 94623**

**Sept.7, 2007**

**To Whom It May Concern:**

**Along with my wife and other adult family members, I am very much against the proposed Filter Plant expansion. Our reasons are as follows:**

- we doubt EBMUD's promises re neighborhood impact since EBMUD has not shielded the last expansion project with landscaping the way it said it would.**
  - the Draft EIR that has been submitted is poorly thought out and inadequate (e.g., there is no clearly stated need or requirement in the Draft EIR re why the Filter Plant must be expanded)**
  - locating this large industrial facility in a semi-rural residential community is unfair and impractical.**
  - the removal of the sports fields will hurt Lamorinda children, depriving them of much needed recreational playing fields. My wife and I know first-hand the hassles our son's soccer teams experienced trying to find fields for 9 years. Children will also be impacted since EBMUD's expansion is contiguous to an elementary school.**
  - the various multi story buildings and huge storage tanks proposed will be visible to those driving along Camino Pablo. This will degrade a roadway which is designated as a scenic corridor.**
  - this blight will additionally influence property values in the immediate area.**
- Since there are other EBMUD locations where a filter plant could be constructed or expanded that would not impact Orinda residents, it seems logical for EBMUD to withdraw its proposed expansion and pursue other options.**

**Yours truly,**

**Karl, Leslie, Lindsay and John Schonborn  
44 Acacia Drive  
Orinda, CA 94563  
925 254-7274**

## 2.60 Schonborn Family

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.

- KLLJS-1 Pursuant to Measure 3.2-2a (DEIR pp. 3.3-35 through 3.3-36), the District has committed to adopting, as a condition of project approval, a detailed set of requirements for landscaping project sites. Commitments specific to the Orinda WTP are presented therein and provide opportunities for input for neighborhood representatives regarding landscape plans.
- KLLJS-2 Please see **Response AS-2** as well as Section 2.1.2, Master Response on Benefits to Orinda.
- KLLJS-3 Please see **Response AS-3**.
- KLLJS-4 Please see **Responses AS-4, BM-2 and BM-11**.
- KLLJS-5 Please see **Response AS-5**.
- KLLJS-6 Please see **Response AS-7**.
- KLLJS-7 Refer to Section 2.1.5, Master Response on Social and Economic Costs.
- KLLJS-8 Please see **Response AS-9**.



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PLANNING DIVISION

# Water Treatment & Transmission Improvements Program Draft Environmental Impact Report

Name: Kathy Rogers  
 Address: 1496 Boulevard Way Walnut Creek  
 Email: Kathrogers@astound.net 94590

**COMMENTS:**

(Newell Ave)  
 The other site is better suited -  
 for the heritage oaks alone!  
 The noise is a consideration,  
 as is the visual impact of  
 a large (30' x 70') and tall (20')  
 building. This is a residential  
 area. More residents are affected  
 at this site.

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.

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.

## 2.61 Kathy Rogers

- KR-1 EBMUD staff is not recommending selection of the Tice Pumping Plant alternative site. However, approval of WTTIP projects is at the discretion of the EBMUD Board of Directors. Regarding heritage oak trees at the alternative site, please refer to DEIR p. 6-36 and to **Response AH-2**.
- KR-2 Regarding noise at the alternative site for the Tice Pumping Plant, please refer to DEIR p. 6-41 and to **Response DBG-3**.
- KR-3 Regarding visual impacts at the alternative site for the Tice Pumping Plant, please refer to DEIR p. 6-36.
- KR-4 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.

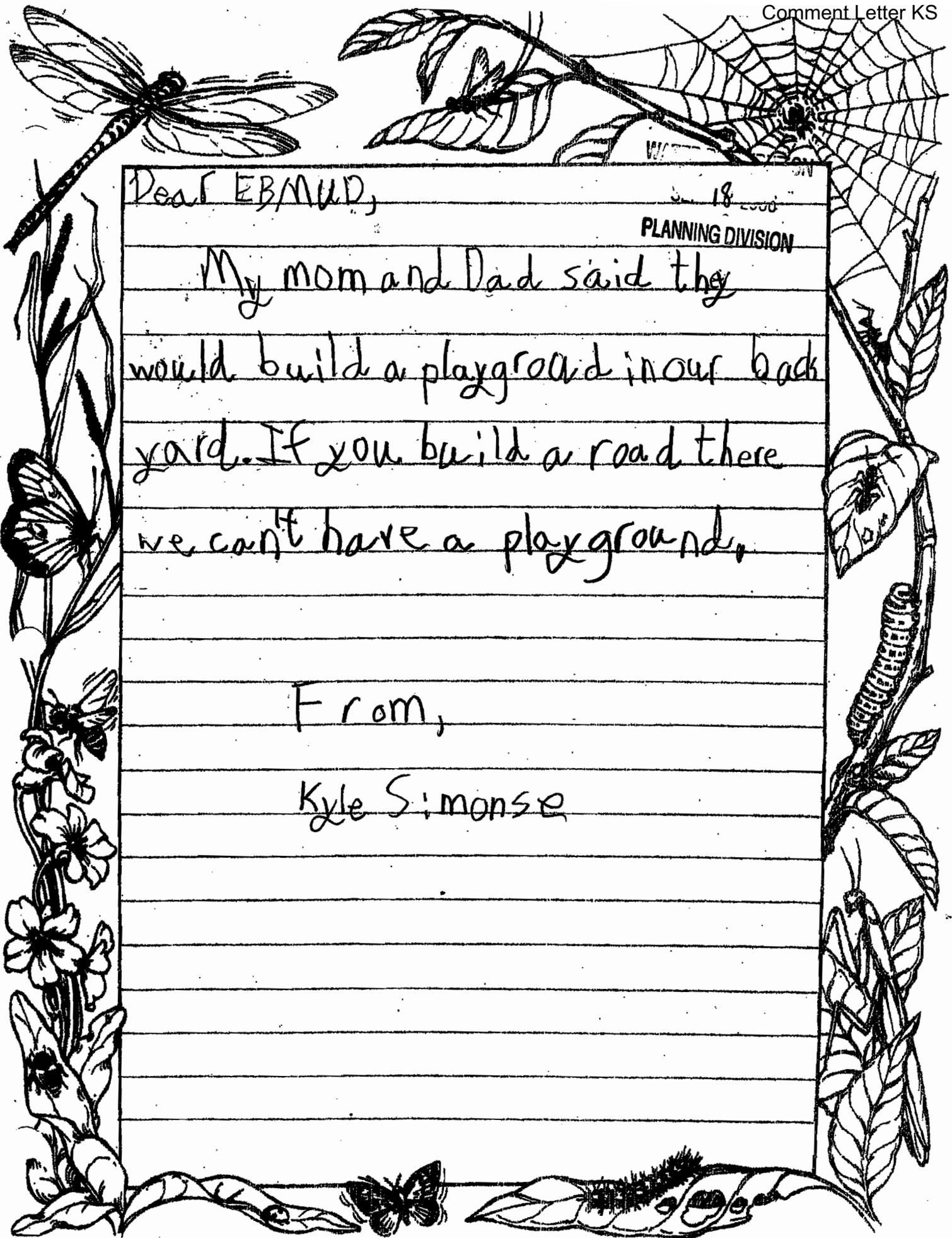
Dear EB/MUD,

June 18 2000  
PLANNING DIVISION

My mom and Dad said they would build a playground in our back yard. If you build a road there we can't have a playground.

From,

Kyle Simonse



## 2.62 Kyle Simonse

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.

KS-1 Comment noted. EBMUD appreciates the concerns regarding impacts to biological resources, views, and recreational impacts, including impacts to playgrounds, and will consider these concerns in undertaking a future project-level EIR. Please see **Responses TS-11 and TS-12.**

**WATER DISTRIBUTION**

SEP 13 2006

**PLANNING DIVISION**

31 Layman Court  
Walnut Creek, CA 94596  
September 12, 2006

Judy Zavadil, Senior Project Manager  
Water Distribution Planning Division  
East Bay Municipal Utility District  
375 Eleventh Street (Mail Slot #701)  
Oakland, CA 94607-4240

Re: EBMUC Water Treatment and Transmission Improvement Program (WTTIP)  
Draft Environmental Impact Report  
SCH #2005092019

Dear Ms. Zavadil:

I am writing with comments related to the Leland Pressure Zone Reservoir Construction Project component of the EBMUD WTTIP.

I understand that before proceeding with this project component, EBMUD will conduct necessary site evaluation, design, environmental review and permitting activities. (Draft EIR S-19). However, I share the following comments now with the hope that they will influence EBMUD staff thinking about the proposed reservoir site and access to that site prior to your finalizing the EIR.

Proposed Reservoir Site

According to the draft EIR, seven potential reservoir sites have been considered to date. What was Site 3 is now being called the "preferred" site. Sites 5 and 7 were eliminated from consideration because of geologic considerations (one being located on a active fault and one having mapped landslides on the property). Sites 1, 2, and 6 were eliminated because they are located in designated open space that can only be sold following a vote in favor of this action by the citizens of Walnut Creek. Site 4 was eliminated due to "the extent of traffic impacts associated with construction of the inlet/outlet pipeline". (Draft EIR 6-66). However, there are significant access issues associated with Site 3, including both traffic concerns and the need to build roads both through Sugarloaf Open Space and private property. Only one of four options (Option D) for getting access to the proposed site does not involve using open space.

Since there are no reasons given for eliminating Sites 1,2 and 6 other than that they are located in open space and therefore will require an affirmative vote of Walnut Creek residents to become a reservoir site, I ask why EBMUD does not also eliminate Site 3, which also requires use of open space for three of four potential access routes. I presume that Site 3 was not eliminated because 1) EBMUD staff believe a vote will not be necessary in order to use open space property as an access route during construction where a vote would be necessary to use a parcel as the actual reservoir site, and 2) there also is a fourth access option that does not require use of open space and, in fact, is proposed as the permanent route for maintenance access. Given its potential need for open space access, can you clarify why Option 3 was not eliminated as a possible reservoir site? Are there other reservoir site options that might be considered? For example, might it be possible to trade an EBMUD parcel for an open space site?

#### Access to the Proposed Reservoir Site

If, after active exploration of additional possible site options, it is concluded that Site 3 is the only viable option, I urge you to eliminate any access option that includes use of Rudgear Drive. I wrote to Timothy McGowan on January 16, 2006 laying out my husband's and my concerns. We still strongly believe that the use of Rudgear Drive is problematic for several reasons.

1. As you may know, Rudgear Drive is a very narrow and unstable road. There are no shoulders, so cars passing going in opposite directions must stay to the right without falling off the side of the road. Nor are there any sidewalks. Large trucks with heavy equipment using the road will damage the roadway itself, cause hazards for cars attempting to go the opposite direction, and endanger individuals, including children, who are walking on the road. Pedestrians would have no place to go when confronted by a large vehicle taking up most of the road. Passenger vehicles pose a threat, too, but they are smaller and more nimble.
2. Rudgear Drive is the only road into and out of the residential area. Both Rudgear itself and Layman Court, which runs into Rudgear, are dead-ends. If we had large vehicles associated with construction using the road, they could block access not only for passenger cars, but also for other large vehicles, such as fire trucks or ambulances, which occasionally do need access. A few months ago, for example, there was a grass fire in the Sugarloaf Open Space. Large fire trucks had to go up Rudgear Drive and Layman Court to get access to the Open Space so as to fight the fire from several directions. Had they been blocked by large construction vehicles or equipment they would not have been able to reach the fire site in a timely way. We understand that the reservoir construction would go on at least two years and might go on longer. Creating such road hazards for such a period of time will endanger the residents of the area.

3. In addition to life safety issues, there are also environmental quality issues arising from the dust, vehicle and equipment emissions and noise that will be a part of this project, all of which will affect residents along Rudgear Drive and Layman Court.
4. Using Rudgear Drive will also require developing a road through the Sugarloaf Open Space near the private properties that border it. Such action will affect the wildlife in the area such as deer and coyotes, and will make it impossible for some residents to gain access to the Open Space without having to cross a road. We have older and visually-impaired residents in the affected area for whom such a road would pose a danger.
5. Option A (Draft EIR 2-86) recognizes that there is no way to gain access from Rudgear Drive to the Open Space and the reservoir site without taking portions of three private properties. This option is unacceptable to residents of our neighborhood.

I see that the Draft EIR indicates that permanent access to the proposed reservoir site, as distinct from construction access, "would be via Option D"; that is, "a new road would be constructed up the slope from Rudgear Road just north of the Park and Ride lot." (Draft EIR 2-86) If Site 3 is finally chosen as the reservoir site, I urge you to select access Option D, or some other option that does not include Rudgear Drive, both for construction and permanent maintenance access.

If I can provide additional information or answer questions, please do not hesitate to contact me at (925) 934-2209.

Sincerely,



Linda C. Guerra

cc: William R. Kirkpatrick, Engineering Manager  
Timothy McGowan, Assistant Project Manager  
Nora Harlow, Community Affairs Representative

## 2.63 Linda Guerra

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.

- LG-1 The District will consider these concerns as part of the future project-level EIR evaluating the New Leland Pressure Zone Reservoir that will be undertaken prior to the District approving that project.
- LG-2 Sites 1, 2, and 6 require the permanent conveyance of open space property, which the City of Walnut Creek has stated is restricted by Government Code Section 38502. The District will consider the point that three of the four options for access to the site involve using the open space temporarily in developing the analysis of alternatives for consideration in the project-level EIR.
- LG-3 Refer to **Response LG-2**.
- LG-4 Refer to **Response LG-2**.
- LG-5 See **Responses EE-5** (regarding the suggested parcel trade) and **WC-59** (regarding other alternatives to the New Leland Pressure Zone Reservoir). The District will revisit the site selection process in the project-level EIR.
- LG-6 Rudgear Drive may not be the preferred access road to this site for many of the reasons stated in this comment letter. As the DEIR states, however, there are few options for accessing the site. Potential access road options will be analyzed in depth in the project-level EIR.
- LG-7 Refer to **Responses LG-6** and **WC-35**. In addition, implementation of DEIR Measures 3.8-1 (p. 3.8-14) and 3.8-7 would address some of the traffic safety and roadway wear-and-tear issues raised in this comment.
- LG-8 See **Response WC-35**. Measures identified in DEIR Measure 3.8-1 and described in Impact 3.8-5 could help reduce access issues for emergency vehicles.
- LG-9 DEIR p. 3.10-54 and **Response WC-23** address concerns about noise associated with the New Leland Pressure Zone Reservoir. As specific details about the construction of this project are not yet available, a more in-depth and detailed analysis at this point would be speculative.

Analysis of project-level impacts to air quality associated with the New Leland Pressure Zone Reservoir will take place as part of the future project-level EIR. With implementation of mitigation measures similar to DEIR Measures 3.9-1a, 3.9-1b, and

3.9-1c, identified for the project-level elements, it is anticipated that impacts to air quality due to increased emissions during construction could be reduced to a less-than-significant level.

- LG-10 Comment noted. Developing an access road through what is currently undeveloped open space would have minor impacts on wildlife that use the area, such as deer and coyote. However, construction impacts would be temporary and once construction is completed the road would be little traveled and continuing impacts would be negligible. Impacts to common wildlife (such as deer and coyote) are not considered significant in the DEIR (see DEIR p. 3.6-23 for discussion).

The New Leland Pressure Zone Reservoir is analyzed programmatically in the DEIR. At this point, this access road option is anticipated to be a temporary access road.

- LG-11 See **Response LG-10**. Regarding residents with special needs, this issue will be analyzed once design details are available on the project.

- LG-12 The commenter objects to construction access route Option A for the New Leland Pressure Zone Reservoir because it would require taking portions of three private properties (see DEIR p. 2-86).

The DEIR includes a programmatic analysis of potential sites for the New Leland Pressure Zone Reservoir (see Table S-2 on DEIR p. S-5). The reservoir and the associated construction access routes will be fully analyzed in a later project-level EIR. In addition, it is not the District's preferred practice to take property except through sales from willing owners, although the District, as a public utility, can invoke its eminent domain authority. All of these factors are considered in determining the most feasible and environmentally preferable of the components of a project.

- LG-13 Comment noted. See **Response WC-35**.

RECEIVED

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WATER SERVICE PLANNING



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

Name: Larry Haydon (owner 1130 Glen Road, Lafayette)  
Address: 4 Dianne Court, Lafayette, CA 94549  
Email: larryhaydon@comcast.net

### COMMENTS:

- I am very concerned about the fact that the EIR designates my front yard trees as potential for serious or total damage. These trees are a valuable part of our home and energy efficiency control for the house. We expect EBMUD to work carefully with us on this issue and to replace and/or compensate for any damages.
- Please take into consideration that the Glen Road Valley has a long history of drainage and flooding issues. The drainage ditches along the road are critical to controlling water down the valley. If the ditches get plugged or restricted anywhere, several houses below that point will have flooded front yards and garages. Several years ago the street was regraded and the contractor thought he was doing everyone a favor by spreading gravel into the ditches. That gravel is still washing down the valley causing

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 Zavadii, 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.

everybody to clean out their ditches several times during the winter seasons.

Thank you for the informative meetings, CD's etc. *[Signature]* 8/5/06

## 2.64 Larry Hayden

- LH-1 EBMUD will make reasonable efforts to reduce the potential damage to trees along the Glen Road corridor as described in Measures 3.6-1a and 3.6-1b. Any trees that do not survive pipeline construction will be replaced as described in Measure 3.6-1c.
- LH-2 The types of impacts mentioned by the commenter are discussed in Section 3.5 of the DEIR under Impact 3.5-1 (DEIR p. 3.5-29). Measure 3.5-1 addresses these concerns.

As discussed on DEIR p. 3.5-5, the proposed Glen Pipeline Improvements are located outside of the mapped flood zones associated with Happy Valley Creek. However, localized flooding due to construction of the pipeline would be avoided by contractor compliance with Section 01500 of the EBMUD construction specifications, which requires, among other things, that the contractor “maintain the site and all stored items in a neat and orderly condition allowing maximum access, not impeding drainage or traffic, and providing the required protection of materials.” Other Sections (00340 Material Assessment Information, 01350 Project Safety Requirements, and 01351 Environmental Requirements) provide that silt, eroded materials, construction debris, concrete or washings thereof, petroleum or paint products or other substances, shall not be introduced, or placed where they may be washed by runoff, into any water course, stream, lake, reservoir, or storm drain system.

**From:** lynn lopez [mailto:lynnlopezcis@msn.com]  
**Sent:** Friday, August 25, 2006 3:02 PM  
**To:** Water Treatment Transmission Improvements Program  
**Subject:** attn: Judy Zavadi-- Tice Pumping Plant

I am a neighbor responding to the Tice Valley Pumping Station. I do not believe that it should be placed in the proposed site and feel that the alternative site would be better based on numerous reasons. The proposed site is in a residential neighborhood and access is through a small neighborhood road, thus increasing the traffic flow. The alternate site gains entry on a main road. The proposed site is a residential neighborhood, not mixed use, and zoning should be abided by. The proposed site is very visible and located at the base of an unstable hill. Removal of trees and foilage from this site for construction purposes may jeopardize the hillside and cause erosion and slides. Replanting of trees would takes years to screen. The cost of retaining walls is a major expense that would not be incurred at the alternate site. The project is next to the recently completed pedestrian path. Construction at this site would be an inconvenience and disruption for all who use the path. Using an alternative site would avoid the disruption and tearing up of Olympic Blvd which is a major traffic artery for downtown Walnut Creek, Lafayette, and freeway access. Construction on Olympic Blvd could be unsafe, as well as disruptive. In summary, the alternate site appears to be a better and safer site with less expense. If you have any questions, please contact me. I would also appreciate you keeping me updated on this project.

Thank You,  
Lynn Lopez  
130 El Dorado Road, Walnut Creek, CA 94595

## 2.65 Lynn Lopez

- LL-1 See **Response AH-3** regarding the DEIR's analysis of potential traffic and circulation impacts (and associated mitigation measures), and the use of Olympic Boulevard, associated with construction of the Tice Pumping Plant.
- LL-2 The commenter is correct that the proposed project site is zoned Single-Family Residential. It is recognized in Impact 3.2-1 (DEIR p. 3.2-14) that the Tice Pumping Plant is proposed on a site located within a predominantly single-family residential and open space area. However, pursuant to California Government Code Section 53091, EBMUD is not subject to land use and zoning ordinances for projects involving facilities for the production, generation, storage or transmission of water. It is, however, the practice of EBMUD to work with host jurisdictions and neighboring communities during project planning to develop facilities consistent with the surrounding land use.
- LL-3 To address the commenter's concerns, EBMUD will 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.

DEIR Impact 3.4-1 addresses slope stability and identifies evidence of slope instability at the proposed Tice Pumping Plant site (DEIR p. 3.4-25). Implementation of Measure 3.4-1, requiring site-specific geotechnical evaluations prior to project construction, would reduce the impacts at the site to a less-than-significant level.

- LL-4 The geologic hazard of slope stability is discussed on DEIR p. 3.4-13, and makes specific reference to the Tice Valley Pumping Plant on DEIR p. 3.4-25. As the comment noted and as mentioned in the discussion of the DEIR, this project is at the base of a slope that is currently showing signs of failure. The DEIR provides mitigation for this potential impact (i.e., the potential for site development, including tree removal, to adversely affect, or be affected by, unstable slopes). The mitigation measure would require a site-specific slope stability evaluation conducted by professional geotechnical and civil engineers registered with the State of California. The evaluation would include recommendations to correct slope conditions such as building design (e.g. engineered retaining walls), slope terracing, and erosion control measures (e.g. revegetation plan) that would reduce the potential impact. Incorporation of these engineering techniques into the

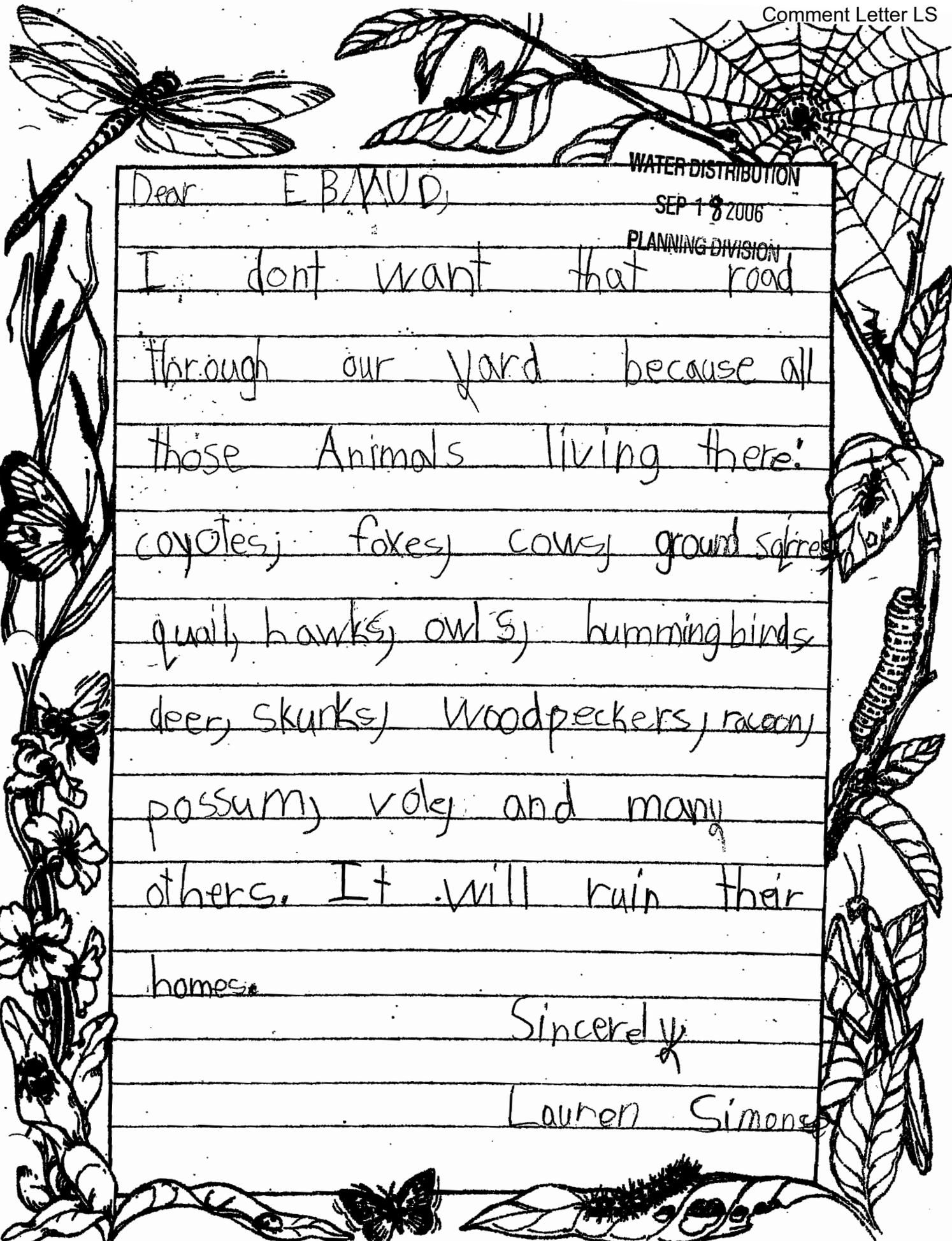
final designs of the facility would result in a factor of safety of at least 1.3 under pseudo-static (earthquake) loads and 1.5 under static loads. Therefore, the geotechnical recommendations would insure that the project is designed so that the hazards of slope instability are less than significant.

LL-5 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 because it has fewer nearby residences that would be directly affected by the construction and operation of the plant than the alternative site north of Olympic Boulevard.

LL-6 Refer to **Response LL-1** with regard to traffic impacts to Olympic Boulevard.

The disruption of use of the recreational trail adjacent to the proposed Tice Pumping Plant site is addressed under Impact 3.2-3 (DEIR p. 3.2-18). The impact is considered less than significant due to the availability of other recreational facilities nearby.

LL-7 See **Response AH-3** regarding the DEIR's analysis of potential traffic and circulation impacts and associated mitigation measures), and the use of Olympic Boulevard, associated with construction of the Tice Pumping Plant.



Dear EBMUD,

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PLANNING DIVISION

I dont want that road

through our yard because all

those Animals living there:

coyotes; foxes; cows; ground squirrels;

quail, hawks, owls; hummingbirds

deer, skunks; woodpeckers; racoon;

possum; vole; and many

others. It will ruin their

homes.

Sincerely,

Lauren Simone

## 2.66 Lauren Simonse

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.

LS-1 One of the options for accessing the proposed New Leland Pressure Zone Reservoir site identified as preferred in the DEIR (Option A on Map C-NLELRES-1 in the DEIR) would cross through your yard during construction. EBMUD will be preparing a separate project-level EIR specifically addressing the New Leland Pressure Zone Reservoir that will evaluate a full range of alternatives to the New Leland Pressure Zone Reservoir, including the four options for accessing that site.

Developing an access road next to or through the open space area (Options A, B, C or D) could indeed affect wildlife that use the area, such as deer and coyote. There is always the possibility of loss of wildlife on any construction project in an area like the Sugarloaf Open Space. Some wildlife species receive specific protection under state and federal laws, including threatened and endangered species. Your comment mentions five species of birds, all of which are protected under the Migratory Bird Treaty Act and/or other resource protection statutes. In the DEIR, these species are collectively referred to as protected or special-status species. The DEIR identifies measures to avoid impacts to special-status species; these measures were developed by trained wildlife biologists, including staff at the agencies charged with protecting the species and their habitat (the U.S. Fish and Wildlife Service, the U.S. Army Corps of Engineers, and the California Department of Fish and Game). EBMUD has committed to implementing these measures for projects that the Board of Directors will consider approving in December, 2006; the New Leland Pressure Zone Reservoir will not be among the projects considered for approval at that time. EBMUD cannot approve the project until after it has prepared the project-level EIR referred to above.

Although effects to common wildlife like deer and coyote are not considered significant impacts in the DEIR (see DEIR p. 3.6-23), some measures to protect the public and to protect special-status wildlife species (such as security fences and silt fences) also are effective at keeping wildlife out of construction sites, which keeps them out of harm's way.

**From:** Mjboortz@aol.com [mailto:Mjboortz@aol.com]  
**Sent:** Monday, September 18, 2006 10:47 AM  
**To:** Water Treatment Transmission Improvements Program  
**Cc:** Mjboortz@aol.com  
**Subject:** comments on WTTIP DEIR (SCH#2005092019)

attn:

Ms. Judy Zavadil, Sr. Proj Mgr  
EBMUD  
375 Eleventh Street  
Oakland, CA 94607-4240

As a resident of Lafayette who lives near the Lafayette Reservoir, I am providing my comments on the Draft Environmental Impact Report (DEIR) for EBMUD's Water Treatment and Transmission Improvements Program (WTTIP).

First, the DEIR appears to do a good job describing the need for this project. I also appreciate the number of alternatives EBMUD investigated and had analyzed in the DEIR document. Of the project alternatives presented, I prefer Alternative 1 (supply from Orinda and Lafayette water treatment plants) as it appears to present the least negative impacts compared to other alternatives. In addition, I believe it makes sense, from an operations flexibility and redundancy stand-point, to maintain two water treatment plants (WTPs) in the Lamorinda area versus relying on one WTP (as would occur in Alternative 2).

I do have some questions and concerns on several statements, impacts or mitigations noted in the DEIR. These questions and concerns follow, with DEIR page numbers referenced.

On page 3.3-35 (describing mitigations for loss of trees) it is noted that every project except the Highland Reservoir Project will coordinate with/involve neighborhood representatives during development of final landscape plans. Why is the Highland Reservoir Project excluded from this requirement? I suggest it should not be excluded. This Project is located within the City of Lafayette, there are residences in the vicinity and many Lafayette (and other surrounding area) residents regularly use the Reservoir area. The mitigation should include the requirement that neighborhood or City of Lafayette representatives should be involved in development of final landscape plans for the Highland Reservoir Project.

On page 2-41,42 (plus elsewhere in the DEIR) it is described how Lafayette Water Treatment Plant (WTP) backwash water will be routed to the Lafayette Reservoir via a proposed, new Reclaimed Water Line. On page 6-17, it is noted that the Lafayette WTP filter backwash water contains pathogens. On page 2-21, it is noted that Orinda WTP backwash water discharge to San Pablo Creek has repeatedly violated its NPDES permit condition on bioassay testing (acute aquatic toxicity) due to pathogens. There is mention of routing Lafayette WTP backwash water on an interim basis to the Lafayette Reservoir; and it appears that this would be done before construction of the proposed backwash water recycle process (which includes UV disinfection)? If true, I could not find in the DEIR an analysis of the impacts of this discharge (which I presume would include pathogens) on water quality and wildlife that live in or use the Lafayette Reservoir. Regardless, even after treatment by the proposed, new backwash water recycle process, there should be a requirement for aquatic toxicity testing, and a compliance standard regarding aquatic toxicity, of the discharge to the Lafayette Reservoir (i.e., water conveyed in the new Reclaimed Water Line to the Reservoir).

Why does Table 3.5-5 show no data (or estimated values, based on similar existing processes at other locations) for Lafayette WTP backwash settling basin supernatant?

On page 3.6-33, Mitigation Measure 3.6-1b requires that removed protected native trees will be replaced 3:1. This mitigation should be clarified to state that the removed trees will be replaced with native trees, and trees of the same species/type of the removed trees if possible or practicable.

On page 3.6-34, the DEIR notes that the new pipeline routing will be done to avoid removal of protected trees. I support this consideration; it should be retained/included as a mitigation measure for the project.

On page 6.9, the DEIR notes that EBMUD intends to review membrane technology for the Lafayette WTP if Alternative 1 is selected. I support this consideration since, as described in the DEIR, this technology could be an environmentally superior alternative. The requirement to study alternative available technologies for the Lafayette WTP improvements in Alternative 1 should be included as a mitigation measure (if appropriate to have such a mitigation measure at this point in the review process).

Throughout the document, there is mention that EBUMD will make efforts to minimize the removal of protected or mature growth trees. I support this consideration; it should be retained/included as a mitigation measure for the project.

Thanks for providing the opportunity to submit comments, and for agreeing to extend the public comment period on the DEIR. If there are any questions regarding my comments, please contact me via email at [mjboortz@aol.com](mailto:mjboortz@aol.com)

Sincerely,

Marielle J. Boortz  
15 Timber Lane  
Lafayette, CA 94549

## 2.67 Marielle Boortz

- MB-1 The commenter's preference for Alternative 1 is acknowledged.
- MB-2 The District will consult with the City of Lafayette when developing final landscaping plans, as stated in Measure 3.3-2a (DEIR p. 3.3-25).
- MB-3 Interim modifications including disinfection, clarification, and dechlorination of the backwash water would be implemented as part of the installation of the Lafayette Reclaimed Water Pipeline to address issues with regard to pathogens. The NPDES permit for the Lafayette Water Treatment Plant requires toxicity testing and toxicity limitations for discharges to Lafayette Reservoir. Water quality impacts associated with discharges from the Lafayette Reclaimed Water Pipeline to Lafayette Reservoir are addressed in Impact 3.5-5 (DEIR pp. 3.5-38 through 3.5-41). As stated on DEIR p. 3.5-41, analyses required by the self-monitoring program for the General NPDES Permit for Discharges from Surface Water Treatment Facilities for Potable Supply would include toxicity testing, and the effluent must meet whole effluent toxicity limitations provided in the NPDES permit. If discharges cease to meet toxicity limitations, discharge to Lafayette Reservoir will cease until resolved.

Biological impacts associated with discharges from the Lafayette Reclaimed Water Pipeline are addressed on DEIR pp. 3.6-34, 3.6-38, 3.6-47, 3.6-54, and 3.6-62. The analysis concludes that because the discharge would comply with NPDES permit discharge and receiving water limitations, discussed in Impact 3.5-5, the discharge would not have adverse effects on aquatic resources and habitat or to Bald Eagles, special status bats, the Western Pond Turtle, or associated special status species.

- MB-4 Table 3.5-5 includes representative analytical data from the existing backwash settling basin supernatant (clarified water discharged after settling to remove solids). Because the Lafayette Reclaimed Water Pipeline would discharge the same water, these data are considered representative of the quality of the proposed discharge. Although full effluent toxicity data are not available, the effluent would be expected to meet the effluent limitation for whole effluent toxicity, because it would be dechlorinated and would not contain other toxic substances as stated on DEIR p. 3.5-39.
- MB-5 Comment noted. See **Response LAF-10** for clarification of mitigation regarding replacement trees.
- MB-6 The DEIR stipulates avoidance of protected tree removal with respect to the major pipeline alignments. Measure 3.6-1e (DEIR p. 3.6-34), which requires realignment of the Highland Reservoir pipelines and Moraga Road Pipeline in order to avoid removing protected trees to the extent feasible, would be adopted as a condition of project approval.

- MB-7 EBMUD currently intends to pilot test the membrane process on our source waters. If information emerges showing feasibility of membrane technology for this application, then it will be considered at the predesign stage of the project.
- MB-8 During the Draft process a number of projects were modified and alternatives explored in order to minimize the removal of protected trees. Measure 3.6-1e (DEIR p. 3.6-34), which would be adopted as a condition of project approval, also stipulates further refinement of the major pipeline alignments to avoid removing protected trees.
- MB-9 Comment noted. EBMUD appreciates this input.

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SEP 18 2006

PLANNING DIVISION



# Water Treatment & Transmission Improvements Program Draft Environmental Impact Report

Name: Matt Broback

Address: 3304 Freeman Rd, WC CA 94595

Email: mbroback@att.net

### COMMENTS:

We oppose the placement of a pumping station on North Olympic Blvd. Given how close the station will be to the houses on N. Olympic and the destructive effect it will have on the surrounding trees, the S. Olympic Blvd seems a better option. In addition, we were given inadequate notice to consider the impact of such a project.

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 [wttip@ebmud.com](mailto:wttip@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.

## 2.68 Matt Broback

- MB1-1 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.
- MB1-2 See **Response AH-2**.
- MB1-3 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. The District generally tries to notify landowners impacted by District projects and when the District discovered that individual notices were not received, an effort was made to contact landowners. Comments on the project were accepted until September 18, 2006. Seven public meetings on the project were held at various locations. In addition, District staff met with residents on Freeman Road at their request on September 12, 2006.

**From:** [mailto:margo@theconnollys.net]  
**Sent:** Tuesday, July 25, 2006 2:57 PM  
**To:** Water Treatment Transmission Improvements Program  
**Subject:** Response to EBMUD Proposal

Dear EBMUD Representatives,

I read in the *Contra Costa Times* (July 12, 2006) that EBMUD is proposing tank changes that will likely involve the destruction of thirty old oak trees in Lafayette.

I attended a substantial portion of the EBMUD public information meeting in Lafayette that week. I stood up to voice my concern that many of us citizens did not find out about the threat to the oaks until that week. I requested that EBMUD extend their period for public comment on this series of proposed projects from the current August 25th cut-off until **at least a month** after the schools re-open, so that more citizens can learn about the projects and voice any concerns. ***It is unacceptable to railroad this plan through while so many citizens are out of town.***

These aged oak trees cannot be replaced during our lifetimes. They are a treasure enjoyed by our Lafayette community, and we all have an obligation to protect them for future generations.

At the meeting, one of the EBMUD representatives explained that there were a number of other spots that were identified as possible locations for the tank. One of those that he said would probably have worked out was eliminated from the running because it belongs to Caltrans. *He did not suggest to the audience that any attempt at negotiation had been made.* One would hope that the state would be willing to work out a plan if the motivating factor were the preservation of thirty or more old oak trees. Are the trees protected in any way?

*Please negotiate for that other site (or any other qualifying sites) before we destroy our own trees.*

Please keep me posted about an extension for public opinion. Another public meeting should be scheduled for a date sometime **after** the first week of Lafayette schools, which is too hectic a week for young families.

Thank you for your help.

Sincerely,

Margo Connolly  
Lafayette Citizen

## 2.69 Margo Connolly

- MC-1 Table 3.6-4 (DEIR p. 3.6-27) indicates that approximately 30 to 35 oak trees with diameters equal to or exceeding 18 inches may be removed at the Highland Reservoir site. In response to this comment and others expressing concern about loss of and disturbance to trees at the Highland Reservoir site, EBMUD is proposing the Revised Highland Reservoir Site for adoption and has modified the text of Measure 3.6-1e accordingly (see **Response LAF-7** and Section 3.3 of this Response to Comments document for information).
- MC-2 The comment period was extended to September 18, 2006, allowing for over 60 days during which comments could be submitted.
- MC-3 Comment noted. See **Responses EBMUD\_NR-4** and **MC-1**. EBMUD has refined the tank layout and will reduce the number of large oaks taken from approximately 17 to 8.
- MC-4 The reasons for rejecting alternative sites for Highland Reservoir are discussed in Section 6.10 of the DEIR. Site 7 (see Appendix J) is a vacant parcel owned by Caltrans north of Highway 24 and east of Via Roble. Subsequent investigation revealed that Caltrans has changed the topography and the site is now below the 530-foot contour, making it infeasible for development of the reservoir.
- MC-5 Please refer to **Response MC-2**.

**From:** Xpedxmikej@aol.com [mailto:Xpedxmikej@aol.com]  
**Sent:** Thursday, September 14, 2006 10:14 AM  
**To:** Water Treatment Transmission Improvements Program  
**Cc:** Zavadil, Judith; gayle@bos.cccounty.us  
**Subject:** WTTIP, MS # 701, The Tice Valley Pumping Station

To Whom it may concern,

Regarding the Tice Valley Pumping Station, I am strongly opposed to the selection of the alternative site (South side of Olympic Blvd) for the following reasons.

1. My first concern is that no EIR has been done on the alternative site. The alternative site contains a grove of 62 mature, mostly native trees including approximately 30 over 100 year old Heritage Oaks. Building on this site could potentially damage these beautiful trees. Trenching work has been done in the past on the street along this parcel of land and several Heritage Oaks were accidentally killed as a result. Of course before this work was undertaken, assurances were made that no trees would be harmed. Based on the size of these trees, it is a fair assumption to say the entire parcel has roots covering it.
2. My second concern ties into the first concern. The majority of these LARGE trees on the alternative site hang over the backyards of 3 homes on Freeman Road. They tower over parts of homes and play areas in these yards. I am concerned that soil movement and accidental root damage could potentially harm these trees resulting parts or complete trees falling on homes or people.
3. As mentioned before, the alternative site directly borders the backyards of 3 homes on Freeman Road. In the case of one home, the pump station would be located within 10 yards of the owners master bedroom. The current proposed preferred site located on the south side of Olympic Boulevard doe's not directly border any backyards. From a comparative noise analysis, it would seem that the current proposed preferred site would be a better choice.
4. It is my understanding that the Department of Fish and Game requires a 50 foot setback from creeks. The alternative site doe's have a small seasonal creek located along the northern boundary of the parcel. Based on the size of this lot and the size of the proposed pump station, there could be a compliance issue.

Mike Johnson

Resident  
3319 Freeman Road  
Walnut Creek CA 94595

## 2.70 Mike Johnson

- MJ-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. Regarding potential damage to trees, see **Response AH-2**.
- MJ-2 See **Response AH-2**.
- MJ-3 The area under consideration for the alternative pumping plant site is south of the trees that are located south of these homes.
- MJ-4 The commenter's concern about potential impacts to the referenced creek is acknowledged. Development of the site would not require construction in areas under the jurisdiction of the California Department of Fish and Game (see DEIR p. 6-40). Please also refer to Section 2.1.3, Master Response on EBMUD Obligations to Comply with Local Ordinances, Obtain Local Agency Approvals and Permits, and Pay Local Agency Fees for additional response pertinent to this comment.

**From:** Mary Beall [mailto:mary.beall@prurealty.com]  
**Sent:** Monday, September 18, 2006 11:00 AM  
**To:** Water Treatment Transmission Improvements Program  
**Subject:** for Judy Zavadil, Senior Project manager

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

Name: Mary and Jim Neighbor  
Address: 3314 Freeman Road, Walnut Creek  
Email: mary@marybeall.com

Comments: We are very concerned about the proposal to locate the pumping station on the land on the south side of Olympic that is owned by the Mission. There are many heritage oaks on the land and if an environmental impact study is not done these trees may be negatively impacted. The destruction of any or all of these trees would be a major loss to the entire area. The other issues that we are concerned about are what type of noise will be generated and what traffic issues will arise from the construction and on going running of the plant.

It is our understanding that an environmental impact study has been done on the original site on the other side of Olympic but not on the alternate site. It is critical that the trees are protected.

Thank You

## 2.71 Mary and Jim Neighbor

MJN-1 See **Response AH-2**.

MJN-2 The commenter's opposition to this alternative location for the Tice Pumping Plant is noted. District staff is not recommending that this alternative become the preferred project, although approval of the project is a discretionary decision by the Board. See **Response DGB-3** for discussion of noise impacts associated with the alternative pumping plant site.

MJN-3 The Tice Pumping Plant alternative site was evaluated in Chapter 6 of the DEIR. Refer to **Response RC1-1**.

**From:** Mickey Karlinsky [mailto:mlkarlin@comcast.net]  
**Sent:** Monday, September 18, 2006 2:13 PM  
**To:** Water Treatment Transmission Improvements Program  
**Cc:** manager@moraga.ca.us; jmercurio@moraga.ca.us; mlkarlin@comcast.net;  
lbkarlin@hotmail.com; puravidadave@hotmail.com  
**Subject:** EBMUD WTTIP EIR Comments

September 18, 2006

To: Judy Zavadil  
Senior Project Manager  
EBMUD

From: Dr. Malcolm Karlinsky  
224 Draeger Drive  
Moraga, CA 94556  
925-3768253  
[mlkarlin@comcast.net](mailto:mlkarlin@comcast.net)

Re: Draft EIR  
EBMUD WTTIP Program

Dear Ms. Zavadil,

All comments to be addressed refer to Moraga Reservoir replacement project:

3.3-32 Environmental Setting:

As noted, trees are to be removed and substantial demolition and construction will occur.

Since the existing landscaping is minimal and not particularly attractive, there exists the opportunity for substantial visual improvement to the site. Since the new replacement tank will be much smaller than the existing tank, with perimeter paving, mitigation measures for the environment should include extensive landscaping, with consideration for public access to a new park-like setting on the secured portions of the site.

3.8-12 Traffic

Per Table 3.8-5, the projected traffic increase to Draeger Drive is 178 vehicles per day, with 24 trucks per hour on a lightly traveled residential street. The resulting impact is excessive, and requires additional mitigation.

3.10-28 Noise

The EIR notes that some equipment....jack and bore construction....would operate 24 hours per day.

As noted, the reservoir sits in the midst of a residential area, with adjacent homes some of which are

only 50 ft away. Construction noise "would...exceed the speech interference criterion by.....11 db for impact equipment (jackhammers)". These levels would violate the applicable Moraga Municipal Code and mitigating measures described will need to be monitored for compliance with Code.

#### Hazardous materials

Please refer to EBMUD document..."Completion of Environmental Assessment and Cleanup Activities at Moraga Reservoir" dated August 11, 2004. As you know, independent analysis demonstrated asbestos present in soil samples at the Moraga Reservoir site, and recently an asbestos encapsulation project has been completed. Since the roofing material at the site (transite) contains a high concentration of asbestos and will undergo demolition, there is obvious concern over particulates released into the air. The EIR does not extensively mandate ongoing independent air sampling, monitoring, etc. to mitigate any potential for contamination. This needs to be addressed in some detail.

There are additional items in the EIR which require further discussion and analysis, and I look forward to continuing dialogue in this regard. Thank you.

Dr. Karlinsky

## 2.72 Mickey Karlinsky

MK-1 Please refer to DEIR Table 3.3-4, DEIR Figure 3.3-MORRES-1, 2 and the project discussion on DEIR p. 3.3-14. Construction of the new valve pit for Moraga Reservoir, at the southwest corner of the site, would require only minor disturbance and no tree removal. Installing the replacement tank and constructing paved perimeter access would require the removal of 4 to 6 trees on the eastern side of the site. Trees that are required to be cut would be replaced as described in Measure 3.6-1b (DEIR p.3.6-33). Given the presence of an existing reservoir facility on the site and the mature trees and shrubs that would remain around its perimeter, the proposed modifications would represent a relatively minor, incremental visual change that would not substantially alter the site's appearance. Implementation of Measure 3.3-1 (DEIR p. 3.3-23) would require construction contractors to establish staging areas in areas generally away from public views.

The District disagrees that the existing landscaping is minimal. However, EMBUD will meet with impacted landowners and neighbor representatives to discuss options during the design process. For security purposes, public access will not be allowed beyond the area which is already encompassed by the existing site fencing.

MK-2 As described on DEIR p. 3.8-10, the analysis of potential impacts associated with each facility focuses on the maximum number of daily and hourly vehicle trips during its construction. The number of construction-related trips would vary among the different facilities, and among the tasks involved. Impacts during lower trip-generating tasks would be less than those described in the DEIR. In the case of the Moraga Reservoir facility, the estimated maximum trip generation on Draeger Drive would occur for approximately 8 weeks. The DEIR analysis acknowledges (p. 3.8-13) that traffic volume increases would be more noticeable on lightly-traveled roadways such as Draeger Drive than on higher-volume Moraga Way and Moraga Road. The traffic volumes would, however, remain at levels less than the carrying capacity of these roads.

MK-3 Jack-and-bore construction and operation of jackhammers would not occur 24 hours per day. As stated on DEIR p. 3.10-28, these activities would be limited to construction hours specified in the Moraga Noise Ordinance (8 a.m. to 5 p.m.) as required in Measure 3.10-1b (DEIR p. 3.10-31) except during critical water service outages or other emergencies and special situations. As detailed in a change to Measure 3.10-1b (see Section 3.2 of this Response to Comments document), "EBMUD will coordinate with local agencies regarding noise controls for any construction work that needs to occur after 6:00 p.m. and before 7:00 a.m." However, should equipment operate beyond the hours specified in the Moraga Noise Ordinance (24 hours per day), Measure 3.10-1d (DEIR p. 3.10-32, second bullet) requires that such equipment meet local ordinance noise limits as listed in Table 3.10-1 (DEIR p. 3.10-4).

MK-4 As discussed on DEIR p. 3.11-29 and noted by the commenter, the existing Moraga reservoir would be demolished to accommodate construction of a new reservoir in the same footprint. The current reservoir roof contains asbestos; therefore, as specified in Measure 3.11-2, EBMUD would ensure that prior to demolition a hazardous building materials survey for the structure is completed by a registered environmental assessor or a registered engineer. Any hazardous materials identified, including asbestos, would be abated in accordance with applicable regulations prior to demolition.

During abatement, asbestos abatement contractors must follow the regulations in Title 8 of the California Code of Regulations. In accordance with Section 1529 of these regulations, asbestos work must be conducted within regulated areas and within these areas employers must conduct periodic air monitoring to determine if airborne asbestos concentrations exceed permissible levels. In addition, abatement contractors must implement engineering controls and work practices to control dispersion of asbestos-containing materials during abatement. When roofing materials are removed, the contractor must:

- Remove the roofing material in an intact state to the extent feasible
- Use wet methods to remove roofing materials that are not intact, or that would be rendered non-intact during removal
- Continuously mist cutting machines
- Collect all dust from cutting operations either by a HEPA dust collector, HEPA vacuuming, or gently sweeping and wiping, with immediate bagging of the dust or placement in a covered container
- Pass the roofing material to the ground via a covered, dust tight chute, crane, or hoist, unless carried by hand
- Transfer unwrapped material to a closed receptacle in such a manner to preclude dispersion of dust

Implementation of these legally-required measures would substantially reduce the potential for contamination during asbestos abatement activities at the Moraga Reservoir.

MK-5 EBMUD appreciates your comments and concerns regarding the project and will continue to keep the community apprised of the project.

**From:** Skeb4@aol.com [mailto:Skeb4@aol.com]  
**Sent:** Thursday, September 14, 2006 5:19 PM  
**To:** Water Treatment Transmission Improvements Program  
**Cc:** marose@bos.cccounty.us  
**Subject:** Response to Draft EIR (Pump Plant on Olympic)

Attn: Judy Zanadil ,Senior Project Mgr.

Please accept our comments regarding the Water Treatment and Improvements Program Draft E.I.R. Alternative Site on the Northwest Side of Olympic Blvd.

The construction would cause irreparable damage to the existing oak trees along the back of the alternative site.

The construction traffic along Olympic Blvd. could create an unsafe driving situation due to the high volume of cars using Olympic Blvd.

The preferred site on the south side of Olympic Blvd. would allow the contractor to access the work area from the frontage road. This would minimize construction traffic on Olympic Blvd.

The current P.G.&E. power lines are located on the south side of Olympic. This would eliminate the need for coordinating trenching across Olympic Blvd.

In conclusion we feel the preferred, site on the south side of Olympic Blvd., is the most beneficial for all parties.

Mike and Karen Perry  
3383 Freeman Road  
Walnut Creek, CA 94595  
[SKEB4@aol.com](mailto:SKEB4@aol.com)

## 2.73 Mike and Karen Perry

- MKP-1 EBMUD staff is recommending the proposed site on the south side of Olympic Boulevard for EBMUD Board approval. Regarding potential damage to trees, see **Response AH-2**.
- MKP-2 See **Response AH-3** regarding the DEIR's analysis of potential traffic and circulation impacts (and associated mitigation measures), and the use of Olympic Boulevard, associated with construction of the Tice Pumping Plant.
- MKP-3 Refer to **Response MKP-2**.
- MKP-4 On DEIR p. 3.12-15, information is provided on existing public utilities in the vicinity of the Tice Pipeline alignment. Table 3.12-5 indicates public services and utilities impacts by project facility and Table 3.12-6 identifies applicable mitigation measures for individual WTTIP projects.
- MKP-5 Refer to **Response MKP-1**.

SEP 11 2006

PLANNING DIVISION

MATTHEW P. MORAN

8 NORTHWOOD DRIVE

ORINDA, CA 94563

2/6/06

Ms. Zavadil -

I encourage you to locate the proposed Orinda Filter Plant Expansion to another location.

This proposed location will impact this area negatively in so many ways:

- This is a designated scenic corridor
- These play fields are a great place for Orinda kids to play.
- locating this huge facility in a residential area exposes EBWD to future liability with respect to health concerns

-2-

for nearby residents.

I personally OPPOSE

this proposed expansion and  
will pursue all legal remedies

to insure that the citizens  
of Orinda are protected

from this egregious and  
inappropriate proposed  
expansion.

Thank You,

Matt Moran

925-254-9317

## 2.74 Matthew Moran

- MM-1 The DEIR considered several alternatives involving the Orinda WTP, including (at the request of the City of Orinda) several involving relocation of the Orinda WTP. These alternatives were eliminated because they do not meet the District's objectives. Refer to DEIR pp. 6-52 through 6-56.
- MM-2 Views of the Orinda WTP from the designated scenic route of Camino Pablo would encompass portions of the backwash water recycle system. Due to the presence of dense roadside vegetation, the project would only be visible from a relatively short segment of designated scenic route. DEIR Figures 3.3-OWTP-6 and 3.3-OWTP-7 show close-range "before" and "after" views of the project (without landscaping and with landscaping at five years of maturity) as seen from Camino Pablo. From this location, portions of the new building would appear prominently during the initial period following construction. However, existing vegetation would partially screen the new structure. As shown in the DEIR Figure 3.3-OWTP-6 simulation, the new building would appear along the roadside within the context of foreground built elements, including traffic signals and meter boxes. From Camino Pablo, the new building would look similar to the existing chemical building (refer to Photo O4, DEIR Figure 3.3-OWTP-2). As indicated in the DEIR Figure 3.3-OWTP-7 simulation, within five years the proposed landscaping would substantially screen the building and storage tank as seen from Camino Pablo. With implementation of Measures 3.3-2a through 3.3-2c, the project would not substantially change the character of views experienced from Camino Pablo.
- MM-3 Comment noted. Refer to **Response BM-2**.
- MM-4 The commenter's opposition to the project is acknowledged.

**From:** mjm393@comcast.net [mailto:mjm393@comcast.net]  
**Sent:** Tuesday, September 12, 2006 3:41 PM  
**To:** Water Treatment Transmission Improvements Program  
**Cc:** Zavadil, Judith; Foulkes, Katy; ajrothman@comcast.net; lidateds@comcast.net; runbets@comcast.net  
**Subject:** Water Pumping Station Alternate Sight - Miner Road, Orinda

To Whom it May Concern:

For the following reasons we feel strongly that the water pumping station should **not** be built on the sight adjacent to the properties at 393 and 401 Miner Road in Orinda.

**1. Negative effect on surrounding property values.**

- we have learned that there have been no studies done or data collected on the effects that these structures have on the values of property surrounding them. I think this is vital information for homeowners and **STUDIES SHOULD BE DONE IF EBMUD WANTS TO BUILD THESE STATIONS RIGHT NEXT TO OUR HOMES. OUR PROPERTY VALUES ARE VERY IMPORTANT TO US.**

- we at 393 Miner Road now look out our kitchen window and see a wooded pristine and pastoral view. We moved here from San Francisco and this was the feature that drove us to choose this as our home. If you build this plant, that changes our environment dramatically and I'm certain, damages the value of our property. There are numerous other, less intrusive, sights for this station to be built in the area. Yes, this sight is conveniently accessible for EBMUD due it's proximity to Miner Road, but we think the negative effects on the surrounding homeowners should be more important.

**2. Other sights more suitable**

- it seems that the **primary** sight on Lombardy Lane has been abandoned simply because there are more complaints from homeowners for EBMUD to contend with . This primary sight appears better suited due to larger lot size. Based on the shape of the property on Lombardy it seems that a plant might not even be visible from the road. Anything built on the sight on Miner would be an eyesore for everyone living in and driving through the neighborhood.

- with the hundreds of acres in the subject area owned by the Orinda Country Club, surely there has to be somewhere on the golf course that this plant could be built where it wouldn't intrude visually on the homeowners **sanctuary** and bring down their property values. Also, any noise problems this plant may produce would be lessened if it were built away from private homes. Again, the path of least resistance, vis-a-vis the number of OCC members that might complain, should not be the deciding factor in choosing the best sight.

We obviously feel very strongly that this pumping station should and could be built on any number of other sights in the area and because no previous studies have been done or data collected by EBMUD concerning the effect on surrounding property values, we have retained legal counsel to assist us in discovering our rights on this important issue.

Sincerely,  
Michael & Mary Moran  
393 Miner Road  
Orinda. CA 94563

## 2.75 Michael and Mary Moran

- MMM-1 This comment expresses opposition to construction of the Happy Valley Pumping Plant at the alternative site on Miner Road. That site is now the preferred site; however, approval of the selected 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 and amplify the discussion of environmental impacts (refer to Chapter 3, Text Revisions, in this Response to Comments document).
- MMM-2 EBMUD acknowledges these concerns and has proposed measures to minimize visual impacts in Section 3.3 of the DEIR, Visual Quality. Also, please refer to Section 2.1.5, Master Response on Social and Economic Costs, regarding property values.
- Please note that the owner of the Happy Valley Pumping Plant Alternative site has submitted an application to the City of Orinda to construct an 1,100 square foot accessory structure at the same location; therefore, the future setting of the site could change whether or not the pumping plant is constructed at that location.
- MMM-3 The owners of the DEIR Proposed Happy Valley Pumping Plant site intend to build a house at the site (refer to comments in letter RCW). The owner of the Happy Valley Alternative site has indicated he would be a willing seller to EBMUD. EBMUD has a preference for acquiring land from willing sellers and considers this and other factors in the selection of sites.
- MMM-4 Although the site on Lombardy Lane is larger than the site on Miner Road, the latter provides sufficient space for construction of the pumping plant.
- MMM-5 Photos HV1 and HV2 on DEIR Figure 3.3-HVPP-2 show the views of the site from Lombardy Lane. From these locations, the street frontage of the site is visible.
- MMM-6 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 appearance be integrated with its environment. The District will involve neighborhood representatives during development of landscape plans (Measure 3.3-2a, DEIR p. 3.3-35). Refer to the exhibits following this page for examples of pumping plants designed to blend in with their surroundings.

- MMM-7 The Happy Valley Pumping Plant will draw water from the Bryant Pressure Zone (PZ) via a new 16-inch pipeline at the intersection of Miner Road and Oak Arbor Road. As the new pumping plant must tie into the new pipeline, the only reasonable location within the Orinda Country Club would be along the western edge of the 6th hole, parallel to Miner Road. In order for EBMUD to access this portion of the property, a new site access road would have to be constructed off of Miner Drive and through the golf course. EBMUD believes it is inappropriate to build a new access road that crosses the fairway of the 6th hole. Further, as there is very little shoulder in this area and there is a brief slope up to the golf course, building such an access road off Miner Road would be highly problematic. As such, EBMUD does not consider constructing a new pumping plant at the Orinda Country Club a feasible solution.
- MMM-8 See **Response RCW1-4** and Section 3.4 in this Response to Comments document for a discussion of operational noise levels at the Happy Valley Pumping Plant Alternative site. It is noted that the alternative site is not preferred by the commenter.
- MMM-9 Refer to **Response MMM-3**.
- MMM-10 Please see Section 6.10.3 in the DEIR, as well as Section 2.1.4, Master Response on the Need for and Alternatives to the Happy Valley Pumping Plant, in this Response to Comments document.

**From:** MLPinkard@aol.com [mailto:MLPinkard@aol.com]  
**Sent:** Friday, July 14, 2006 2:57 AM  
**To:** Water Treatment Transmission Improvements Program  
**Subject:** Century Old Oaks at Lafayette Reservoir

Mrs. Zavadil,

Trees are the primary creators of oxygen in our atmosphere, and every tree we chop down increases global warming.

Doubt it?

Stand outside on a hot, sunny day in the open, and then step under a tree. Yep -- that tree is absorbing the heat and protecting the animals, humans, and other plants from it.

Century-old trees **MUST** be preserved. There was a day when the rest of nature could take a back seat to people -- but no more. There are too many people and too little of nature now. Even under current population increases -- without the many millions of both illegal and so-called legal immigrants and their high birth rates that the government is forcing into this country -- **ONE MILLION ACRES** of wilderness is scraped and paved each year.

And on the Earth and the natural environment we depend for our very lives. Time to just say no to cutting down the trees -- especially old-growth ones. I'm certain sure that all those EBMUD engineers can find a better way than to clear cut trees that have been living since before any of us was born, in order to make that unnecessary water tank just to increase water pressure a bit.

Let's find another way to justify our jobs. If you need help with it, I'm an engineer myself -- in high-tech IT business applications -- with excellent powers of logic -- and I'm willing to go the course to find that better way.

Best,

ML Pinkard

## 2.76 ML Pinkard

MP-1 In response to this comment and others expressing concern about loss of and disturbance to trees at the Highland Reservoir site, EBMUD is proposing the Revised Highland Reservoir Site for adoption and has modified the text of Measure 3.6-1e accordingly (see **Response LAF-7** and Section 3.3 of this Response to Comments document for more information).

September 1, 2006

WATER DISTRIBUTION

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

SEP 05 2006  
PLANNING DIVISION

SUBJECT: Water Treatment and Transmission Improvements Project  
Draft EIR

Dear Ms. Zavadil:

About a month ago I became aware that a public hearing was held in the City of Orinda on this project. I found out about this from Mr. Roger James (925) 376-3641) who I met when he drove up our private road. He said he was hired by the City of Orinda to study the EIR on behalf of the city.

I have talked with my neighbors and none of us received any notice in the mail or otherwise that EBMUD was even considering building a water tower on the Donald Pumping Station (DPS) on Ardith Drive. Our properties are easily within 300' of the DPS property line and I thought that by law we deserved a mailed notification, or does this not apply to non-private corporations.

We feel that we deserve a meeting with EBMUD where it representative explains what is going to happen and when. Also what mitigation measures EBMUD plans to minimize visual impact on our properties. The DEIR is hundreds of pages long, studies maybe thirty different projects and the parts related to the DPS are scattered all across the document. It is unfair to require a homeowner, inexperienced with land use laws to navigate the document.

We live on Leslee Lane, just north of the DPS. Three of our homes abut the DPS: 100, 110 and 120 Leslee Lane. The visual impact on our homes would be enormous.

On the one hand we applaud EBMUD for investing in our critical water system but want to minimize the impact on our homes. Please give me a call to arrange a time to meet with us.

Thank you,

  
Michael Pecar  
510-301-7570

CC with attachment:  
Orinda City Council  
Orinda City Manager  
Liz Johnson – 121 Leslee Lane  
Greg and Julie Weber – 110 Leslee Lane  
Bill and Minate Murphy – 100 Leslee Lane

## 2.77 Michael Pecar

MP1-1 EBMUD regrets that Leslee Lane was inadvertently left off the mail list for the public meetings held in Orinda on July 27 and August 2. After this oversight was discovered, EBMUD notified the neighbors on September 6 and held a special neighborhood meeting on September 12 to discuss the improvements at the Donald Pumping Plant site. Although it is not required by CEQA, EBMUD tries to individually notify landowners directly affected by District projects where possible.

MP1-2 EBMUD's Tim McGowan met with the commenter and other nearby residents on September 12, 2006. See also **Response PJ-2**, which discusses the meeting.

Section 3.3 of the DEIR presents measures to mitigate visual impacts. Measures 3.3-2a, 3.3-2b, and 3.3-2c (DEIR p. 3.3-35) would be implemented to mitigate impacts related to alteration of WTTIP sites and views from surrounding areas. Measures 3.3-5a and 3.3-5b will be implemented to address light and glare impacts.

MP1-3 Because the WTTIP projects are complex and numerous, the DEIR is also necessarily complex. 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 District took several steps to help readers navigate the document:

Tables S-4 through S-9 summarize the impacts of each project in each jurisdiction and provide page references to allow readers to proceed directly to a particular discussion.

Table 2-1 summarizes the alternatives and provides page numbers for readers to proceed directly to a particular project's description.

EBMUD held seven public meetings (in addition to the meeting with the commenter) during the DEIR comment period. At each meeting, District staff demonstrated how to conduct searches in the electronic versions of the DEIR (CD or EBMUD website).

The electronic versions of the DEIR were set up with bookmarks to enable the user to quickly locate specific sections, maps, tables and appendices.

The comment period for the DEIR was extended to 88 days (DEIRs typically are circulated for 45 days).

MP1-4 Regarding impacts to views from Leslee Lane, refer to **Response ORIN-36**.

**From:** Marc Trapani [mailto:m.trapani@sbcglobal.net]  
**Sent:** Tuesday, September 05, 2006 10:44 PM  
**To:** Water Treatment Transmission Improvements Program; Harlow, Nora  
**Cc:** ixbehse@pacbell.net  
**Subject:** Route B option for New Leland Pressure Zone Reservoir and Pipeline

To Whom It May Concern -

With regards to your request for comments, I am opposed to the route B alternative for the subject construction for various reasons as follows -

- 1) Sugarloaf Drive, the proposed initial access point, is a private road, maintained primarily by private funding.
- 2) This road is not designed in turn radius, width, or load to carry or accomodate large construction equipment to the extent required by such a project.
- 3) This route appears to be 5 to 15 times (or more) longer than most of the alternative routes.

Please feel free to call me should you have any questions.

Sincerely,

Marc Trapani  
1360 Sugarloaf Drive  
Alamo, CA 94507

Cell - 510-755-1755

## 2.78 Marc Trapani

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.

MT-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 (see DEIR p. 2-86). The commenter specifically notes that the private road is maintained by private funding and is not designed to accommodate large construction equipment. The comment also notes that the Option B access route appears longer than the other alternative routes.

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

MT-2 See **Response MT-1**.

MT-3 See **Response MT-1**.

MT-4 See **Response MT-1**.



Water Treatment & Transmission Improvements Program  
Draft Environmental Impact Report

WATER DISTRIBUTION  
SEP 11 2006  
PLANNING DIVISION

Name: Pauline M. ANGELL  
Address: 1411 Boulevard Way, Walnut Creek, Ca. 94595-1303  
Email: - None -

**COMMENTS:**

IM CONCERNED FOR THE BIG OAK TREES.  
THERE ALSO IS A CREEK, IS BETWEEN THE  
PROPERTY LINES OF NEIGHBORS, AND NEW  
DESIGNATED SITE FOR PUMPING HOUSE, WHICH  
WOULD REQUIRE A "VARIANCE." THERE WOULD  
BE EXTRA NOISE FOR NEIGHBORS, ALONG WITH  
OLYMPIC BLVD. <sup>TRAFFIC</sup> NEXT WOULD BE THE DIFFICULTY  
OF CONSTRUCTION VEHICLES ENTERING AND  
EXITING, NO LEFT HAND TURNS OFF OF OLYMPIC BLVD.  
IN MY OPINION I THINK THE "COST" OF THE  
PROJECT HAS THE EFFECT ON THE SITE. I THINK  
THE ORIGINAL SITE IS THE BEST.

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 Zavdil, Senior Project Manager, at [wttip@ebmud.com](mailto:wttip@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.

rec 9/14/06  
PB.

## 2.79 Pauline Angell

- PA-1 EBMUD staff is recommending the proposed site on the south side of Olympic Boulevard for EBMUD Board approval. See **Response AH-2**.
- PA-2 See **Response KL2-2** regarding potential impacts to the referenced creek.
- PA-3 See **Response DGB-3** regarding the DEIR's analysis of potential noise impacts (and associated mitigation measures).
- PA-4 See **Response AH-3** regarding the DEIR's analysis of potential traffic and circulation impacts (and associated mitigation measures), and the use of Olympic Boulevard, associated with construction of the Tice Pumping Plant.
- PA-5 Refer to **Response PA-1**.

**From:** Peter K. Clark [mailto:pkclark@ucdavis.edu]  
**Sent:** Monday, July 17, 2006 9:43 PM  
**To:** Water Treatment Transmission Improvements Program  
**Cc:** eursu@ci.orinda.ca.us  
**Subject:** Comments on draft EIR for WTTIP

Judy Zavadil:

EBMUD's analysis of alternative sites for the proposed Sunnyside Pumping Plant is seriously inadequate; lack of knowledge about local geotechnical and land-use issues has caused EBMUD to choose Site #2 when either Site #3 or Site #4 is probably safer and less costly.

**Geotechnical problems with Site #2:** Site #2 is probably in a landslide zone; the land above it (and above Happy Valley Road) has subsided at least three times in the last 13 years. Borings in our side yard directly downhill from the proposed site revealed layer upon layer of old slides and a very weak soil structure. Between our side yard and Site #2, the Klein's house (4107 Happy Valley Road) has suffered serious (and expensive) foundation problems, again indicating a slide path. An adequate foundation for a pumping plant at Site #2 might make its cost much higher than a plant at Site #3 or Site #4.

**Land use problems with Site #2:** Map D - SUNPP - 2 and Figure 3 - SUNPP - 3 each show an existing access road west of the proposed pumping plant. No such access exists. The former landowner illegally filled and paved the path to his horse shack, prompting threats of legal action from the City of Orinda, which has opposed access off Happy Valley Road as too hazardous. If EBMUD attempts to buy the land for Site #2 without granting an easement for access to development of the land beyond, the current landowner is unlikely to sell at less than a prohibitive price.

Peter K. Clark  
4103 Happy Valley Rd  
Lafayette, CA 94549

## 2.80 Peter K. Clark

PC-1 Geotechnical and land use issues associated with the pumping plant and required inlet/outlet pipeline to each pumping plant site were considered in the alternatives analysis. A summary of the Sunnyside Pumping Plant alternative analysis is presented in Section 6.10.3 of the DEIR.

EBMUD concurs with the commenter that there are numerous mapped landslides in the vicinity of the preferred site (Site #2) for the Sunnyside Pumping Plant. Slope stability specific to the Sunnyside Pumping Plant is discussed on DEIR p. 3.4-25. As the comment noted and as mentioned in the DEIR discussion, the Sunnyside Pumping Plant site is on a slope that could be susceptible to failure. The preferred site was classified as having a moderate landslide hazard (S2), as shown on Figure 3.4-2 in the DEIR. Due to the potential for landslides within the underlying sedimentary Orinda Formation, a project-specific geotechnical and geological investigation, and associated slope stability analyses, will be performed as part of the design for the Sunnyside Pumping Plant. This approach for mitigating any significant geologic impacts is detailed in Measure 3.4-1 (DEIR p. 3.4-25).

Each of the pumping plant sites have different site work and inlet/outlet pipeline requirements affecting the cost of the alternatives. The site-specific slope stability evaluation would provide the detailed geotechnical information required for a sound design of this structure. Conducted by professional geotechnical and civil engineers registered with the State of California, the geotechnical evaluation would include recommendations to correct slope stability hazards at the proposed site with such standard geotechnical engineering measures as engineered retaining walls incorporated into the building design, slope terracing, soil reinforcement, and drainage control measures. The geotechnical recommendations would ensure that the project would be designed so that the hazards of slope instability are less than significant.

Sites 3 and 4 have similar geotechnical issues. While the District is not aware of a mapped landslide at Site #3 (Nilsen, 1975), a shallow “creep zone” (1 to 4-feet deep) was noted in this area as part of the geologic mapping for the Orinda Downs Development, Subdivision 6462 (Hallenbeck & Associates, 1984). Construction of the Sunnyside Pumping Plant on this sloping property would require hillside grading, and keying in an engineered fill pad, to create a level site for the pumping plant. Such grading could lead to slope instability, and drainage and erosion issues toward the residential structures below, if appropriate mitigation measures are not incorporated into the design. While a mapped landslide is present within the drainage swale to the northeast of Site #4, no landslides were encountered during and after the construction of a 40-foot diameter temporary steel tank on an engineered fill pad directly behind the existing Happy Valley Reservoir in 1998. This is the proposed location for Site #4.

PC-2 See **Response PC-1**.

PC-3 The preferred location (Site #2) for the Sunnyside Pumping Plant is on property within the City of Lafayette (APN# 247-010-019). However, the proposed access to the site is via Happy Valley Road, across a parcel within the City of Orinda (APN# 365-450-008). EBMUD understands that Happy Valley Road is currently being widened in this area. While the proposed property is in Lafayette, EBMUD understands that it will need to coordinate with the City of Orinda regarding the proposed site access off Happy Valley Road.

Comments regarding Water Treatment & Transmission Improvements Program Draft Environmental Impact Report from Leslee Lane, Orinda

Following are the collective comments of the owners of the three houses on Leslee Lane in Orinda identified below concerning the new Ardith pumping station and reservoir. Two of us border the EBMUD property; all have the EBMUD property in visual sighting.

As you know, all property owners on Leslee Lane were unaccountably left out of your postcard distribution of information regarding the EIR, and we found out about the proposals affecting us entirely by accident within the last several weeks. Although EBMUD has delivered to each of us a CD with the EIR, none of us have had the opportunity to review it in any detail whatsoever. Therefore, some of our comments below may well be answered in or anticipated by the EIR, and we will be happy to have an answer of just a reference to specific pages in the report.

Our comments are also based on the comments of Timothy McGowan of your organization, who kindly spent the better part of this Tuesday evening explaining what was going to happen on the site, and on a site inspection that several of us made.

Because of the late notice to us, and our inability to devote the time necessary to even begin to understand the scope of the work proposed, we must reserve the right to offer additional comments at a later date. This should not inconvenience EBMUD since construction will apparently not begin until 2013.

NOISE

[1] We were not clear from our discussion with Mr. McGowan about the orientation of the sound from the new pumping station. We understood that the sound orientation (venting) was away from the houses on Leslee Lane, but would like written assurance from EBMUD on that subject. Our houses are all in close proximity to the new pumping station, and would be adversely affected by any increased sound levels.

[2] We will also appreciate a comparison of the sound level of the existing pumping facility (which is currently acceptable) and the sound level of the proposed new pumping station.

CONSTRUCTION

[1] We understood from comments of Mr. McGowan that EBMUD contractors are given hours to work that are not consistent with Orinda ordinances. The Orinda ordinance allows construction activities on weekdays from 8 AM to 6 PM and Saturday from 10 AM to 5 PM, and heavy equipment use is not allowed on Saturday. We also understand that Orinda ordinances do not apply to EBMUD. Nevertheless, in view of the close proximity of the construction to our houses, and the unpleasantness of construction

beginning at 7:00 AM (not allowed by the Orinda ordinances), it should not be difficult for EBMUD to observe the hours and other requirements of the Orinda ordinances. Otherwise, we would certainly offer comments regarding the hours of construction, etc., due to the close proximity of the construction to our homes, but the Orinda ordinances seem to offer a standard that should be acceptable to all.

[2] We would like assurances in advance of construction that, when and if hazardous substances are used/unearthed/spilled, the home owners are notified immediately. Several of the homes will likely have young children.

[3] The EIR table 3.9-4 shows that excavation from the project will be one of the highest emitters of dust of all construction activities. Please give us assurance that extreme care will be taken by the contractor to minimize dust emissions and possibly install sensors to monitor the effectiveness of mitigation measures.

### SOIL CONDITIONS

This is a critical issue for all of us.

It is very important that your construction (including pre-construction activities such as vegetation removal & ground disturbance) not adversely affect the soil and drainage conditions. All of us have had soil “issues” in the past, which appear to be solved. We will not be happy to face these issues again. In fact, we believe EBMUD is well aware of the geologic conditions since you have been fixing broken water mains in the middle of Leslee Lane for a few years.

The rains of the past winter resulted in sheeting water running down Leslee Lane, and all of us had supersaturated soil. EBMUD installed a concrete storm water drainage ditch at the bottom of your property fronting on 110 Leslee Lane several years ago to attempt to channel away excess drainage water. We are concerned that the project with substantially increased impervious surfaces may overwhelm that channel, or result in new avenues of storm water runoff.

[1] Please assure us that the current plans take these risks into consideration and that all possible will be done to prevent any damage from soil movement or water runoff.

[2] Please assure us that before preconstruction activities begin, the owners will be contacted by EBMUD representatives to discuss any current soil or water issues, and to discuss what is being done by EBMUD to prevent any damage to both the integrity of the hillside and the adjoining properties on Leslee Lane.

[3] Please assure us that the vegetation planned for the site, and the removal of existing vegetation, will be done with these soil and water problems in mind. This will include, for example, not removing existing vegetation immediately before or during the rainy season.

TREES

We are unhappy that the EIR shows 30-35 trees being removed. This seems to be the total of the existing trees on the site. All of us believe EBMUD has done a very good job of being a good neighbor with its vegetation, and will be very sorry to see the trees removed.

The selection of new trees and their placement will be *very* important to us, both for preservation of views, to block the "view" of the new tank (which is sizeably larger than the existing tank) and for prevention of excess water runoff or soil movement.

[1] For these reasons, please commit to us to consult with the residents of Leslee Lane well in advance of any cutting of trees *and* to consult with all of us regarding new tree placement and tree selection. We all have different elevations and views of your site, so our interests may vary, and certainly we do not have enough information at this time to comment on specifics.

[2] And please likewise commit to begin the reforestation well before construction begins in order to assist in preservation of views and prevention of water runoff or soil movement.

BERM

In our discussion with Mr. McGowan we briefly discussed the possibility of "berming" the new reservoir tank, i.e. building up the soil around the tank with a "volcano" effect. Is this now planned? If not, can it be added to the plans? That would obviously reduce any obnoxiousness of the new tank.

Thank you for your consideration of our comments.

Greg & Julie Weber  
110 Leslee Lane  
Orinda, CA 94563

Mike & Shawne Pecar  
120 Leslee Lane  
Orinda, CA 94563

Philip Jensen &  
Elizabeth Johnson  
121 Leslee Lane  
Orinda, CA 94563

September 15, 2006

## 2.81 Philip Jensen et al

- PJ-1 EBMUD regrets that Leslee Lane was inadvertently left off the mailing list for individual notices of the public meetings held in Orinda on July 27 and August 2. After this oversight was discovered, EBMUD notified the neighbors on September 6 and held a special neighborhood meeting on September 12 to discuss the improvements at the Donald Pumping Plant site. CEQA does not require individual notices but EBMUD provides them where possible.
- PJ-2 Comment noted.
- PJ-3 EBMUD will respond to comments received during the designated comment period and will consider any late comments. Once the final EIR has been completed in compliance with CEQA, a public hearing will be held prior to certification. EBMUD will also coordinate with local communities in implementing the project.
- PJ-4 On p. 3.10-46, the DEIR states, “The building’s vent would be located on the south or east side of the building, not on the sides facing residential receptors to the north or west.” Residential receptors to the north or west refers to the residences on Leslee Lane.
- PJ-5 Pumping capacity of the pumping plant would not change,<sup>1</sup> so pump noise is not expected to change significantly. Therefore, the primary factor in determining how noise levels would change with project implementation would be the change in distance between the noise source and residential receptor. Of the three closest residences to the pumping plant, the proposed pumping plant would be located closer to residences on Leslee Lane and farther from one of the residences on Leslee Lane. The change in distance between the pumping plant and these three residences on Leslee Lane would be as follows:

<b>Closest Residential Receptor</b>	<b>Approximate Minimum Distance to Receptor</b>	
	<b>Existing Pumping Plant</b>	<b>Proposed Pumping Plant</b>
Residence on Leslee Lane to the north	175 feet	230 feet
Residence on Leslee Lane to the northwest	165 feet	130 feet
Residence on Leslee Lane to the west	220 feet	100 feet

Existing pump-related noise levels are not available because any measurement of ambient noise levels at the site would also measure traffic noise from Moraga Way, which dominates the noise environment. Other contributing factors to the noise environment must be considered when predicting future noise levels.

<sup>1</sup> The existing pumping plant has four 30-horsepower pumps, but only three would operate at a time. The proposed pumping plant would have two 100-horsepower pumps, but only one would operate at a time.

It is expected that traffic noise will continue to dominate the noise environment in the site vicinity. Since the proposed pumping plant would be closer to existing residences, it is expected that noise from the pumping plant would also be higher. However, the plant's vent opening location is the most critical factor in determining whether or not ambient noise levels would change with the proposed pumping plant. Noise levels can be as much as 20 dBA lower away from the vent opening. The largest vent opening on the existing pumping plant faces north (*toward* existing residences), while the proposed plant's vent would face south or east (*away* from existing residences on Leslee Lane). By locating the vent opening away from these three residences, any noise increase resulting from increased proximity to these residences would be offset by proposed relocation of vent openings away from residences. Therefore, no increase in pumping plant noise at these residences is expected.

- PJ-6 Measure 3.10-1b has been revised to clarify that noise producing construction cannot be limited to the hours in each jurisdiction's noise ordinance then EBMUD would coordinate with the local jurisdictions to minimize noise happening outside of those hours. See also **Response LAF-13**.
- PJ-7 Hazardous materials are materials that, because of their quantity, concentration, or physical or chemical characteristics, pose a substantial present or potential hazard to human health and safety or to the environment if released. If any such materials are found, notifications will be made pursuant to regulations administered by the Department of Toxic Substances Control (refer to the letter from this agency). It is not anticipated that large quantities of hazardous materials will be stored or used at the Ardith Reservoir and Donald Pumping Plant site. Contra Costa County's community warning system is designed to immediately alert residents within one mile of an incident, notify appropriate emergency response agencies, and provide updates about the incident and additional protective measures that may be required (see DEIR p. 3.11-7).
- PJ-8 The contractor will be required to implement standard and enhanced dust control and exhaust control measures listed on DEIR p. 3.9-10. Monitoring sensors will not be used to determine whether the contractor is complying with these measures. Enforcing these measures based on visual observation (seeing visible dust) is the best way to ensure compliance by the contractor. Data from sensors would have to be collected and analyzed before compliance could be determined; this delay makes it impractical since an event would have already passed by the time compliance is determined.
- The District can assure the commenter that, in implementing this project, all reasonable measures and precautions will be carried out to minimize dust emissions.
- PJ-9 Potential slope instability issues at the Ardith Reservoir and Donald Pumping Plant site are discussed in Impact 3.4-1. As noted on DEIR p. 3.4-23, the site is located on moderate to steep topography that could potentially be susceptible to slope instability. However, impacts related to slope instability would be less than significant with implementation of Measure 3.4-1 requiring a site-specific design-level geotechnical

investigation to identify specific adverse slope instability conditions. In accordance with this measure, the design of the project would incorporate slope stabilization measures recommended by the geotechnical analysis.

Methods for control of stormwater and other discharges during construction would be specified in the SWPPP prepared in accordance with the statewide General Permit for Stormwater Discharges Associated with Construction Activity (Construction General Permit) described on DEIR p. 3.5-21 and in Impact 3.5-1. Further details regarding the permit addressing erosion control and stormwater management are provided in **Response ORIN-45**.

The concrete storm water drainage ditch at the bottom of District property fronting 110 Leslee Lane will remain in service after the project is completed. Post-construction stormwater controls would be described in the construction SWPPP. A post-construction stormwater control plan would be prepared, including a maintenance schedule for installed post-construction BMPs, as required by the General Construction Stormwater Permit, and overage under the General Construction Stormwater Permit would not be terminated until this plan is in place, permanent erosion control measures are in place, and the site is in compliance with all local stormwater management requirements. Any proposed use of stormwater infiltration methods would consider potential effects on slope stability, and would not be used if they could substantially affect slope stability at the site.

- PJ-10 EBMUD will do what is legally and technically required to prevent damage from soil movement and water runoff. Measures proposed to control stormwater during and after construction are discussed in Impacts 3.5-1 and 3.5-6, and addressed in **Responses PJ-9**, and **ORIN-53**. Measure 3.4-1, DEIR p. 3.4-25, states that, “During the design phase for all WTTIP project components that require ground-breaking activities (excluding pipeline), the District will perform site-specific design-level geotechnical evaluations to identify adverse slope instability conditions and provide recommendations to reduce and eliminate potential slope hazards in the final design and if necessary, throughout construction.” Slope stabilization measures may include appropriate slope inclination, surface and subsurface drainage facilities and erosion control measures.

Measure 3.4-1, DEIR p. 3.4-26, requires erosion control measures to protect slope stability. In addition, the proposed project as described on DEIR p. 3.5-20 requires that all water flowing from a job site shall be of such purity and cleanliness as not to introduce any contaminants into any waterway or storm drain system. To meet this objective, construction contractors are required to provide plans, procedures, and controls related to the discharge of water and the control of storm water during construction.

- PJ-11 Prior to beginning construction, EBMUD will meet with the property owners to discuss soil and water issues, and review the recommendations of the geotechnical evaluation and the components of the SWPPP and post-construction stormwater control plan intended

- prevent damage to the integrity of the hillside and the adjoining properties on Leslee Lane.
- PJ-12 See **Response PJ-10**. Plans for removal and replacement of the vegetation at the Ardith Reservoir and Donald Pumping Plant site would consider the potential for soil erosion and movement, and methods to control these would be specified in the construction SWPPP which would be reviewed with property owners prior to construction as indicated in **Response PJ-11**.
- PJ-13 Although an estimated 30-35 trees would be removed to accommodate the Ardith Reservoir and Donald Pumping Plant, many trees would remain on the site (refer to Map C-ARRES-1 in DEIR Volume 1) and additional trees would be planted as proposed as part of the project. Figure 3.3-ARRES-3 in Section 3.3 of the DEIR, Visual Quality, shows a conceptual landscape plan for the site. Pursuant to Measure 3.3-35 (DEIR p. 3.3-35), the District will coordinate with neighborhood representatives and the City of Orinda when developing landscape plans for the site.
- PJ-14 Comment acknowledged. See **Response PJ-13** and the DEIR discussion of biological (Section 3.6 of the DEIR) and visual (Section 3.3 of the DEIR) impact mitigation.
- PJ-15 Measure 3.3-2a, which would be adopted as a condition of project approval, states that “the District will coordinate with and involve neighborhood representatives during the development of final landscaping plans.”
- PJ-16 The District agrees to landscape before construction begins in areas that will not be disturbed by construction *before construction begins* in order to assist in preservation of views. Areas that are within the construction limits of the project will be landscaped following the completion of the project. In response to this comment, Measure 3.3-2a has been revised. See Section 3.2 of this Response to Comments document.
- PJ-17 EBMUD has explored berming around the new reservoir. Building up the soil around the tank would require that the new Donald Pumping Plant be sited closer to the property line, that a six-foot-tall retaining wall be installed along the southwestern edge of the property, and that more trees be removed. The environmental impacts associated with this alternative would be greater than the preferred alternative presented in the DEIR, and consequently, the berming option is not being pursued. However, given the topography of the site, landscaping will provide effective screening of the tank (refer also to **Response PJ-13**).

RECEIVED  
AUG 23 2006  
WATER SERVICE PLANNING



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

Name: PAULA E MALCOM

Address: 2461 OLYMPIC BLVD WC 94595

Email: \_\_\_\_\_

### COMMENTS:

Come on, guys. If the Boulevard Way  
pumping plant is going to serve Boulevard  
Way, put the PP on that road / side  
of Olympic. Yes, I have a trail of  
NIMBY going here, so the Ice PP  
site seems more suitable to me

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 [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.

## 2.82 Paula Malcom

PM-1 EBMUD staff is recommending the proposed site on the south side of Olympic Boulevard for EBMUD Board approval. In addition, please note that numerous factors were considered during the alternative analysis for a new EBMUD facility. Based on hydraulics, water tanks or pumping plants are often placed in neighborhoods different from those that will be served. Water tanks must drain down to serve the residents below and pumping plants must pump up to serve the residents and tanks located above. The new Tice Pumping Plant would improve the water distribution throughout the Rossmoor area along Tice Valley Boulevard, which is south of Olympic Boulevard. Water would be drawn from the Leland Pressure Zone via a new 20-inch-diameter pipeline installed in Boulevard Way, and pumped up to fill the Tice Reservoir. The proposed Tice Pumping Plant to the south of Olympic Boulevard would be at the northern edge of the new pressure zone that it will serve; it will not serve Boulevard Way.