

Stacey Beadlumy
1443 Blvd Way
Walnut Creek, Ca 94595

9-14-06

Comment Letter SB

Dear Ms. Gavadi,

RECEIVED

SEP 15 2006

WATER SERVICE PLANNING

This is regarding the
CBMUD project on Olympic Blvd
in Walnut Creek. Please; I
am a resident of Saranap,
and have been in most of my
50 years of life. I do not
want the proposed pumping
station to be located near
Freeman Rd, as recently pro-
posed. The destruction of one
several beautiful oak trees
is my main concern. And, as
I witnessed last year, next
door to me, a 300 yr old oak tree
can be destroyed, though a
slow destruction, however destroyed
nonethe less, by digging around
the root structure. It had to
be removed after 300 years, simply
because the home had been built
too close to it. Please consider
another site.

Thank you

Stacey Beadlumy
1443 Boulevard Way

SB-1

SB-2

2.92 Stacy Bradbury

SB-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. See **Response AH-2** regarding potential damage to protected trees.

SB-2 See **Response AH-2** regarding impacts to oak trees. 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.

Sept 1, 2006

WATER DISTRIBUTION

SEP 1 1 2006

PLANNING DIVISION

Dear Judith Zavadil,

I reside at 33

Lombardy Lane in Sleepy Hollow. I am absolutely opposed and enraged that anyone would propose putting a water pumping station in this beautiful residential neighborhood of million dollar plus homes. Who in the world would want a pumping station across the street or down the road from them. I bet even you wouldn't! So find
(over)

another spot for your station (one away from people's homes) and leave this area alone.

Please come to your senses!

Sandra J. Dunny

2.93 Sandra Denny

- SD-1 Please refer to Section 2.1.4, Master Response on the Need for and Alternatives to the Happy Valley Pumping Plant and Pipeline. The commenter's objection to the DEIR Proposed Happy Valley Pumping Plant site is acknowledged. Please note that District staff is recommending that the Board of Directors approve the alternative site for the Happy Valley Pumping Plant (on Miner Road).

From: Susan JunFish [mailto:junfishPfSE@hotmail.com]
Sent: Thursday, August 10, 2006 6:55 AM
To: Coleman, John; Harlow, Nora
Cc: Harlow, Nora
Subject: new reservoir

Dear Mr. Coleman and Ms. Harlow:

I am writing to you in regards to my concern of EBMUD's decision to build the new reservoir adjacent to the Rim trail at Lafayette Reservoir. My understanding is that there are other locations that would impose less environmental impact. I do not understand why this location was chosen. I'm primarily concerned about the numerous impacts to wildlife in that area. I found out about this after the July 13th information meeting so I apologize that I am not as apprised as I could be. I believe all communities, including the wealthier, need to make some compromises and assist the projects for the larger community. My concern is not a "Not in My Backyard issue", but one of advocating for the most stable location that also imposes the least environmental impact.

SJ-1

Yours,
Susan JunFish, MPH
Director, Parents for a Safer Environment

2.94 Susan JunFish

SJ-1 After revisiting potential reservoir layout designs at the preferred site, EBMUD is proposing to move the reservoir approximately 120 feet north and to use a temporary retaining wall during construction to minimize the number of large diameter trees impacted by the new facility. Refer to Section 3.3 indicating changes to the Highland Reservoir site evaluations.

DEIR p. 6-62, discusses the nine other potential sites for the Highland Reservoir. The nine sites were screened against five criteria (operational, implementation, environmental, construction, and cost). The preferred alternative was identified in the DEIR determined to best meet these criteria.

In addition, DEIR p. 6-18 evaluates constructing the Highland Reservoir at a site north of the proposed site to avoid impacts to the grove of large-diameter valley and coast live oaks. Table 6-3 indicates the severity and magnitude of impacts associated with this alternative site relative to impacts of the proposed project. Overall, there would be a tradeoff between impacts to biological resources and impacts to visual quality.

From: Sallyr157@comcast.net [mailto:Sallyr157@comcast.net]

Sent: Friday, July 14, 2006 2:36 PM

To: Harlow, Nora

Subject:

EBMUD Community Affairs Office; I am writing this to register my opposition to building a pumping station on Lombardy Lane. I believe that the noise, traffic congestion, unsightliness of such a facility, will have a serious negative effect on our quality of life and property value in Sleepy Hollow. I also believe that tearing up Miner Rd and Lombardy Lane could result in a terrible catastrophe, In case of fire, earthquake or other disaster .That is because LL and Miner Rkd are very narrow, two lane roads which already carry too much traffic and shutting even one for any extended period could result in a tragedy because we the unable to get out of SH or Orinda Downs with the road all blocked up. We have lived in SH since 1964 and have seen houses burned to the ground because the Fire Trucks were unable to get through. Please reconsider putting a pumping station in Sleepy Hollow it would have ! a serio us effect on the quiet and beauty we so enjoy. Sincerely, Sally and Michael Rubinstein 157 Lombardy Lane Phone 925-254-8743

SMR-1

SMR-2

2.95 Sally and Michael Rubinstein

- SMR-1 Please note that District staff is recommending that the Board of Directors approve the alternative site for the Happy Valley Pumping Plant (on Miner Road), after discussions with the owner of this parcel and consideration of other information. Regarding comments on quality of life and property values, refer to Section 2.1.5, Master Response on Social and Economic Costs.
- SMR-2 Section 3.8 of the DEIR, Traffic and Circulation, describes the projected traffic, the disruption of traffic flows and street operations (including road closures and pipeline construction), and other potential impacts due to construction activities. Access disruption to land uses and streets for both general traffic and emergency vehicles during WTTIP construction is analyzed in the DEIR under Impact 3.8-5. As stipulated in Measure 3.8-1, access for emergency vehicles would be maintained at all times, and owners or administrators of sensitive land uses such as hospitals will be notified in advance of the timing, location, and duration of construction activities and the locations of detours and lane closures. 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.

Michael and Sally Rubinstein

157 Lombardy Lane
Orinda California, 94563
Email: www_miker157@aol.com
www.sallyr157@comcast.net
Phone: 925 254 4679
Fax: 925 254 4965

WATER DISTRIBUTION

SEP 15 2006

PLANNING DIVISION

9-14-06

East Bay Municipal Utility District
c/o Judy Zavadil, Senior Project Manager
P.O Box 24055, MS701
Oakland, California 94623-1055

Re: Environmental Impact Report for Water Treatment and Transmission Improvement Project

This letter is written in response to EBMUD's request for comment on Draft Environmental Impact Report (hereafter referred to as DEIR).

In reviewing the DEIR my wife and I find much fault with both the DEIR and the proposed pumping plant on Miner/Lombardy lane as described in the DEIR:

The DEIR does not provide an adequate explanation as to why this project and its purported improvements are necessary. It makes mention of meeting future requirements and expanded population growth which it bases on vague and inadequate data. It does not provide any real alternatives to this project such as new technologies that would mitigate or even possibly eliminate the need for this project. Finally as written this proposal fails to disclose or analyze the significant environmental impacts this project imposes and it does not provide adequate mitigation for those impacts as defined by the minimum " CEQA " standards for environmental impacts.

SMR1-1

SMR1-2

SMR1-3

With regard to the pumping station referred to as "Happy Valley" in the DEIR, which is actually Lombardy Lane and Miner road, this too needs to be reviewed for other alternatives, ones that will not so dangerously impact this heavily populated residential neighborhood both short and long term. Further the DEIR does not address cumulative noise impacts as required by CEQA in this location, nor does it address the impact of removing old Trees or the impact on wildlife in the area as required by CEQA.

SMR1-4

SMR1-5

SMR1-6

The DEIR imposes 90 percent of the burden for supplying increased capacity to the areas water purification and distribution system on Orinda and its citizens, while providing minimal additional benefit to those who will bear this burden. This is in itself is unfair and other alternatives which are not addressed in this proposal need to be investigated to mitigate this injustice.

SMR1-7

This proposal as written is ambiguous by design or ineptitude, making it very difficult if not impossible to assess many of the issues the DEIR attempts to address. In fact this DEIR is a flawed concept that should be shelved until a valid study of the need for additional water purification, distribution and storage capacity for Orinda/Lafayette and the surrounding areas is done. Further that plan if such capacity is shown to be necessary must fairly distribute the burden of these expansions to those whom the plan would benefit.

SMR1-8

SMR1-9

Thank you for your consideration

Sincerely


Michael and Sally Rubinstein

2.96 Sally and Michael Rubinstein

- SMR1-1 Refer 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.
- SMR1-2 Refer 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 and to **Response ORIN-2**.
- SMR1-3 The DEIR evaluates the potential for approximately 60 environmental impacts to result from implementation of the proposed Happy Valley Pumping Plant and Pipeline project. Chapter 3 of the DEIR discusses those impacts and the mitigation measures identified to reduce them. They are summarized in Tables S-5 and S-10 of the DEIR.
- SMR1-4 Please note that District staff is recommending that the Board of Directors approve the alternative site for the Happy Valley Pumping Plant (on Miner Road). For more information on alternatives considered, refer to DEIR p. 6-61 and Section 2.1.4, Master Response on the Need for and Alternatives to the Happy Valley Pumping Plant and Pipeline.
- SMR1-5 See **Response RCW1-3** for a discussion of combined or cumulative pumping plant noise. Cumulative noise impacts are discussed in Chapter 5 of the DEIR. There are two discussions: Section 5.2, evaluates collective and overlapping impacts associated with construction and operation of all WTTIP facilities; and Section 5.3, identifies cumulative impacts associated with construction and operation of all WTTIP facilities in combination with other planned infrastructure projects (EBMUD as well as other service districts), local jurisdictions (Lafayette, Moraga, Orinda, Walnut Creek, Pleasant Hill, San Pablo, Richmond, Oakland, and Contra Costa County) and other agencies (Caltrans).
- SMR1-6 The DEIR addresses the potential impacts of tree removal, as well as the impacts on wildlife that could result from construction of the Happy Valley Pumping Plant and Pipeline project. See Section 3.6, Biological Resources, DEIR pp. 3.6-24 through 3.6-68. Table 3.6-3 (DEIR p. 3.6-25) shows that the site may have impacts on protected trees, streams and riparian habitat, special-status birds, bats, and the San Francisco dusky-footed woodrat. Impacts to common wildlife are also discussed, but are not considered significant in this EIR. Table 3.6-4 summarizes impacts to protected trees and shows the total number of trees, as well as the number of protected trees, that are estimated to be removed or damaged as a result of construction at this site (including the associated pipeline).
- SMR1-7 Refer to Section 2.1.2, Master Response on Project Benefits to Orinda. Regarding analysis of other alternatives, refer to **Response ORIN-115**.

SMR1-8 The DEIR is necessarily complex because the WTTIP projects are complex and numerous. The organization of the DEIR project description and the need for cross-referencing reflects 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 commenter is referred to **Response SMR1-3** regarding the assertion that the DEIR is flawed.

SMR1-9 Refer to Section 2.1.2, Master Response on Benefits to Orinda.

Dear Judy Zavadil, Project Manage

September 4, 2006

I would like to respond to EBMUD’s proposal to construct the Tice Pumping Facility at the alternate side number 2 on the south side of Olympia Blvd. I live about 300 yards SSW of this site so I have a particular interest in any minimizing any negative short term and long term impacts on the neighborhood as a result of this proposed facility.

SP-1

This response is also motivated to help EBMUD continue to provide the very best technical and economic solutions so that it may provide quality water to its customers in the future as it has done for so many years.

SP-2

1. The fundamental problem to be address by the Tice Pump Facility, as noted in the proposal, stems from the fact that Tice Reservoir is at a relatively low elevation. Would not a pressure boost pump located at this Reservoir have the effect of increasing the elevation or head of this tank? Would this not be a simpler solution and provide increased the tank’s water exchange volumes and provide the necessary pressure and flow volumes to customers within the existing Colorado Pressure Zone? By locating this presumed smaller boost pressure pump plant next to the Tice Reservoir on existing EBMUD-owned property would be a much less expensive and a quicker solution, rather than construct a Tice Pumping Plant on Olympic Blvd and 24 inch pipe down Boulevard Way. This smaller faculty could be sited on either the North or East sides of the Tice Reservoir tank. It would have minimal impact on the neighborhood, as the site is remote and homes are at some distance. Perhaps further hydraulic simulations would show that this solution would be good enough to allow the Tice Reservoir to be used more effectively. This solution would also eliminate the complication of dividing up the Colorado Pressure Zone into two separate pressure zones. Being a smaller pump faculty it would have a more cost-effective reduce energy use. Greater energy saving could be achieved by making use of newly developed high efficient centrifugal pumps combined with very energy efficient electronically adjustable speed electric motor systems. If needed, additional pumping capability could be added to the small pump facility located at the corner of Olympic Blvd. and Reliez Station road to increase pressure and flow to that section of the Colorado Pressure Zone served by these pumps. Overall, this solution might be the most cost effective and simplest to implement.

SP-3
SP-4
SP-5
SP-6
SP-7

2. If the above solution is not feasible I think site on the North side of Olympic to be better than to the proposed pumping plant on the alternate site number 2 on the Southside of Olympic. This North side of Olympic site is a larger flat lot. It would have less impact on the neighborhood and would eliminate the complication of digging up and crossing Olympic Blvd. I think the property might be easier to obtain.

SP-8

3. However, the site on the vacant commercial lot on the Southeast corner of Olympic and Tice Valley road, I feel, however, is the best location for this proposed pump plant, assuming by first suggestion of the is not possible. First, the corner site is also flat and larger and would have less impact in the neighborhood and travel routes. It has easy access off Tice Valley road. It is zoned so that a gas station was once located on the lot. Presently it is used a parking lot with a few cars using it. Furthermore, there is a vacant

SP-9

10. Construction noise impact on neighbors would be high and this is on top of the fact that the neighborhood has already had to content with 5 years of construction noise and disruption by the hillside housing development on King Dr.

SP-22

11. On this site there is natural gas power backup generator and PG&E equipment for the overhead communication cable.

SP-23

I hope this response to your request for input will be useful. We all need clean water delivered to our homes and businesses and EBMUD have done an excellent job of providing this to its customers over the years. Improvements to your water system are necessary to continue this great service. I hope my comments will help you engineers design the most cost effective and minimally environmental impact improvements to your water system with respect to the Colorado Pressure Zone and the proposed Tice Pump Plant.

SP-24

Please call me if I can be of any assistance

Sincerely,

Stephen Phillips
925-933-8546

2.97 Stephen Phillips

SP-1 Comment noted.

SP-2 EBMUD appreciates your thoughtful and constructive input.

SP-3 For reasons described below, the solution suggested by the commenter (a pressure boost pump) could alleviate reservoir fluctuation problems in the winter, but would not bring the water supply needed into the pressure zone in the summer and, consequently, EBMUD prefers the solution presented in the DEIR.

The Tice Reservoir supplies water to the southeast portion of the Colorados Pressure Zone (primarily the Rossmoor area). This area, referred to as the Tice Subzone, also supplies water to the higher elevation Bryant Pressure Zone (see Figure 2-3, DEIR p. 2-11) via the Castle Hill Pumping Plant. In the summer, when demands are high, the Tice Reservoir cannot get enough water due to competing demands from the Colorados and Bryant Pressure Zones. Even if the Colorados Pressure Zone pumping plants operate all day at full capacity, the Tice Reservoir does not recover to its full capacity.

During the normally low winter demand period, the opposite effect occurs. The Tice Reservoir does not fluctuate (i.e., drain) very well because its overflow elevation is the lowest in the pressure zone; this problem could lead to poor water quality caused by decreases in residual disinfectant levels (see DEIR p. 2-21, first paragraph, for more information). The current solution to this dilemma is to reduce the flow of water to the Tice Subzone by temporarily closing off the 20-inch main pipeline at the Olympic Boulevard/ Tice Valley Boulevard intersection (leaving only a smaller 12-inch pipeline feed) and operating Castle Hill pumping plant as much as possible. This process results in a limited volume of water being available for the Tice Reservoir (i.e. mirroring the summer conditions), causing it to fluctuate more frequently. However, EBMUD does not wish to operate the system in this abnormal mode on an annual basis as it is labor-intensive and does not solve the warm-weather problem.

EBMUD's proposed solution for the summer and winter problems is to isolate the Tice Subzone from the Colorados Pressure Zone by installing a permanent rate control valve on the 20-inch main pipeline in Olympic Boulevard. As a result, the Tice Reservoir would be the only water source for the Tice Subzone and the Castle Hill Pumping Plant; reservoir water levels would then fluctuate during winter demands. However, this approach also isolates the Tice Subzone from the pumping plants in the Colorados Pressure Zone, meaning that a new pumping plant (the Tice Pumping Plant) must be constructed to meet the high summer demands, and a new pipeline (the pipeline in Boulevard Way) must be constructed to supply the pumping plant lower elevation from the Leland Pressure Zone.

SP-4 Please see previous response.

- SP-5 Please see **Response SP-3**. A variable speed pump was not determined to be preferable for this use.
- SP-6 EBMUD is not aware of the small pump facility at the corner of Olympic Boulevard and Reliez Station Road. However, this location falls in the middle of the Colorado Pressure Zone, and an increase in pumping capacity in this area would not significantly benefit the hydraulic needs in the Tice Subzone.
- SP-7 Please see **Response SP-6**.
- SP-8 As part of the CEQA analysis on this complex project, EBMUD must balance a variety of competing considerations. EBMUD staff is recommending the proposed site south side of Olympic Boulevard for approval by the EBMUD Board of Directors 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.
- SP-9 See **Response SP-8**, above. The suggested site was considered as a potential site and rejected because it would permanently displace parking for the commercial area (DEIR p. 6-65).
- SP-10 EBMUD does not construct fully buried pumping plants due to concerns regarding surface water drainage. Generally, buried pumping plants extend above grade approximately two to four feet and have a unique set of visual impacts. However, to address the commenter's concern, a portion of the pumping plant (5-10 feet) will be constructed below ground to reduce visual impacts. In addition, EBMUD will implement Measures 3.3-2a through 3.3-2c, which include landscaping, and architectural treatments and design elements that will blend into the surrounding neighborhood. For examples of EBMUD pumping plants designed to be consistent with residential neighborhoods refer to **Response CN-3** and Figure 9, in Section 2.27 of this Response to Comments document.
- SP-11 See previous response. Visual impacts are addressed in Section 3.3 of the DEIR. Refer also to Section 2.1.5, Master Response on Social and Economic Costs.
- SP-12 Contra Costa County, along with a local trails improvement organization, has proposed improvements to the Olympic Boulevard paved trail in the vicinity of the proposed Tice Pumping Plant. EBMUD has met with Contra Costa County and the Saranap Olympic Pathway Group to coordinate site planning and landscaping of the proposed pumping plant use of the Olympic Boulevard paved trail and implementation of the proposed improvements would not be impeded by the proposed Tice Pumping Plant. However, construction noise, dust, and traffic could disrupt use of the trail during the one- to two-year construction period. EBMUD will continue to coordinate with applicable agencies and interested members of the public during final site development and will retain existing recreation uses in the vicinity of the Tice Pumping Plant.

- SP-13 All of the utilities identified in this comment are listed in Table 3.12-4 (DEIR p. 3.12-10) except for the fiber optic cable. Refer to Section 3.2, Text Revisions, in this Response to Comments document for text change to Table 3.12-4. Measures 3.12-1a through 3.12-1h (DEIR pp. 3.12-6 through 3.12-17) to address the potential for pipeline construction to interfere with existing utilities.
- SP-14 This location was identified as a high priority utility on DEIR p. 3.12-10.
- SP-15 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).
- SP-16 Impact 3.4-1 in the DEIR, which addresses slope stability, identifies evidence of slope instability for the hillside 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.
- SP-17 As shown on Map D-TICEPP-1 in the DEIR, the proposed site provides sufficient room for the pumping plant, parking area, and appurtenances (the pumping plant itself would be 30 feet by 70 feet). The horizon year for the Tice Pumping Plant is 2030; EBMUD does not anticipate needing to physically expand the Tice Pumping Plant beyond the dimensions shown on Map D-TICEPP-1. (Note also that pumping plant capacity often can be expanded by switching out pumps with higher capacity units, as is the case with the existing Fay Hill Pumping Plant described in the DEIR.)
- SP-18 Table 3.12-4 is a listing of *underground* utilities and therefore would not have included overhead utilities. DEIR p. 3.12-15 describes overhead utilities located at the Tice Pumping Plant site as follows "Project facilities would require the relocation of a PG&E meter, a transformer, and an electrical pole on the proposed site."
- SP-19 The County Connection Bus 206 route would not be eliminated during construction of the Tice facilities. As described under Impact 3.8-6 (DEIR pp. 3.8-21 and 3.8-22), pipeline construction within or across streets (including Olympic Boulevard), and temporary reduction in travel lanes, could result in delays for County Connection transit service in the vicinity of the worksites. But while buses on Route 206 could be slowed by project construction, trucks, and pipeline installation on Olympic Boulevard, two-way traffic flow (including service on Route 206) would be maintained (one lane in each direction), as indicated in Table 3.8-6 (DEIR p. 3.8-17). Measure 3.8-1 requires coordination with the County Connection so the transit provider can temporarily relocate bus stops in work zones as it deems necessary.
- SP-20 As noted on DEIR p. 6, the proposed Tice Pumping Plant site is located adjacent to a zone identified by the Federal Emergency Management Agency as a moderate or

minimal flood hazard zone (Zone X). The pumping plant would be designed to withstand flood flows and would not significantly impeded floodwater flows; erosion and impacts related to flooding would be less than significant.

- SP-21 Two-way traffic flow would be maintained on Olympic Boulevard (as indicated in Table 3.8-6, DEIR p. 3.8-17), and the effect on the movement of emergency vehicles including fire trucks and ambulances would be less than significant. Measure 3.8-1 requires coordination with facility owners or administrators of sensitive land uses such as police and fire stations, transit stations, hospitals, and schools, including advance notification of the timing, location, and duration of construction and the locations of detours and lane closures.
- SP-22 For the preferred site (south side of Olympic Boulevard), the construction noise impacts are quantified in Table 3.10-5 on DEIR p. 3.10-14 and discussed on page DEIR p. 3.10-20. Operational noise impacts are quantified in Table 3.10-8 (DEIR p. 3.10-42) and discussed on DEIR p. 3.10-47. See **Response DGB-3** for a discussion of construction-related and operational noise impacts at the alternative site on the north side of Olympic Boulevard.
- SP-23 See **Response SP-18**.
- SP-24 Comment noted.

WATER DISTRIBUTION

JUL 17 2006

PLANNING DIVISION

July 14, 2006

East Bay Municipal Utility District
Judy Zavadili, Project Manager
P O Box 24055 MS701
Oakland CA 94623-1055

Dear Ms. Zavadili and EBMUD in general:

I am shocked, appalled and upset that EBMUD is planning to destroy 30 oak trees along the Lafayette Reservoir Rim Trail. With development and Sudden Oak Disease, our California oak trees are under enough stress as it is but to have a water utility that conserves water shed to preserve the purity of our drinking water, cut down trees along the prettiest section of a popular trail is maddening and confusing. Swimming in the reservoirs is not permitted in drinking reservoirs but cutting down trees is allowed?

Some of these trees are over 100 years old and have withstood drought and flood with few landslides according to the article in the Times. Could this lack of landslide have anything to do with the size and quantity of these venerable trees? I have walked this trail hundreds of times over the years and I stop and greet these trees each time I climb up that hill. They are older than me and I hoped they would outlast me.

I hope the utility will reconsider the placement of the water tank purportedly to be built to increase water pressure in the west end of Lafayette. I think we owe more to the future of our watershed and planet for that matter.

Respectfully,

Terry Blair
P O Box 1635
Lafayette, CA 94549

TB-1

2.98 Terry Blair

TB-1 The removal of a number of large oak trees at this site is recognized as a significant and unmitigable impact in the DEIR. EBMUD has explored a number of alternative locations for this proposed project component, both before and after publication of the DEIR. After revisiting potential reservoir layout designs at the preferred site, EBMUD is proposing to move the reservoir approximately 120 feet north and to use a temporary retaining wall during construction to minimize the number of large diameter trees impacted by the new facility. Refer to Section 3.3 of this Response to Comments document, which indicates changes to the Highland Reservoir site evaluations.

WATER DISTRIBUTION

SEP 18 2006 *ms*

PLANNING DIVISION



Water Treatment & Transmission Improvements Program Draft Environmental Impact Report

Name: Tracy Broback

Address: 3304 Freeman Rd Walnut Creek CA 94595

Email: tbroback@yahoo.com

COMMENTS:

We are opposed to building a pumping station behind our neighbors houses on Freeman Rd. We located on this street because of the wooded shady nature of the setting. We do not want to impact the trees that contribute to our neighborhood nor do we need the night time noise of the plant.

TB1-1
TB1-2
TB1-3

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.

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.

2.99 Tracy Broback

- TB1-1 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.
- TB1-2 See **Response AH-2**.
- TB1-3 The commenter's opposition to this alternative location for the Tice Pumping Plant is noted. District staff are not recommending this alternative site. This pumping plant will not be allowed to exceed the 45-dBA nighttime noise limit at the closest residential receptors. See **Response DGB-3** for more discussion.

-----Original Message-----
From: Coleman, John
Sent: Tuesday, July 25, 2006 12:33 PM
To: 'Toris A Jaeger'
Subject: RE: Highland Project

Toris -

Thank you for your comments. Please go to EBMUD's website and provide written comments on the EIR in reference to your concern. This will require that the District must consider all comments and reply back with an appropriate response.

John Coleman

-----Original Message-----
From: Toris A Jaeger [<mailto:toris.jaeger@juno.com>]
Sent: Thursday, July 13, 2006 10:19 PM
To: Coleman, John
Subject: Highland Project

Dear Mr. Coleman, was not able to attend meeting tonight but I want you to know that I believe the just thing to do is build water tank in an nonsensitive location. I am sure the citizens of Lafayette do not want their drinking water stored in a tank in a location that will cost the life of many precious Oak trees. They have a right to continue providing biodiversity to the area. They are also part of the natural heritage.

I plead with you to follow your Mater Plan to the letter then the architects will have to come up with a better plan. Toris

TJ-1

2.100 Toris Jaeger

TJ-1 See **Response SJ-1** regarding impacts to trees associated with the Highland Reservoir project, and Section 3.3 of this Response to Comments document regarding the Revised Highland Reservoir Site.

**CERTIFIED MAIL
RETURN RECEIPT**

August 25, 2006

WATER DISTRIBUTION

Ms Judy Zavadil
Senior Project Manager
EBMUD
375 Eleventh Street, MS 701
Oakland, CA 94607-4240

AUG 28 2006

PLANNING DIVISION

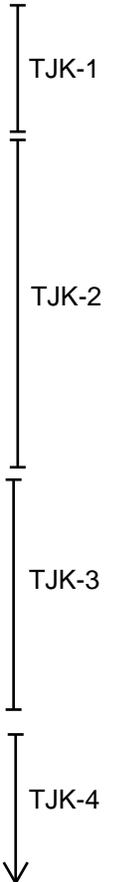
**Re: 9 Mountain View Lane, Lafayette
Water Treatment & Transmission Improvements Program
Draft Environmental Impact Report**

Dear Ms. Zavadil:

Our formal comments regarding the proposed EBMUD project and the draft EIR issued June 2006 are as follows.

We are specifically concerned with the planned Moraga Pipeline portion that will cross a portion of our property as indicated on the enclosed map. Since this section will directly affect us as well as our property and views, we ask the following considerations:

1. To access the proposed project on our property EBMUD will have to cut through a portion of the existing fencing for ingress and egress at two locations. We also noticed in our recent review of the Moraga pipeline project that there are several locations along the fence that have either been broken down or worn out over the years. We request that EBMUD repair and replace the fence as soon as work on our property is completed and that the fence repair include those other areas near to the project so that no additional work and inconvenience will need to be done after the pipeline project is complete on our property.
2. There are two large concrete valve boxes on our property that are currently well hidden by existing trees, brush, and vegetation. We believe that almost all of that coverage will be removed for the Moraga pipeline. Because that coverage has taken years to mature and to hide those boxes, we request that EBMUD mitigate the unsightly exposure by planting new vegetation strategically so that the boxes will again be hidden by vegetation and that the vegetation include fast growing native species.
3. We noticed that the existing oak trees along the easement on our property are likely to be removed in order to install the additional pipe. We request that EBMUD make every effort to save these trees rather than remove them. If those trees cannot be saved, we



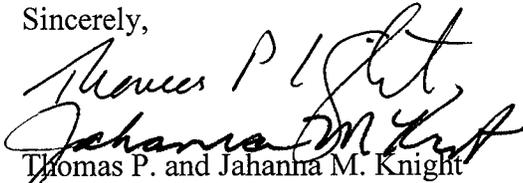
- request that replacement trees be planted according to the EBMUD EIR suggestion of three new trees to every one tree removed in locations as near as possible to the places where the trees were removed. We understand that native oak trees take a long time to grow so planting a small new tree is not really an adequate replacement for a tree that is nearing 50 years old. TJK-4
4. We request to be notified prior to the date work will begin on our property and that we be provided with a schedule showing estimated completion date as well. We ask that once work begins on our property that it be completed as quickly as possible. TJK-5
5. We request that any tree scheduled to be removed from our property or on the EBMUD easement be physically marked well in advance of its planned removal and that we be notified when a tree is marked so we can verify that each tree is within the EBMUD easement and subject to the EIR. TJK-6
6. We request that EBMUD return the property to its natural state, consistent with the existing terrain, and install new trees and shrubs as soon as feasible to assure proper conditions for growth or within 30 days of the completion of laying the new pipe through our property. TJK-7
7. Some of the terrain on our property is quite steep, including the easement for the pipeline improvements. Because of this, we request that any landslide caused by this project installation within five years of completion date be fully repaired by EBMUD or its contractor at no cost to us. TJK-8
8. We request that open trenches and hazardous equipment or materials be left safely covered after each day's work to prevent wildlife or reservoir visitors from accident exposure. TJK-9
9. We request that signage be placed during the project at each fence opening onto our property designating our property to be private and that trespassing is not permitted. TJK-10
10. With respect to the overall project, we ask that EBMUD minimize the removal of mature trees as the removal of the trees reduces the scenic enjoyment of all visitors to the Lafayette Reservoir Recreation area. To the extent that trees are removed, they should be replaced in the same or adjacent areas. We note that during the 19 years that we have lived on Mountain View Lane, EBMUD has removed numerous mature trees within the Lafayette Reservoir as well as the Sunset Reservoir Water Tank adjacent to our home and have not planted new trees anywhere that we could see. We ask that EBMUD be more diligent in replacing all the trees removed during the development of these water system improvements in locations near to the removals in order to restore the environment to its previous state. TJK-11

EBMUD

We are grateful for Timothy McGowan's time and assistance in helping us to understand the Moraga pipeline and its affect on our property. He was courteous, respectful, knowledgeable, well-prepared, and very helpful to us.

We appreciate the opportunity to comment on this EIR.

Sincerely,

Handwritten signatures of Thomas P. and Jahanna M. Knight in black ink. The signature for Thomas P. Knight is on top, and the signature for Jahanna M. Knight is below it.

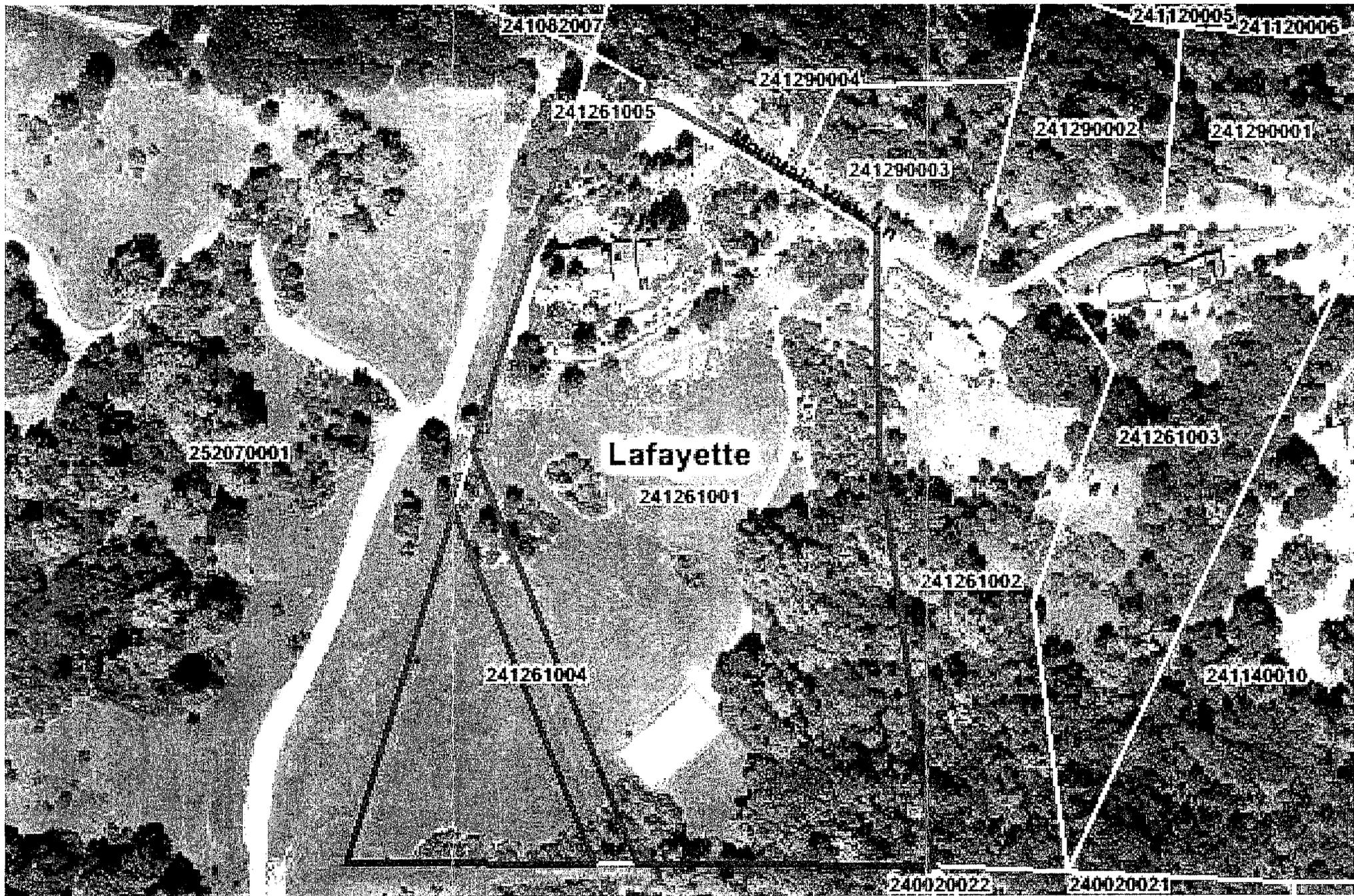
Thomas P. and Jahanna M. Knight

9 Mountain View Lane

Lafayette, CA 94549

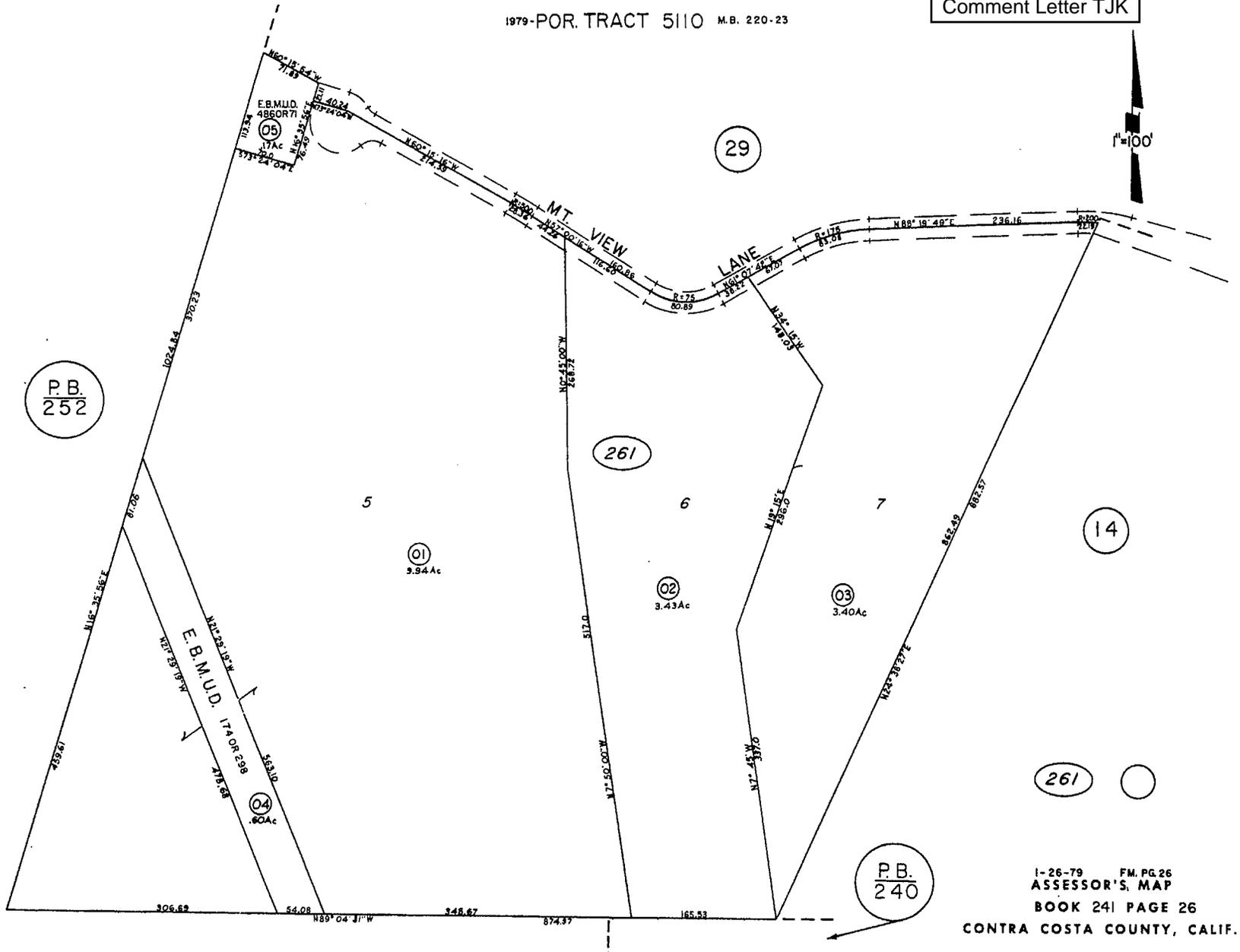
925-283-7172

Enclosure



Source: www.cemap.us/gis/
Contra Costa County

Comment Letter TJK



1-26-79 FM. PG. 26
 ASSESSOR'S MAP
 BOOK 241 PAGE 26
 CONTRA COSTA COUNTY, CALIF.

Source: The First American Corporation

2.101 Thomas and Jahanna Knight

- TJK-1 Comment and enclosures noted.
- TJK-2 EBMUD plans to stay within its property when installing the Moraga Road Pipeline. EBMUD will replace any fencing removed due to pipeline construction to pre-construction (or better) conditions, and EBMUD will repair the fence in the general area to the extent it is an EBMUD fence.
- TJK-3 EBMUD will provide screening of these valve boxes if they are exposed during and as a result of the pipeline construction work. Replacement of trees along the Moraga Road Pipeline project is addressed by Measures 3.6-1a through 3.6-1d (DEIR p. 3.6-33).
- TJK-4 Impact 3.6-1 in Section 3.6, Biological Resources, addresses impacts to oak trees for the Moraga Road Pipeline project (Table 3.6-4, DEIR pp. 3.6-28 and 3.6-33).

Throughout the CEQA review for the WTTIP project EBMUD has made efforts to avoid tree removal through site redesign and consideration of alternatives. Measure 3.6-1e specifically relates to the Moraga Pipeline, requiring that its alignment be refined during design, to the extent feasible and within hydraulic constraints, to avoid removal of protected trees. If the trees on the commenters' property are considered protected (i.e., oak trees), EBMUD will make every effort to avoid removing them. If it is necessary to remove them, EBMUD will replace them at the ratios specified in the DEIR. Site conditions warranting, and if necessary, replacement trees shall be placed as close as possible to where existing trees were located, though not over either the existing or new pipelines. See **Response TJK-7**. See **Response LAF-10** for clarification and specification of mitigation regarding replacement trees.

- TJK-5 EBMUD will be installing the proposed pipeline on District property. Neighbors adjacent to pipeline work are typically notified by a mailer one to two months prior to commencement of construction work. The mailer provides a contact name for those seeking additional information regarding that project scope and timeline.
- TJK-6 Trees that require removal will be marked 10 days in advance. Measure 3.6-1a requires that all trees for a project site or element be mapped before project activities begin. Trees to be removed will also be noted on the construction documents.
- TJK-7 Pursuant to Measure 3.3-2b, the District will require that contractors restore disturbed areas along pipeline alignments to pre-project conditions. This will include replanting shrubs and trees. It is not possible to safely plant trees directly over a pipeline, but a setback will be established and trees will be planted outside the setback. The landscaping and tree planting will be the last task of the construction phase taking place in the Lafayette Recreation Area Open Space. The 30 days requested will likely not be feasible.

- TJK-8 If a landslide (sloughing) occurs as a result of construction work and material sloughs onto the commenters' property, then EBMUD will remove this material from the property and take measures to repair the landslide to prevent future occurrences.
- TJK-9 The DEIR analysis of impacts to biological resources focuses on special-status resources (e.g., threatened and endangered species). As stated on DEIR p. 3.6-23, the proposed project would not result in significant impacts to common plant and wildlife species in part because these species are, by definition, commonly occurring. Potential losses to common wildlife could result from implementation of the WTTIP. Construction of the Moraga Pipeline would result in some temporary displacement of wildlife, and there is always the possibility of mortality of common wildlife on any construction project in an area like the Lafayette Reservoir Recreation Area. Nonetheless, some measures to protect the public as well as special-status (i.e., protected) wildlife species also are expected to assist in restricting animal access to construction sites. For example, measures identified in Section 3.11 of the DEIR, Hazards and Hazardous Materials, require that hazardous materials used at construction sites be stored safely. Open trenches will be surrounded with caution tape at the end of each working day.
- TJK-10 EBMUD will provide temporary construction fencing and signage at breeched fencing locations in order to reduce the risk of non- authorized personnel trespassing into EBMUD's property and subsequently the commenters' property.
- TJK-11 Throughout the CEQA review for the WTTIP project, EBMUD has tried to avoid tree removal wherever possible through site redesign and consideration of alternatives. Measures 3.6-1a through 3.6-1e, which will be adopted as conditions of project approval, provide measures and methods to minimize impacts on trees. When tree replacement is necessary, and site conditions warrant, replacement trees shall be placed as close as possible to the original locations.

TODD SIMONSE

21 Layman Ct, Walnut Creek, CA 94596

510.292.0290

September 18, 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
WTTIP@EBMUD.com

The following comments are in response to the Draft Environmental Impact Report SCH # 2005092019 of June 2006 (EIR) that was written to assess the potential impacts of the Water Treatment and Transmission Improvements Program (WTTIP) proposed by East Bay Municipal Utility District (EBMUD). These comments are offered in three sections as follows; Section One: General comments concerning the EIR; Section Two: Comments specific to the New Leland Pressure Zone Reservoir Site Selection; Section Three Comments specific to the access routes identified for the "Preferred Site" for the New Leland Pressure Zone Reservoir Site

Section One General comments concerning the EIR

I believe that much time, effort and cost in both man-hours and public funds were expended in the preparation and publication of the document. I am also convinced that people who are experts in environmental regulations, public projects and the preparation of these types of documents were employed in creating the EIR. Further, I readily admit no such expertise in any of these areas however, my comments are provided as a private citizen who must gain information concerning the subject from the EIR.

There are several questions that strike me as a layman reading through the myriad pages of statements, tables, photographs, maps and verbiage of the document and attempting to make sense of it. First is the fact that so many seemingly disparate projects have been made the subject of a single document. Everything from Water treatment plant upgrades, transmission pipelines, replacement reservoirs, isolation valves are treated as a single project in the one EIR document. Some of the facilities and projects are combinations of more than one type; there are several pumping plants and pipelines taken together as they are at one location. In all by my count there are five Water Treatment Plants, six Pumping Plants, seven Reservoirs, twelve Pipelines (some are part of pumping plant or other projects), one set of Isolation Valves and one Aqueduct covered by this single document. If one is to consider all of the elements that are being evaluated in this one EIR, taking pumping stations as separate from the pipelines to be constructed to them, it is on the order of 32 different projects that are being evaluated in this one document. Note that the EIR states that there are five WTP's and 19 other projects. There are no less than five different towns or jurisdictions including Contra Costa County, Lafayette, Oakland, Orinda, Moraga, and Walnut Creek, all lumped together in this one document.

TS-1

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The EIR is voluminous to the point that it was broken in to three large volumes and distributed on a CD-rom. The EIR is so large and comprehensive that a large amount of time was spent during the July 20, 2006 neighborhood meeting on how to navigate the Adobe files on the CD-rom just to find relevant sections and read the EIR.

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TS-1

It is very difficult if not impossible to separate each element of the WTTIP project from the others in the EIR the way that it has been prepared. In fact when reading the EIR it might be easy to conclude that there are merely two alternatives, whether the Lafayette Water Treatment Plant is retained and upgraded or decommissioned (see page S-6 of the EIR). In actual point of fact there are many different alternatives for each individual project that is part of the overall WTTIP. In addition each element of the WTTIP will be distinct in its location, time frame for completion and impacts. Although it may have been convenient for EBMUD to treat all of the elements as part of one project I believe that it is improper and misleading to have grouped so many disparate, unique and individual project elements into this single EIR.

TS-2

By grouping all of the individual elements of the WTTIP into one comprehensive EIR it has also made it difficult if not impossible to have meaningful public comment on some elements of the project. At one public comment meeting that I attended at Heather Farms Park on July 20, 2006 there were so many people with questions or comments about one element of the project that the EBMUD personnel who were conducting the meeting actually stated that they would take no further questions from any one concerning that element of the project until all other people present were first given the chance to speak about other elements. To be fair those of who were present at the meeting and not given the opportunity to voice our opinions or ask our questions did request and were granted a separate meeting in our neighborhood for the purpose of discussing our concerns, but this seems counter to the intent of holding public meetings concerning these types of projects. Other members of the community who do not live in our neighborhood but who may have been interested or gained useful information from the comments, questions or issues raised by those in our neighborhood were denied the chance to hear them. Also many of those such as myself, with concerns who made arrangements to attend the meeting in question who were not allowed to voice their concerns at that public meeting were unable to attend the subsequently scheduled neighborhood meeting. In the end the EIR comment period was extended for a period of 29 days. The extension of the comment period appears to have been done to placate those with questions and comments concerning elements of the project but it does nothing to help to educate either the public on EBMUD's plans or EBMUD on the concerns of the public. This is an additional reason why all of the elements of the WTTIP should not be the subject of one comprehensive EIR.

TS-3

To further complicate matters for those members of the general public such as myself who are attempting to glean information from the EIR elements that are project level are grouped together with those that are program level. While this may at first appear to be a fine distinction it leads to great deal of confusion as those elements that are program level

TS-4
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are not dealt with in the same degree of detail as are those that are project level. I believe that the public would be better served if program level elements of the WTTIP were not included in this EIR as the level of evaluation and detail is less significant which is confusing and makes the EIR more difficult for the layman to understand.

TS-4

It is my opinion that the subject EIR is defective in terms of meeting the statues and guidelines of the California Environmental Quality Act (CEQA) as there is not a discussion of a "no Project Alternative" for the individual elements of the WTTIP as described in **Title 14. California Code of Regulations Chapter 3: "Guidelines for Implementation of the California Environmental Quality Act;" Article 9 "Contents of Environmental Impact Reports;" Section 15126.6 "Consideration and Discussion of Alternatives to the Proposed Project."** I believe that each individual project that is part of the overall WTTIP should be evaluated in terms of the "no project alternative" and as such each should require its own individual EIR. The grouping of all of the individual elements of the WTTIP is an incorrect oversimplification of the project as the argument could well be made that some of the elements of the project could be performed while others could be revised or developed differently. As written the EIR lumps all of these projects together where they are each individual elements with their own unique locations, impacts, schedules and issues.

TS-5

In the EIR Volume 2, Chapter 3, Section 3.2 "Land Use, Planning and Recreation," there are several items for which the EIR states that many of the impacts would be temporary, less-than-significant or have no impact. I feel that in many instances the EIR greatly understates the effects of these projects on the local communities. As a resident of Walnut Creek and witness to the pipeline construction that is taking place in the city which started in late 2002 and was supposed to have been completed in approximately two years, I can attest to the fact that project planning can and does greatly differ from the real world experience of the project itself. Four years later this project is still not completed. Of course this project had the misfortune to spark the worst petroleum pipeline disaster in the United States since 1986, resulting in the temporary suspension of work on the project. This mishap was neither planned for nor anticipated however, the fact remains that unplanned delays can and will occur on large-scale public works projects. I believe that the EIR should contain a section that addresses how the actual progress and performance of past projects has compared to the estimates and planning as published in the EIR's for those projects. It is all well and good to inform the public that there will be a temporary impact for the length of a construction project but when the actual duration of a project can sometimes become greater than the stated duration by two or three times it should be made part of the evaluation of that impact.

TS-6

Some impacts are not mentioned at all. For example construction of the New Leland Pressure Zone Reservoir at the preferred Site-Number 3 on Map Appendix J-5 of Volume 3 of EIR-would result in the construction of the reservoir in close proximity to the top of a ridgeline in full view of vehicles traveling on I 680 an officially designated California scenic

TS-7

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highway. This would seem to be a significant visual impact of which there is no mention in the EIR.

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In summation I have no doubt that an attempt was made for the EIR to be written in accordance with the statues and guidelines of the CEQA, a fact that is stated in EIR section S.1 Introduction. Further, aside from the omission of the discussion of a "no Project Alternative" for the individual elements of the WTTIP, the EIR may even meet the letter of the law however, the fact remains that the draft EIR is overly broad, general in nature, project impacts are understated and projects are not properly estimated in terms of real world performance and past experience. I believe that it would be in the interest of the public that the EIR be broken down in to more comprehensible and manageable documents and individual EIR's should be written for each separate project of the WTTIP. Finally projects that are program level should not be commingled in a single EIR along with those that are project level.

↑ TS-8

Section Two: Comments specific to the New Leland Pressure Zone Reservoir Site Selection

The subject EIR lists seven possible alternatives as locations for the New Leland Pressure Zone Reservoir. Of these seven sites, that indicated as number 3 on map Appendix J was chosen to the exclusion of all others.

Site number 3 would required the use of access roads that would pass through open space, lead directly off of highway 680, pass through substandard roads in quiet residential neighborhoods or need to be pioneered up a step grade from the park and ride at the intersection of Rudgear Road and the I 680 N off ramp to South Broadway in Walnut Creek. In addition as previously stated selection of this site would result in the construction of the reservoir in close proximity to the top of a ridgeline in full view of vehicles traveling on I 680, an officially designated scenic highway since it was so designated on October 22, 1982.

I believe that the construction of the reservoir as planned i.e. taking 20 to 40 feet off of the top of the ridgeline may be in violation of Walnut Creek Ordinance No. 1776, City of Walnut Creek Hillside Performance Standards. Under *Sec. 10-2.1407 Property Development Standards, paragraph 4. Hillside/Ridge Preservation*, this ordinance states in part::

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"No buildings or structures of any kind shall be constructed which encroach within a 100 foot vertical drop from the ridgeline of any visually prominent ridge or in such a manner that it breaks the skyline of any visually prominent ridge as viewed continuously for more than 1000 feet from any freeway, arterial or scenic corridor within the city limits. No buildings or structures of any kind shall be constructed upon portions of any site where the true slope is above 30%..."

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The prevailing winds in our neighborhood are westerly to southwesterly and a great deal of dust, exhaust fumes and other airborne contaminants from interstate 680 are directed to the homes. Many residents of the neighborhood are elderly; others such as my wife have respiratory problems such as asthma that are aggravated by air pollution and dust. There are also young children and infants in the neighborhood. The cumulative effect of the construction of the Leland Pressure Zone Reservoir, its access roads and truck traffic for the preferred site which is in close proximity to the homes directly down wind from the site would result in a negative impact of the health of many of these residents.

TS-10

During a site visit to 121 Rudgear Drive it quickly became apparent that the evaluation of the site was largely made on the basis of maps developed from aerial photographs. The location of a barbed wire fence on the Walnut Creek Sugarloaf Open space was used to determine the property line separating private properties from the open space itself. It was pointed out by some of the local residents to the EBMUD representative who was present at the time that the actual property line was between 18 to 20 feet north of the fence line. This came as a surprise to the EBMUD representative who was under the false impression that the fence was on the property line itself. The difference between the location of the property line as assumed by EBMUD would result in a greater use of open space for access to the preferred site than was planned by EBMUD. This may have biased the selection toward site number 3 over some of the other involving open space than it should have and leads to the question as to how accurately any of the property lines for the seven sites were identified in making the selection.

TS-11

TS-12

Site 5 was eliminated for seismic concerns, which is understandable as it is located on the Reliez fault. However, other possible sites appear to have been eliminated from consideration for less concrete reasons.

TS-13

Site 7 is a privately owned and vacant parcel. This parcel is considered to be less than desirable than the preferred site because there are five mapped landslides on the property however, it would seem that the problems caused by the landslides could be largely mitigated if not eliminated during the construction of the new reservoir. Also there is no conflict with open space noted to exist with this site. I believe that when all of the factors are taken into consideration this site might actually be superior in many ways to the preferred site. Access road limitations and issues as well as the need to traverse open space for the construction of the reservoir at the preferred location alone might be considered to be more significant than dealing with landslides that could be eliminated through the proper construction and grading techniques.

TS-14

Sites 1, 2 and 6 have been eliminated for consideration due to the fact that they each are located partially on open space owned by the city of Walnut Creek and would require a vote of the people to be approved. It should be noted that EBMUD owns a parcel of land in the Sugarloaf open space that could be exchanged for a smaller parcel or EBMUD could set aside or purchase additional land to exchange for that required. If necessary a

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measure could be placed on the ballot for approval by the Walnut Creek voters for this purchase.

↑ TS-15

Site 4 is a privately owned parcel that was eliminated due to traffic impacts of the pipeline construction on Ygnacio Blvd.

TS-16

It appears that the site selection may have been more a matter of expediency and possibly based on faulty or inaccurate information in the form of actual property lines, open space access or physical conditions. I feel that the selection should be revisited and more consideration given to all of the issues involved in accessing the site and the visual impacts involved-particularly in light of the impact on the officially designated section of I 680 as a California scenic highway.

TS-17

As previously stated in Section one of my comments above, at the publicly held meeting on July 20, 2006 at Heather Farms park for the purpose of public comments and questions concerning the various elements of the WTTIP I attending there was such a large number of people with questions or comments about the New Leland Pressure Zone Reservoir that the EBMUD personnel who were conducting the meeting actually stated to the group that they would take no further questions from anyone concerning that element of the project until such time that all those with questions about other elements of the WTTIP had been heard. However, the meeting was adjourned soon after there were no other questions concerning other elements of the WTTIP. It appeared to those of us present with concerns and questions regarding the New Leland Pressure Zone Reservoir that the EBMUD personnel were overwhelmed by the number of people who had concerns about this element of the WTTIP and that they were unprepared to respond to our wide ranging questions and concerns. Again to be fair, those of us who were present at the meeting and were not given an opportunity to voice our opinions or ask our questions did request and were granted a separate meeting in our neighborhood for the purpose of discussing our concerns, but this seems counter to the intent of holding public meetings concerning these types of projects. Other members of the community who do not live in our neighborhood but who may have been interested or gained useful information from the comments, questions or issues raised by those in our neighborhood were denied the chance to hear them. Also many of those such as myself, with concerns who made arrangements to attend the meeting in question on July 20, 2006 who were not allowed to voice their concerns at that public meeting were unable to attend the subsequently scheduled neighborhood meeting. In the end the only real response other than the neighborhood meeting was an extension of the comment period from August 25, 2006 to September 18, 2006. This does not seem to be an adequate means of addressing the many concerns regarding the New Leland Pressure Zone Reservoir. For this reason alone I feel that this element of the WTTIP should be the subject of a separate EIR and treated as a stand-alone project. Also the criteria used for the selection of the "preferred site," should be reevaluated in light of some of the new concerns and information that was not taken into account by EBMUD when the project was first considered.

TS-18

TS-19

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Section Three: Comments specific to the access routes identified for the “Preferred Site” for the New Leland Pressure Zone Reservoir Site

EIR volume 1, Chapter 2 “Project Description,” Section 2.6 “Elements Common to Both Alternatives,” Sub-Section 2.6.13 “Other Program-Level Improvements,” Paragraph “New Leland Pressure Zone Reservoir,” on Page 2-86 lists four alternatives for access to the construction site of the reservoir on site 3. Although none of these routes are ideal there are several basic problems with Option A that would direct traffic from Rudgear Road up Rudgear drive and then on to a road to be constructed through several private properties and on to the Sugarloaf open space before entering the construction site.

Emergency Response: The main problem with this route is the fact that Rudgear Drive and Layman court that connects to it are both cul-de-sacs with no other means of ingress or egress other than the route to be taken by the construction traffic. In the event of an emergency response vehicles would likely be blocked or at the very least delayed when attempting to reach residents in the event of a medical emergency.

TS-20

Fire Danger: Fire is an ever-present danger, particularly in the dry summer months that we must contend with since we live adjacent to the open space and the 680-freeway right of way. This was never more evident than when fires in the freeway have jumped from the right of way into the open space. This most recently occurred Tuesday September 6, 2005 and on that day several large fire apparatus had to access the open space by traveling up Rudgear Drive to the end of Layman Court. The efforts of these and other vehicles prevented what could have been a costly fire in terms of loss of life and property damage had the flames spread from the open space to the properties on Layman Court and Rudgear Drive. In light of this incident two scenarios come to mind. First, the difficulty or danger that could have occurred if all of the construction vehicles on site were force to egress the job site via an access road on Rudgear Drive and the very possible collision between a fire and emergency vehicle rushing to the scene with a construction vehicle evacuating and the resultant road blockage on the windy road with blind corners that is Rudgear Drive. The resultant blockage of the only escape route for all of the residents, many of who were home and have small children, pets or both is an unacceptable risk to life in the event of a fire. Secondly, the increase in fire risk posed by vehicles transiting a road through the dry grass areas where the road would be constructed off of Rudgear Drive. Currently there is little to no motorized traffic in the area of my property and that of the open space. What vehicles that are there are restricted to law enforcement and fire fighting vehicles as well as the tractor that annually creates the fire break in the dry grass in spring time. A fire caused by construction or maintenance vehicles would be initiated that much closer to my house and be more threatening to the

TS-21

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structures all along the roads as there would be much less time for fire fighters to react to the situation.

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TS-21

Health and Safety: It should be noted that many of the residents of both Rudgear Drive and Layman Court are retired, elderly and/or vision impaired. It is difficult for some of these residents to navigate the streets in part due to the poor condition of the street, absence of marking or streetlights as well as the narrow and winding nature of the street. Most do so at midday when the conditions are more favorable for them. The transit of construction vehicles as well as large trucks and other district vehicles will only serve to make it more difficult if not impossible for these residents to travel to and from their homes. This would result in many of these people who are now independent to become shut in and virtual prisoners of their own homes. Trucks will be on the small street each day during the middle of the daylight hours when they are most able to get out for shopping, doctors appointments or just to visit family and friends. Also there are many small children and animals that will find the neighborhood a much less safe place to play transit. Many of the residents walk up and down the street either alone or with their animals. There are no sidewalks on the street, which if large vehicles are allowed to transit the Rudgear Drive, will make for extremely hazardous conditions for pedestrians, animals and those walking them and also other vehicle on the road when pedestrians or animals are present, as they have to allow more room to pass them.

TS-22

Unfortunately, I have had first hand experience with the dangers of EBMUD vehicles driving on Rudgear Drive. On July 9, 1997 I was struck head on by a 1996 Jeep Cherokee driven by EBMUD employee Margaret Franklin causing in excess of \$5,500 in damage to my vehicle. I was almost completely stopped by the time that I blew my horn in a vain attempt to avert the collision. There was more than ten feet of skid marks left by the jeep while it was under braking as it traveled up the hill. Since the skid marks left by both front wheels of the EBMUD vehicle were over the center of the road and on my side EBMUD not only paid for the entire repair of my vehicle but also for a rental vehicle for the duration of time that I was without the car. To this day it is difficult for me to drive down the hill with a EBMUD vehicle traveling in the opposite direction, it is almost inconceivable for me to think of driving on the road for a number of years with several times daily trips of larger EBMUD vehicle driving on Rudgear Drive.

Traffic: There is already an increase in the amount of traffic on Rudgear Drive as well as Layman Court due in no small part to the multiple cellular telephone sites at the property at the end of Layman Court as well as the new construction of homes as well as the new residents of the homes themselves. Both Rudgear Drive and Layman Court have no other outlet and therefore there is no possibility of an alternate route.

TS-23

Air Quality: As previously stated in section two above the cumulative effect of the truck traffic for construction of the Leland Pressure Zone Reservoir on access road of Option A which is in such close proximity to the homes directly down wind from the site would result in a negative impact of the health of many of these residents.

TS-24

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Noise: At present there is some distant road noise that can be heard from interstate 680, which is behind our house. Vehicles that transit Rudgear Drive and Layman court can be heard, although barely, from our house. The sound of passenger cars and trucks is greatly muffled due to the configuration of the land and the location of the house on the property. Our home is below the grade level of the road surface of Layman court and buffered from the traffic on Rudgear Drive. The same is not the case for large trucks, construction equipment and other similar vehicles. In fact every Thursday when the garbage trucks come up the road at 6:15 to 7:30 am the whole house is awakened or otherwise disturbed if not sleeping. This situation would be greatly worsened if a large number of heavy trucks and construction equipment were to transit the road. This would be especially true during the construction phase and would continue after construction was completed and maintenance vehicles traveled in the area. The noise and disturbances would be much worse and have a greater detrimental impact if a road was built through my back yard.

TS-25

Instability of Soils: It should be noted that there is considerable instability of soil beneath the roadway of Rudgear Drive as well as the hillside comprising the down slope or Western side of my property where the proposed access road way is to be located. This instability can be easily seen even by the average person and is evidenced by the cracks in the road and damage to the water main especially in the up hill portion of the road, which at present is extremely poor condition and will no doubt be destroyed by the transit of trucks, district vehicles and other heavy construction equipment. Over various times during the last five years or more the road has been torn up for access to the water main leak by EBMUD crews. Although damaged areas in the road have been repaired over time and the cracks in the road surface have been recently sealed, these cracks continue to reappear and widen as time goes on. This fact makes it apparent to me and other residences of Rudgear Drive and Layman court that the soil under the road way is unstable and this condition would be aggravated by the passage of construction vehicles and heavy trucks using the road for the period of the construction project. As for the instability of the soil on my property I had to level the foundation of my house at no small cost due to the soil movement and subsidence on the hill. Other properties in the area have had similar experience with these problems. Blasting and excavation of rock at the site could also cause landslides and foundation damage to the homes in the neighborhood.

TS-26

Road Condition: As has been previously stated the condition of the road surface or Rudgear Drive is poor particularly from the right bend in the road from the driveway at 30 Rudgear Drive to the top of the hill at the intersection with Layman Court. There are no guardrails or curbing yet there is a precipitous drop from the right side of the road on the uphill side. The road is cracked and damaged in many places; it will not stand up to heavy truck traffic and may be severely damaged during construction by truck traffic. Again it is the only means of access for residents of both Rudgear Drive and Layman Court.

TS-27

September 19, 2006

Drainage: When you live on a hill water run off and drainage are two big factors. At present water that runs off of the south-west side of Layman Court-which is incidentally the down hill side of the road- is directed to a gully which runs along the adjacent south side of Rudgear Drive at the corner of the intersection of the two streets. At about the point of the proposed access road the run off is directed down the valley roughly at the boundaries of 131 Rudgear Drive and 21 Layman Court with 121 Rudgear Drive. At that point it follows the contour of the hill until it reaches the relative level area inside the Sugarloaf open space. Although a great deal of the water is presumably absorbed into the ground there still remains a large quantity of run off that pools in the open space. The addition of a road in the area of this small valley would create more run off and less area for the water to be absorbed before it entered the open space creating a drainage problem.

TS-28

Visual Impact: Currently the view from my property is very bucolic in nature. Our view line extends down slope to the west and we can see the open areas of our neighbor's properties as well as the open space adjacent to this area. At a distance the houses that are located on Crest Road as well as along both sides of Danville Blvd are visible. There is no direct view of any roads from our house although on some parts of the property a portion of Rudgear Drive and the Routes 24 and 680 interchange can be seen at a distance. If a road were constructed on a portion of my property and my neighbors' properties the visual impact would be significant and in some ways the character of the view would be changed to the extent that if the view from the property to was to include a road and further a road that will be traversed by construction equipment for a period of years, I would never have purchased the property. The very reason that I purchased my house and property was the seclusion, privacy and pastoral nature of the property. Development of a roadway and the use of it by construction and maintenance personnel and equipment would substantially alter the view and in fact more than likely destroy the very nature of the property.

TS-29

Loss of use: We have recently completed a survey of our property at significant expense. The purpose of our undertaking the survey was to allow us to remodel our home and delineate the boundaries of the property make best use of the down slope portion of the lot. Due to that fact that the property is sloped and there is a Sanitary Sewer pipe running through our back yard we are limited in the areas that we can use for construction of a lawn, play structure or outbuildings such as a shed or other improvements. We have considered several options to better utilize the property behind our home. It should be noted that none of these options included the construction of a road on our land. In fact depending on the configuration of any road constructed, it is probably the case that along with the other existing constraints construction of the road will render the rest of my nearly three-quarters of an acre unusable.

TS-30

Access to the Open Space: Currently my children Kyle and Lauren are eight and six years of age. Like most kids their age Kyle and Lauren love to play and especially love any

TS-31

September 19, 2006

chance that they can get to play outside and enjoy the outside world exploring and learning about the environment. The location and configuration of our lot allows us access to the Walnut Creek Sugarloaf open space from the southwestern corner of the property. Were a road to be constructed along the down hill or western line of our lot as has been proposed we would then lose this access to the open space and would be unable to access it without leaving our property first or passing over another resident's private property. Neither of these options approaches the current situation in which we find ourselves where our children can safely access the open space directly from our property for recreation and enjoyment. This access was another reason that I originally purchased the property and the loss of it would severely limit the quiet enjoyment that we have had to date and expect to have in the future.

↑
TS-31

In conclusion it is my opinion that for the many and varied reasons spelled out above an access road for the Leland Pressure Zone Reservoir Construction Project originating at Rudgear Drive is a poor choice especially when other alternative are available. The dangers presented to the residents of Rudgear Drive and Layman Court far outweigh any possible advantage to constructing the road at that location.

TS-32

Thank you for the opportunity to voice my concerns regarding the Draft EIR and I would be happy to further expand upon or explain any of the information contained in this letter if necessary.

Todd Simonse
21 Layman Court
Walnut Creek, CA 94596
Todd.Simonse@sbcglobal.net

Cc:
William R. Kirkpatrick, PE
Manager of Water Distribution Planning
East Bay Municipal Utilities District
wkirkpat@ebmud.com

Timothy McGowan, PE
Associate Civil Engineer
Water Distribution Planning Division
East Bay Municipal Utilities District
tmcgowan@ebmud.com

Nora Harlow
Community Affairs Representative II
East Bay Municipal Utilities District
nharlo@ebmud.com

2.102 Todd 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.

TS-1 and TS-2

The comment is correct that the WTTIP is comprised of numerous, complex elements. For reasons stated in Section 2.1.1, Master Response on Project- and Program-Level Distinctions, the District believes that it is consistent with the intent of CEQA to discuss these in a single document. All are parts of the water system, and the needs for these improvements (meeting future regulatory standards related to water quality, complying with permit conditions, meeting existing and future water demands, improving aging infrastructure, and correcting hydraulic constraints) and their implementation overlap and relate in many ways. Examples include:

- Many improvements are driven by existing water quality regulations and anticipated changes in those regulations. Examples include basic changes at four of the five WTPs (i.e., excluding Walnut Creek WTP).
- There are meaningful, substantive differences in the characteristics of project-level and program-level improvements under Alternative 1 versus Alternative 2 (e.g., improvements at four out of five of the WTPs differ under the two alternatives; the Orinda-Lafayette Aqueduct would only be implemented under Alternative 2). Consequently, the improvements at the Lafayette WTP under Alternative 1 versus Alternative 2 directly affect improvements at three other WTPs; therefore, the improvements do not have independent utility and should be addressed in the same CEQA document.
- Most elements are geographically related, addressing system improvements needed to serve, and proposed within, the Walnut Creek/Lamorinda area.
- Problems in providing water service to the Leland Pressure Zone (much of Walnut Creek and Alamo) drive the need for pumping and pipeline improvements at four sites: Walnut Creek WTP, Lacassie Avenue, and Danville Boulevard, and west of the Danville Pumping Plant.
- The existing Leland Reservoir also serves the Leland Pressure Zone. That reservoir is in disrepair but cannot be replaced until the New Leland Pressure Zone Reservoir and Pipeline are constructed.
- The Ardith and Moraga Reservoirs, Donald Pumping Plant, Moraga Road Pipeline, and St. Mary's Road /Rohrer Drive Pipeline are related. The Moraga Reservoir cannot be taken out of service for reconstruction until the Ardith Reservoir is constructed.. The Moraga Road Pipeline provides water to the

Moraga Reservoir and all of these projects are needed to reliably provide water service to the Moraga area. Eventually, the St. Mary's Road/Rohrer Drive Pipeline, which is essentially an extension of the Moraga Road Pipeline, will be needed to meet future (2030) water demand in this area.

The District's intent was to present to the public, as early in the planning process as possible, with a comprehensive understanding as to how individual system improvements that may be necessary in their areas fit into EBMUD's water treatment, storage, and distribution operations. This is consistent with both the spirit and letter of CEQA which calls for EIRs to be prepared as early as feasible in the planning process, to consider the whole of the action, and to provide a good faith effort at full disclosure.

- TS-3 Refer to the previous response regarding evaluation of the WTTIP in one EIR. EBMUD regrets that the commenter could not attend the follow-up site visit for the New Leland Pressure Zone Reservoir. The District extended the comment period at the request of agencies and individuals who requested additional time to review the DEIR. EBMUD has received substantial and meaningful public comment on the WTTIP, as evidenced in this Response to Comments document.
- TS-4 Please refer to Section 2.1.1, Master Response on Program- and Project-Level Distinctions. The program-level elements are not analyzed at the same level of detail as project-level elements because there is not enough information to do so at this time. In some cases, certain elements also may not be needed (there is no reason to design projects like the high-rate sedimentation units and ultra-violet light disinfection facilities at the Walnut Creek, Lafayette, and Orinda WTPs if they will never be needed). The improvements discussed at a program level will not be implemented by EBMUD without further environmental review under CEQA. In other words, projects like the New Leland Pressure Zone Reservoir will have their own separate CEQA document which will contain a full analysis of alternatives (i.e., an EIR or Mitigated Negative Declaration) before they are approved.
- TS-5 This comment is premised on the assertion that all elements of the WTTIP have independent utility and therefore each should be the subject of its own EIR. As indicated in the examples provided in **Responses TS-1** and **TS-2**, implementation of the WTTIP elements are related and this affects any characterization of a "No Project" scenario (e.g., if the Ardith Reservoir is not constructed then the Moraga Reservoir cannot be replaced; likewise, if the New Leland Pressure Zone Reservoir as presently examined and designed, is not constructed then the existing Leland Reservoir cannot be replaced).

Section 6.2 describes the No Project Alternative (beginning on DEIR p. 6-2) consistent with CEQA requirements. As that discussion indicates, the No Project consequence of failure to implement the WTTIP elements is the inability of EBMUD to address the needs discussed in the WTTIP. The discussion indicates that in the short term, EBMUD

would continue to operate the system as it does today, but over time, EBMUD would need to implement other strategies to meet the needs for the WTTIP projects including some of the alternatives identified in DEIR Sections 6.3 through 6.9.

Because of the interrelation among the WTTIP elements, the inability to implement one in particular would have a domino effect on the ability to implement one or more of the others, or would undercut the District's ability to meet an overarching need addressed by a collection of elements. For example, if the Ardith Reservoir is not built, the Moraga Reservoir cannot be replaced and the problems associated with that reservoir (DEIR p. 2-67) would persist and worsen over time.

With respect to program-level improvements, a more thorough discussion of a No Project alternative will be presented in subsequent CEQA documentation. With respect to the New Leland Pressure Zone Reservoir in particular, refer to **Response WC-5** regarding replacement of the existing Leland Reservoir and, more generally, the consideration of alternatives to the identified New Leland Pressure Zone Reservoir site in a subsequent project-specific CEQA EIR.

- TS-6 EBMUD has used its best efforts to analyze and disclose all that it reasonably can of the potential impacts caused by the proposed projects. As the comment notes, unforeseen circumstances can extend the duration of construction projects. Nonetheless, EBMUD and its contractors strive to minimize these extensions due to the basic need for the new facilities to be in service and the desire to control costs and minimize impacts.
- TS-7 The DEIR acknowledged the designation of I-680 as a state scenic highway on p. 3.3-50. Mitigation measures to restore the New Leland Pressure Zone Reservoir site, would choose colors for the tank that blend with the surrounding environment, and plant landscaping to help the tank blend in to its surroundings similar to those prescribed in DEIR Section 3.3, Visual Quality. These measures could 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.
- TS-8 This comment summarizes **Comments TS-1** through **TS-7** please refer to previous responses.
- TS-9 The comment states that construction of the New Leland Pressure Zone Reservoir at the preferred site (site # 3) would violate Walnut Creek Ordinance No. 1776, City of Walnut Creek Hillside Performance Standards. While the proposed project could be inconsistent with the Hillside Performance Standards, the Hillside Performance Standards address impacts to scenic resources. The DEIR (p. 3.2-50) acknowledges that construction of the New Leland Pressure Zone Reservoir at the identified preferred site could result in significant, unavoidable impacts to views. The project-level EIR for the project will evaluate project consistency with those standards once design details on the

project are further developed. It should be noted however, that the analysis of visual quality is particularly sensitive to design details, and simulations are developed through computer modeling of drawings indicating topographic changes in plan view and cross-section, elevations for the tank and appurtenant features, and details such as fencing, valve box location, etc. that have yet to be determined. It should also be noted however, that the Hillside/Ridge Preservation ordinance is part of the planning and zoning ordinances of the Walnut Creek Municipal Code. As a local agency and utility district serving a broad regional area, EBMUD is not subject to building and land use zoning ordinances of cities and counties when implementing projects that involve the storage, treatment, or transmission of water. 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.

TS-10 The comment regarding airborne contaminants in the vicinity of the identified New Leland Pressure Zone Reservoir site is acknowledged. It is noted on DEIR p. 3.9-8, that high levels of particulates can exacerbate chronic respiratory ailments such as bronchitis and asthma. According to the California Air Resources Board (CARB),¹ California freeway studies show about a 70% drop off in particulate pollution levels at 500 feet. Based on these studies, CARB recommends that residential uses not be located within 500 feet of a freeway or high traffic roadway. Since the residences immediately east of the proposed reservoir site are approximately 500 feet east of the I-680 freeway, particulate levels at these residences are not expected to be significantly different from those in the surrounding neighborhood. Therefore, the cumulative effects of particulate contributions from reservoir construction would be similar to the effects of reservoir construction elsewhere. As stated on DEIR p. 3.9-36 under the New Leland Pressure Zone Reservoir impact discussion, the BAAQMD considers potential construction-related impacts to be mitigated to a less-than-significant level with implementation of BAAQMD-recommended dust and equipment exhaust controls. The future project-level EIR will include mitigation measures such as requiring implementation of all BAAQMD-recommended dust and exhaust control measures as appropriate. These measures would minimize the project's contribution to cumulative particulate emissions in this area.

TS-11 The first screening of potential sites for the New Leland Pressure Zone Reservoir was based largely upon aerial photography overlaid with elevation data and property lines based upon the county tax assessor maps. There is, in fact, a discrepancy between the location of the fence and the property lines as depicted on the county tax assessor maps. A licensed surveyor was commissioned to research the actual property line location. On December 5, 2005 the surveyor reported that preliminary map and deed research and subsequent calculations seem to indicate that the fence was not the property line.

¹ California Air Resources Board, *Air Quality and Land Use Handbook: A Community Health Perspective*. April 2005.

EBMUD intentionally avoided making improvements in this area, because the property lines were circumspect.

- TS-12 The location of the boundary between parcels 187-40-006-4 and 187-032-017-1 did not influence the site selection process. The identified New Leland Pressure Zone Reservoir site is completely outside of the area of discrepancy and the temporary access road was easily routed around the area.

The county tax assessor maps are not the legal descriptions of the property boundaries. Only a surveyor licensed by the State of California can legally determine the precise location of a property's boundary. Despite this, the county tax assessor maps do provide an indicator of property boundaries for planning level purposes. The tax maps compare well with the accuracy provided by the USGS elevation data and aerial photography data.

- TS-13 See **Responses TS-14** and **TS-15**.

- TS-14 A number of factors would make Site 7 a feasible site, if it did not have five mapped landslides. One of those factors is that the Tice Pumping Plant will be installed on the same property, so the two facilities could share the Tice Pumping Plant Pipeline. Nonetheless, the risk of one of these landslides undermining the foundation of the reservoir preclude the site from further consideration.

- TS-15 The commenter notes that sites 1, 2 and 6 for the New Leland Pressure Zone Reservoir were eliminated by EBMUD staff as infeasible because they are located partially within open space and owned by the City of Walnut Creek. The comment also notes that EBMUD owns a parcel of land in the Sugarloaf Open Space that could be exchanged. Refer to **Response HME-1** regarding this suggestion.

In determining whether an alternative site is feasible, a lead agency may consider whether the project proponent can reasonably acquire, control, or otherwise obtain access to the site (CEQA Guidelines §15126.6(f)(1)). EBMUD will continue to consider this in further project-level review. To date, however, EBMUD determined that it could not reasonably acquire sites 1, 2 or 6 because the parcels are located partially within land designated as open space owned by the City of Walnut Creek, in part, because the City of Walnut Creek has noted that conveyance of this property is restricted by Government Code Section 38502. These lands can only be sold following a vote by citizens of Walnut Creek and EBMUD does not control this process.

- TS-16 Comment noted.

- TS-17 The alternatives considered and rejected for the New Leland Pressure Zone Reservoir during the site selection process were identified in Section 6.10.3 of the DEIR (DEIR p. 6-65). See **Responses TS-11** and **TS-12** regarding information on property lines. See

Response TS-19 regarding consideration of alternatives in a subsequent project-level EIR for the New Leland Pressure Zone Reservoir.

Refer to the more in depth comment and reply regarding open space access in **Response TS-31**.

Refer to **Response TS-9** regarding the potential for visual impacts along Highway 680.

- TS-18 The volume of comments is indicative of the concern regarding this element. The public has requested a great amount of detail on this element. It should be noted, however, that it has only been analyzed at a program level in this DEIR. There is still a great deal of uncertainty related to the details in this project. Detailed responses to these concerns will be provided once the project has been developed and a subsequent project-level EIR is prepared.
- TS-19 The New Leland Pressure Zone Reservoir will be evaluated in a later project-level EIR, along with the replacement of the existing Leland Reservoir (since these two projects are inextricably linked). Information received in comments on the proposed site will be used to help inform the scope and content of that document including the discussion of project alternatives, consistent with CEQA Guidelines Section 15126.6.
- TS-20 The DEIR (p. 3.8-25) describes, at a program-level of detail, traffic impacts associated with the identified New Leland Pressure Zone Reservoir site, and indicates that truck traffic on residential streets would reduce the number or the available width of travel lanes on roads, resulting in short-term traffic delays. The discussion concludes that implementation of mitigation measures similar to DEIR Measures 3.8-1 and 3.8-7 could reduce traffic impacts, but some could likely remain significant and unavoidable. Traffic impacts, including disruption of access for emergency vehicles (discussed for project-level elements on DEIR pp. 3.8-20 and 3.8-21) will be more thoroughly investigated in the project-level EIR for this project.
- TS-21 The commenter's concern regarding fire danger and emergency vehicle access are acknowledged. These issues will be evaluated in detail in a subsequent project-level EIR once the proposed New Leland Pressure Zone Reservoir project is better defined.
- TS-22 The commenter's concern regarding traffic safety are acknowledged. These issues will be evaluated in detail in a subsequent project-level EIR once the proposed New Leland Pressure Zone Reservoir project is better defined. Traffic control plans would be developed during the construction phase of the project (see Measures 3.8-1 on DEIR pp. 3.8-13 – 3.8-15).
- TS-23 These concerns are noted. See **Responses TS-20** and **TS-22**.
- TS-24 Refer to **Response TS-10**.

- TS-25 See the analysis of noise and vibration on DEIR p. 3.10-54. Implementation of mitigation measures (such as DEIR Measures 3.10-1a and 3.10-1b) that limit truck operations (haul trucks and concrete delivery trucks) to the daytime hours. This is specified under each affected jurisdiction's hourly time limits (except during critical water service outages or other emergencies and special situations), and would minimize potential noise impacts. Please note that Measure 3.10-1b has been revised and is included in Section 3.2 of this Response to Comments document.
- TS-26 The geology and soils of the identified New Leland Pressure Zone Reservoir site are included in the discussion of Program Level projects on DEIR p. 3.4-35. As mentioned in the DEIR, this proposed program-level element includes inclined areas that may be susceptible to slope failure and it therefore identifies mitigation for this potential impact. A future project-level EIR to be conducted for this project would likely require a mitigation measure similar to DEIR Measure 3.4-1 on p. 3.4-25. The mitigation measure would require a geotechnical investigation to evaluate the hazards of slope stability according to standard geotechnical engineering practice. The investigation, conducted by professional geotechnical and/or civil engineers registered with the State of California, would identify recommendations to correct conditions that may limit construction, including the access roadway. The investigations typically include review of existing data, field sampling, and laboratory soil and rock testing. The geotechnical recommendations insure that the project will be designed so that the temporary effects of construction are less than significant.
- EBMUD does not anticipate any landslides or foundation damage to homes in the neighborhood of the identified New Leland Pressure Zone Reservoir site caused by blasting and excavation of rock at the site. EBMUD does not know if blasting would be required; construction methods will be determined prior to completion of the project-level EIR and evaluated therein. (Refer to DEIR Measures 3.10-3a and 3.10-3b for information on methods EBMUD uses to mitigate vibration impacts.) EBMUD committed (at the August 19, 2006 public meeting) to document the existing condition of the foundations of residences on Rudgear Drive prior to construction.
- TS-27 Implementation of mitigation measures similar to DEIR Measure 3.8-7 would require road conditions to be documented for all routes that will be used by project related vehicles. Roads damaged by construction will be restored to equal to their condition before the construction began.
- TS-28 The concern regarding drainage is noted. These issues will be evaluated in detail in a subsequent project-level EIR once the proposed project is better defined.
- TS-29 The potential visual impacts associated with building an access road across your property will be more fully evaluated in a subsequent project-level EIR. The DEIR (p. 3.3-50) states that visual impacts at this site could remain significant and unavoidable. The access road option that traverses your property would be a temporary

access road. Once the permanent access road is completed the property would be restored to its preconstruction condition.

- TS-30 The New Leland Pressure Zone Reservoir is a program-level element of the DEIR. Further study and evaluation will be done in a project-level EIR before selection of the site and a final determination of the access road is made. The access road option that traverses your property would be a temporary access road. Once the permanent access road is completed, the property will be restored to its preconstruction condition and there would be no long-term impacts on property uses. If any property is used as an access road, then EBMUD would pay the fair market value for its use.
- TS-31 EBMUD would allow pedestrian use of the temporary access road outside of the construction hours, so that access would be available to the open space from your property. There are public access points to the open space that could be used during construction hours.
- TS-32 The comment regarding Rudgear Drive is acknowledged.

From: Ted Urban [mailto:lidateds@comcast.net]
Sent: Tuesday, August 08, 2006 5:29 PM
To: Water Treatment Transmission Improvements Program; wayne@canterburyraub.com
Cc: Lida and Ted Urban; Aundra Urban
Subject: Fw: EBMUD

To Judith Zavadil
From Ted Urban
August 8, 2006

Dear Judith,

I have forwarded you a copy of Wayne Canterbury's letter so that you are aware that I am familiar with his representations regarding our property on Miner Road. I was approached by Nora Harlow several months ago who made me aware that our property was being considered as an alternative site for a pump station for EBMUD. She asked me if I would consider the sale of a portion of our property if approached by EBMUD for a pump station and sent me a CD of the EIR. I indicated that I would give it some thought and when she called back several weeks later to indicate that there might be some objection from residents adjoining the proposed Lombardy site I told her that we would be receptive to a sale at fair value. She then said that she would be meeting with engineering on the site and asked if I could attend but I was not available. I haven't heard back from her at this point.

TU-1

The representation made by Wayne Canterbury of our interest is accurate to my knowledge and his assessment of the pros and cons of the two properties are also accurate. I'm not sure who is in charge of this decision at EBMUD but if you, Nora or someone else in property acquisition needs to contact me on this matter you can reach me at (925)254-6092,

TU-2

Respectfully,

Ted Urban

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

From: Wayne Canterbury
To: Ted Urban
Cc: Robert Wooldridge
Sent: Tuesday, August 08, 2006 5:02 PM
Subject: EBMUD

Ted:

Enclosed is my letter to EBMUD. The lead engineer on the project is Judith Zavadil. Her email address is wttip@ebmud.com. When I spoke to her today on the subject, she seemed to hold the notion that you were not inclined to sell, but that Bob Wooldridge, owner of the Lombardy lot, is. I replied that I believed the opposite was true in both respects. Any effort that you and Bob can make to set the record straight might be helpful.

Best regards,
Wayne

Wayne S. Canterbury

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Mobile: 415 272-4235
wayne@canterburyraub.com

2.103 Ted Urban

TU-1 Comment noted. EBMUD understands that Mr. Ted Urban is receptive to discussing the sale of a portion of his property between Hacienda Road and Miner Road. This corroborates the comments provided by Mr. Wayne Canterbury regarding Mr. Urban's interest in selling the property to EBMUD.

TU-2 Comment noted. Please see **Response TU-1**.

From: Carrillo, Vince [mailto:Vince.Carrillo@wgint.com]
Sent: Monday, September 18, 2006 3:43 PM
To: Water Treatment Transmission Improvements Program
Cc: vincecarrillo@sbcglobal.net; mary-carrillo@sbcglobal.net
Subject: EBMUD Draft Environmental Impact Report Water Treatment and Improvements Program

Dear Judy,

I am a resident of Orinda, CA. I have some major concerns with the water treatment and improvement program being planned for the water treatment plant on Camino Pablo Road in Orinda. I understand the necessity of following Federal law in being mandated to improve the water quality for the residents of our area. I am mostly concerned with the unfortunately likelihood of some sort of terrorist attack on the water plant. Should such an event take place and with the proximity of Wagner Ranch School I believe the consequences would be catastrophic.

VC-1

1. I know that because of the Homeland Security Presidential Directive/ HSPD-9 dated Jan. 30, 2004 that a vulnerability assessment had to be provided that requires a plan to be set up on record on how to deal with a terrorist attack. I am concerned that with this new enlargement of the water treatment plant that any new vulnerability assessment plan would not be able to provide the security necessary to protect our children attending Wagner Ranch School. This new enlargement would in fact eliminate the physical and security buffer zone currently in place which is the Orinda Sports Field.
2. The amount of construction effort would affect all of the lives of the residents of our community for years. Increased traffic and congestion to serve the needs of others outside of the Orinda area is a big burden to bear and while the shoulders of the residents of our community are large, we feel it is uncalled for in this case.
3. Our house overlooks the Sports Field and with a new plant we would look down on the unsettling site of large concrete clearwells in a place where the children used to play.

VC-2

VC-3

VC-4

I implore you to abandon the large expansion planned for the years in the future and seriously look at other sites that are less intrusive into the daily lives of the residents here in Orinda.

VC-5

Regards,

Vince Carrillo
30 Manzanita Terrace
Orinda, CA 94563

2.104 Vince Carrillo

- VC-1 Since 2001, EBMUD has heightened security at its critical water facilities, including its water treatment plants. EBMUD completed a vulnerability assessment in accordance with federal law, including Homeland Security Presidential Directive 9, and security upgrades to the Orinda WTP are under design and will be installed in Summer 2007. The plan will be updated in accordance with applicable legal requirements.
- VC-2 See **Response VC-1**. With any physical expansion of its water treatment plants, EBMUD carefully considers and makes improvement to facility security appropriate to the expansion (e.g., security fencing, motion detectors, and cameras). This will be done as part of the final planning and design for any new facilities, including those contemplated for the future on the Orinda Sports Field.
- VC-3 Refer to Section 2.1.2, Master Response on Benefits to Orinda. The commenter's opinion about the increased traffic associated with the project construction is noted. Section 3.8 of the DEIR, Traffic and Circulation, addresses issues of increased vehicle trips and delays in Impacts 3.8-1 and 3.8-2.
- VC-4 DEIR pp.3.3-48 through 3.3-49 presents a general discussion of visual impacts associated with construction of the clearwell and other facilities being contemplated for the sports field area. That discussion generally characterizes the visual attributes of the facilities. EBMUD would prepare detailed, project-level environmental documentation of the clearwell and other facilities prior to approval; the visual impacts of such facilities (including visual simulations) would be presented in that document. Please note, due to elevations required for the clearwell to work properly, most of the tank will be substantially below the existing grade.
- VC-5 Comment acknowledged. Program-level improvements are projects that EBMUD contemplates for sometime in the future, depending on (for example) changing water quality regulations or changing source water quality. The need for high-rate sedimentation and ultraviolet disinfection processes at the water treatment plants would also be determined in the future. Likewise, the need to construct the program-level clearwells and San Pablo Pumping Plant and Pipeline at and from the Orinda WTP would be determined in the future, based on further consideration of water management strategies. Though suggestions for future alternatives will be explored, EBMUD believes it is prudent and responsible to consider the lands it purchased for water treatment service to the community.

From: Virginia Carton [mailto:vcarton@sbcglobal.net]
Sent: Thursday, September 07, 2006 9:40 AM
To: Water Treatment Transmission Improvements Program
Subject: Orinda Filter Plant Expansion

EBMUD Board of Directors
c/o Judy Zavadil MS

As homeowners and residents of Orinda,(6 Los Altos Rd.), we are opposed to the proposed project for expanding the Orinda Filter Plant. We find the project is not well thought out! The project is not obviously necessary, it should not be in a residential neighborhood, it is completely thoughtless in the 'communal' sense and eliminating a sports field...for what is not at all an obvious need demonstrates yet again that the 'authorities' do not have their priorities in place! Why should such an expansive project be next door to an elementary school? Why, when a house remodel has to wade through the Orinda ' Design Review ' should the community find it is alright that the landscape we all cherish be gobbled up w/more industrial site? NO!

| VEEC-1
| VEEC-2
| VEEC-3
| VEEC-4
| VEEC-5

EBMUD can find an eminently more suitable place AND develop a project which addresses 'state of the art' technology! We are shocked by the inferior reasoning, understanding, planning and development of this expansion project who is at the helm?

| VEEC-6
| VEEC-7

Virginia Stewart-Carton, Edmond Carton, Edmond Laurent Carton

2.105 Carton Family

- VEEC-1 The comment's opinion regarding the DEIR is noted. Refer to subsequent responses regarding more specific comments on the DEIR presented in this submittal.
- VEEC-2 Regarding the need for the project, refer to Section 2.2 of the DEIR. For more in-depth information, refer to **Responses ORIN-9, ORIN-10 and ORIN-11**.
- VEEC-3 The commenter's concern for the Orinda Sports Field is acknowledged. There is an existing Memorandum of Understanding (MOU) between EBMUD and the City of Orinda covering the use of the Sports Field ("Recreational and Watershed Land Use Policies and the Objectives in the City of Orinda"). Pursuant to the MOU, prior to implementation of any WTTIP elements contemplated for the ballfields area, the City would move the Sports Field operations to a new location within the Montanera development. Please also refer to Section 2.1.2, Master Response on Benefits to Orinda, for additional response pertinent to this comment.
- VEEC-4 The DEIR considers the presence of schools, including the Wagner Ranch Elementary School, in the impact evaluations (see, for example, pp. 3.8-14, 3.9-9, 3.10-39, 3.11-20). Map C-OWTP-1 depicts the location of the Orinda WTP relative to the Wagner Ranch Elementary School. The WTTIP includes project-level improvements (evaluated in detail) and program-level improvements (evaluated more generally). Table 2-2 (DEIR p. 2-5) identifies those improvements at the Orinda WTP that are project level and those that are program level. As shown on Maps D-OWTP-1 and D-OWTP-3, the facilities that would be nearest the Wagner Ranch School are program level, and include a clearwell, Chlorine Contact Basin, and Ultraviolet Disinfection Building (and, under Alternative 2, the entry shaft of the Orinda-Lafayette Aqueduct). The District will determine the need for these program-level elements based on regulatory requirements and further consideration of water management strategies. At that time, EBMUD would conduct the site evaluation, design, and additional environmental review needed to fully assess potential impacts to school children (see DEIR p. S-19).
- VEEC-5 It is EBMUD's custom to work closely with host jurisdictions during project planning and to conform to local land use plans and policies to the extent possible. As acknowledged on DEIR p. 3.2-12, the pertinent land use jurisdictions would determine project consistency with general plans during implementation. However, the City of Orinda design review process is part of the planning and zoning and building ordinances of the Orinda Municipal Code. As a local agency EBMUD is not subject to building and land use zoning ordinances of cities and counties when implementing projects that involve the storage, treatment, or transmission of water (California Government Code Sections 53091 and 53095).

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.

VEEC-6 Refer to **Response VEEC-2** and the discussion beginning on DEIR p. 6-52 regarding other water treatment plant alternatives considered.

VEEC-7 The concerns regarding this project are noted.



Water Treatment & Transmission Improvements Program
Draft Environmental Impact Report

Name: WILLIAM & BEVERLY PETERSON
Address: 131 RUDGEAR DRIVE, WALNUT CREEK, CA 94596
Email: bnbpeterson@gmail.com

COMMENTS:

OUR COMMENTS AND QUESTION CONCERN THE PROPOSED CONSTRUCTION, LOCATION AND ACCESS TO AND FROM THE NEW LELAND PRESSURE ZONE RESERVOIR AS DESCRIBED IN THE DRAFT EIR. WE HAVE ATTACHED A COPY OF OUR LETTER TO EBMUD ENGINEER TIMOTHY MCGOWAN, DESCRIBING OUR REASONS FOR OPPOSING THE USE OF RUDGEAR DRIVE AND PRIVATE PROPERTY FOR ACCESS AND EXITING THE PROPOSED RESERVOIR CONSTRUCTION SITE.

WBP-1

A COPY OF OUR LETTER TO MCGOWAN AND OUR COMMENTS AND QUESTIONS ON THE DRAFT EIR FOLLOW:

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 Zavadi, Senior Project Manager, at 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.

William & Beverly Peterson
131 Rudgear Drive
Walnut Creek, California 94596

WATER DISTRIBUTION

SEP 13 2006

PLANNING DIVISION

January 10, 2006

Mr. Timothy McGowan, PE
Associate Civil Engineer
Water Distribution Planning Division
East Bay Municipal Utility District
375 Eleventh Street MS 701
Oakland, California 94607-4240

RE: LeLand Pressure Zone Reservoir Construction Project

Dear Mr. McGowan,

We have owned and occupied 131 Rudgear Drive since 1963 and have come to appreciate the unique qualities of our neighborhood. The natural terrain, the lot sizes, the placement of houses and the adjacent "Sugar Loaf" open space, has created a neighborhood atmosphere of tranquillity, privacy and openness.

WBP-2

We did not attend the "informational" meeting held on December 8, 2005. Because the meeting notice and map gave little information, we were quite surprised to learn how advanced the planning for this proposed reservoir construction project was, and that the chosen access to the construction site would be up Rudgear Drive, through private properties, and then, somehow through the "Sugar Loaf" open space.

WBP-3

For the following reasons, we oppose the use of Rudgear Drive and private property for an access road to the LeLand Pressure Zone Reservoir site:

WBP-4

1. Rudgear Drive is a narrow, winding street, in fair to poor condition. The irregular width varies from 15' to 18'. It has, three blind curves and no sidewalks. It is presently a hazardous and dangerous street to walk and drive on. One must use extreme caution. People tend to drive too fast and many residents take daily walks with pets and children. Also, there is an abundant deer population that will unexpectedly cross the street at any time, day or night. We believe the addition of the daily project truck traffic will be highly disruptive to the neighborhood and will only compound these already unsafe conditions and make Rudgear Drive an unacceptable, dangerous street to be on.

WBP-4

There are places where the street shows evidence of displacement, which to us, indicates sliding movement in the roadbed. We believe this street, due to its condition, would deteriorate rapidly because of the additional, continuous, daily

WBP-5

truck traffic during the 3 or 4 years of construction. We believe the condition of this street is unsuitable for the proposed EBMUD construction access use.

↑
WBP-5

2. It is our understanding EBMUD has proposed the access road, from Rudgear Drive to the reservoir construction site, is to be located, somewhere, along the adjoining property line of 121 and 131 Rudgear Drive. Along this line, there is an existing 5' easement, on each property for drainage and sewer line use . No sewer line exists, but this small ravine serves as a natural drainage path for street water run-off from both sides of Layman Court, in front of 131 Rudgear Drive, and the ground water run-off from adjacent properties. The water flows naturally down this ravine, to the Sugar Loaf open space area, where it forms large pools, and in time, it is absorbed into the ground. An access road constructed in this location would disturb and forever alter the natural drainage system.

WBP-6

It is evident by the topography, that any road constructed, would require a huge amount of fill to achieve an acceptable grade for the construction vehicles to easily negotiate up to, or down from, Rudgear Drive. With this in mind, we are concerned with the amount of fill that will be required, the width of any road and the mitigation of the natural drainage system. In addition, any road constructed in this location could invite public access to the open space and encourage criminal mischief and conflicts with adjacent private property owners. Also, there is no room on Rudgear Drive for additional public street parking, and certainly parking on the access road should not be allowed.

WBP-7

WBP-8

WBP-9

Our residence, 131 Rudgear Drive, is in close proximity to the proposed access road location, and we would have a full view of the road all the way to Sugar Loaf open space. We would be exposed to noise, dust and disturbance created by the construction process, on a daily basis for 3 to 4 years, becoming permanent when completed. If this road is constructed, the tranquility, the privacy and the openness will, forever, be altered.

WBP-10

Our property already has a road on two sides, We don't need a third one.

The least disruptive solution would be to build the access road adjacent to the I-680 / Rudgear Road Off-ramp beginning at the "Park & Ride" lot.

WBP-11

Sincerely,

William a& Beverly Peterson

COMMENTS & QUESTIONS

by

William & Beverly Peterson
 131 Rudgear Drive
 Walnut Creek, California 94596
 Email: bnbpeterson@gmail.com

September 12, 2006

Will the EBMUD Board of Directors be willing to to conduct a field trip to the project site, the Sugarloaf Open Space and travel up Rudgear Drive to observe and evaluate the on-site conditions before voting on the Draft EIR?

WBP-12

During the public meetings, with EBMUD representatives, held on March 2, 2006 in Oakland, on July 20, 2006 at Heather Farms in Walnut Creek and on August 19, on Rudgear Drive in Walnut Creek, EBMUD staff representatives and attending neighbors commented on, and recognized, that the condition and alignment of Rudgear Drive could not support the heavy truck traffic required for the construction phase of the project. **Considering the condition of Rudgear Drive and other potential hazards mentioned in our letter, why shouldn't EBMUD eliminate Rudgear Drive as an access and exit route to and from the construction site?** ("Option "A", page 2-82, Volume 1 of 3 of the Draft EIR)

WBP-13

It is our understanding EBMUD owns a parcel of land within the boundaries of the Walnut Creek owned Sugarloaf Open Space. This parcel presently has no access road. **Why couldn't EBMUD utilize this parcel for an alternate Leland Pressure Zone reservoir location, and negotiate a perminent access easement with the City of Walnut Creek? Could the proposed reservoir size fit within the parcel? Could the reservoir be at a lower elevation on the site to achieve the proper pressure zone?**

WBP-14

OR Why not negotiate with the City of Walnut Creek to trade the EBMUD parcel for a more desirable reservoir location, such as alternate site #4 as shown on the Alternate Site Map, Appendix J, Vol.3 of 3 of the Draft EIR ?

WBP-15

OR Why not negotiate with the City of Walnut Creek to trade the EBMUD parcel to acquire a less impacting access or exit route to the presently proposed reservoir site?

WBP-16

We do not favor the use of Rudgear Drive as an access or exit route for any construction or post construction phase of the proposed New Leland Pressure Reservoir project. If the project must remain in the proposed location, we would favor "Option "D" as described on page 2-82, Volume 1 of 3 of the Draft EIR.

WBP-17

2.106 William and Beverly Peterson

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.

- WBP-1 The commenters' opposition to a proposed access route to the New Leland Pressure Zone Reservoir is acknowledged. Refer to subsequent responses.
- WBP-2 Comment acknowledged.
- WBP-3 The commenter is expressing surprise at the level of planning already completed for the New Leland Pressure Zone Reservoir. The project is evaluated at a program level in the DEIR. Refer to Section 2.1.1, Master Response on the Program and Project Level Distinctions.
- WBP-4 The commenters' concerns regarding traffic safety are acknowledged. These issues will be evaluated in detail in a subsequent project-level EIR once the proposed New Leland Pressure Zone Reservoir project is better defined. Traffic control plans would be developed during the construction phase of the project (see Measure 3.8-1, DEIR pp. 3.8-13 through 3.8-15).
- WBP-5 Implementation of mitigation measures similar to DEIR Measure 3.8-7 would require road conditions to be documented for all routes that will be used by project related vehicles. Roads damaged by construction will be restored to equal to their condition before the construction began.
- WBP-6 The New Leland Pressure Zone Reservoir is a program level element of the DEIR. The identified site requires further study and evaluation before a final determination of the access road can be made. Alternative sites will also be examined in a subsequent project-level EIR. The access road option near 121 and 131 Rudgear Drive is currently anticipated to be a temporary access road. Once the permanent access road is completed the property will be restored to its preconstruction condition, including existing drainage features. Implementation of mitigation measures similar to Measures 3.5-1a and 3.5-1b (DEIR p. 3.5-31) would reduce any impacts to drainage features during construction.
- WBP-7 The design details the comment is concerned with have yet to be determined but will be addressed in detail in the future project-level EIR on the project.
- WBP-8 The issues raised in the comment will be addressed in the future project-level EIR on the project.

- WBP-9 Parking issues raised in the comment will be addressed in the future project-level EIR on the project (see DEIR p. 3.8-19 for evaluation of parking issues for project-level elements).
- WBP-10 The environmental issues raised in the comment will be addressed in the future project-level EIR on the project.
- WBP-11 See **Response RS-5**.
- WBP-12 EBMUD staff and Director Coleman met with Rudgear Road residents about this project on August 19, 2006 (note that the commenters' letter is dated January 2006). The New Leland Pressure Zone Reservoir will not be presented to the Board of Directors for approval until the District prepares a project-level EIR. During that CEQA process, another public meeting likely will be scheduled specifically to address the New Leland Pressure Zone Reservoir.
- WBP-13 The project-level EIR to be prepared for the New Leland Pressure Zone Reservoir will fully evaluate feasible access route alternatives to the proposed site. If the use of Rudgear Road could not feasibly accommodate the type of construction vehicles that would travel to and from the reservoir site then that route would be eliminated from further consideration.
- WBP-14 Please see **Response HME-1**. The property is not at the proper elevation.
- WBP-15 Please see **Responses TS-15** and **WC-37**, and 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. A trade of this nature may be restricted by the provisions of the Municipal Park Abandonment Law, in particular Government Code Section 38502, but EBMUD will further examine these alternatives.
- WBP-16 Please see **Response WBP-15**, above. EBMUD will further examine alternatives as part of the project-level analysis.
- WBP-17 The commenters' preference for Access Route Option D is noted.

From: Elizabeth Haughey [mailto:ehaughey@prodigy.net]
Sent: Thursday, September 07, 2006 10:20 AM
To: Water Treatment Transmission Improvements Program
Cc: Pete-home
Subject: Orinda Water Filter Plant expansion

EBMUD Board of Directors:

We are writing this email in response to the proposed expansion of the EBMUD Orinda Water Filter Plant. We have two children, one of which currently attends Wagner Ranch Elementary School and also own a home near the Orinda Water Filter Plant. We are strongly opposed to the expansion of the Plant for the reasons stated below.

WEH-1

- 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, its residents and The City of Orinda oppose the expansion of EBMUDs Orinda Filter Plant.

WEH-2
WEH-3
WEH-4
WEH-5
WEH-6
WEH-7
WEH-8
WEH-9
WEH-10
WEH-11
WEH-12
WEH-13

Given the measure to which this expansion would affect the parents, taxpayers and all community residents, we would encourage you to actively and aggressively solicit community feedback and to share the information for the rational for expanding the Orinda Plant, well before committing to this project.

WEH-14

Please feel free to contact us at ehaughey@prodigy.net, or by phone at (925) 254-3883 should you wish to discuss this further.

Sincerely,

William and Elizabeth Haughey
75 Monte Vista Road

2.107 William and Elizabeth Haughey

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.

- WEH-1 Comment noted.
- WEH-2 The opinion regarding the DEIR is noted. Please refer to subsequent responses regarding more specific concerns.
- WEH-3 Please see **Response AS-2**.
- WEH-4 Please see **Response AS-3**.
- WEH-5 Please see **Responses AS-4, BM-2 and BM-11**.
- WEH-6 Please see **Response AS-5**.
- WEH-7 Please see **Response AS-6**.
- WEH-8 Please see **Response AS-7**.
- WEH-9 Please see **Responses ORIN-118 through ORIN-120, and Response BM-9**.
- WEH-10 Please see **Response AS-9**.
- WEH-11 Please see **Response AS-9**.
- WEH-12 Please see Section 2.1, Master Response on Social and Economic Costs.
- WEH-13 Please see **Response AS-11**.
- WEH-14 This comment requests that EBMUD solicit community feedback and share information for the rationale for the proposed improvements at the Orinda WTP before approving the project. The District has held numerous public meetings, including two public meetings in Orinda, to solicit community feedback and inform the public of the project. Notices regarding availability of this Response to Comments document will be provided to everyone who requested such notice (including commenters and those who filled out sign-in sheets at the public meetings held during the DEIR comment period). The District will hold a public hearing, scheduled for December 12, 2006, to solicit public feedback on the Final EIR prior to approval of project-level elements by the District's Board of Directors. Please note that program-level elements will not be approved until after additional environmental documentation (and additional public outreach associated with that documentation) is completed.



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

WATER DISTRIBUTION

SEP 18 2006

PLANNING DIVISION

13

Name: William Greif MD
Address: 3386 Creeper Rd
Email: blewgreif@comcast.net

COMMENTS:

We do not want the pumping plant behind homes in our neighborhood - put it across the street where it will be next to a station and will be adjacent to the land and home which it pumps water for - we are very upset that EBMUD would do this to our neighborhood

WG-1

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.

2.108 William Greif

WG-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.

WAYNE AND JO ALICE CANTERBURY

156 LOMBARDY LANE
ORINDA, CA 94563
925 254-4284
925 253-0249
wayne@canterburyraub.com
JoAlice777@Yahoo.com

East Bay Municipal Utility District
c/o Judy Zavadil, Senior Project Manager
P.O. Box 24055, MS701
Oakland, CA 94623-1055

Re: Happy Valley Pumping Plant
Water Treatment and Transmission Improvement Project

This letter is written in response to EBMUD's request to comment on the draft EIR for the Water Treatment and Transmission Improvement Project.

My wife, Jo Alice, and I object to the Happy Valley Pumping Plant component of the project insofar as it calls for the installation of a pumping plant on Lombardy Lane near Van Ripper Road. Our home adjoins the proposed site to the west. Two of our bedrooms are oriented near the boundary line.

We have read the draft EIR and considered the elements of the plan as you kindly explained them at the site visit you attended earlier this month. We understand EBMUD's explanation for the need to upgrade service in the Happy Valley area, but believe that the Lombardy site is unsuitable for the pumping plant.

Fortunately, the alternative site for the plant identified by EBMUD on Miner Road at Camino Sobrante offers a plainly better choice in virtually all respects. The parcel is owned by the Ted Urban family. I have spoken to Ted on the matter and he informed me that he would agree to sell the property to EBMUD.

Lombardy Site

The Lombardy property is owned by Bob and Carlotta Wooldridge. It comprises almost two acres and is one of the choicest buildable lots in Orinda. It is densely covered with natural vegetation and populated by several ancient oak trees. Two creeks converge at its southern end. The immediate neighborhood is uniquely quiet, particularly at night.

Miner Road Site

The Miner Road site is an open grassy field. It is the southern part of a parcel divided by a steeply banked creek and heavy foliage. A home is situated on the northern

WJC-1



East Bay Municipal Utility District
c/o Judy Zavadil, Senior Project Manager
July 28, 2006
Page 2 of 3

side. The site cannot be subdivided or easily put to any use that would serve the residence. The two houses flanking the property are sited a considerable distance from the lot. Their garages, drives, and walls and fences separate the lot from their living areas.

↑
WJC-1

Proposed Pumping Plant

The pumping plant will consist of two industrial pumps and a large electric transformer *that will operate at night*. The pumps would be housed in a structure approximately 60 feet by 40 feet in size. A drive and parking area would surround the facility. During the estimated 2-year construction stage of the project, the site would serve as a corporate yard and used to park earth-moving and other large vehicles and store equipment and materials.

***Summary of Objections and Reason for
Selecting The Miner Road Site***

1. Noise

The character of the Lombardy Lane area is defined by its tranquility, particularly during the late night and early morning hours. The EIR acknowledges that substantial noise would be emitted by the pump and the transformer. It does not comment on the cumulative effect of the two noises, one of which would likely be a hum and the other a whine. The proposed siting of the pumps is within feet of the bedroom of George and Perry Linton, the neighbors to the immediate east of the proposed site.

↑
WJC-2

The use of the Miner Road site, by contrast, would have little noise impact on the surrounding community, as the two adjacent houses buffered from the pump and transformer sounds by the placement of their garages.

↑
WJC-3

2. Traffic and Safety

In order to reach the Lombardy Lane site from Miner Road, trucks and equipment would have to travel the additional one-mile distance past more than 40 homes fronting the street. That stretch of road services the two arterial roads leading to Sleepy Hollow School and the Sleepy Hollow Swim & Tennis Club, both of which are heavily used by parents transporting children to the facilities. The Lombardy Lane site, itself, is located on a partially blind curve that presents additional safety concerns.

↑
WJC-4

Use of the Miner Road property would shorten the distance that trucks and equipment would travel from Camino Pablo and have less impact on school and swim club traffic. Additionally, it can be accessed by both Miner Road and Camino Sobrante.

↑
WJC-5

East Bay Municipal Utility District
c/o Judy Zavadil, Senior Project Manager
July 28, 2006
Page 3 of 3

3. Trees

The EBMUD plan for Lombardy Lane calls for the removal of at least two heritage oaks. These trees are more than 150 years of age and contribute to the beauty of the neighborhood. No trees of any note would have to be removed at the Miner Road site. Additional trees and landscaping could be installed at the site following construction.

WJC-6
WJC-7

4. Acquisition Cost

The Lombardy Lane site is a large, premier, buildable, parcel. Its owners are unwilling to sell it to EBMUD voluntarily. They would be entitled to the full value in the event EBMUD forced the sale through use of its eminent domain powers. An environmental or acquisition dispute could be litigated for years.

WJC-8

The Miner Road parcel is considerably smaller and has limited use. While the Urbans would be entitled to full value, there is no question that the price resulting from a voluntarily negotiated sale would be much more favorable to EBMUD and its rate payers.

WJC-9

In summary, use of the Lombardy Lane site for the pumping plant is inappropriate and strongly opposed by the owners and residents in the Sleepy Hollow community. The Miner Road property is in almost every respect uniquely suitable for the proposed use and its owners do not object to its acquisition. The EIR itself identifies the Miner Road site as a viable alternative. Given these circumstances, we urge EBMUD to adopt the alternative site for installation of the Happy Valley pumping plant.

Thank you for your consideration.

Very truly yours,

Wayne Canterbury

Jo Alice Canterbury

cc: EBMUD Board of Directors
Mayor and Council Members
City of Orinda
Emmanuel Ursu,
Planning Department, City of Orinda

2.109 Wayne and Jo Alice Canterbury

Many of the comments in this letter are similar copies of comments in the letter submitted by Robert Wooldridge. Consequently, many of the responses below cross-reference responses for the Robert Wooldridge letter (RCW1).

- WJC-1 The commenters' objection to the proposed Happy Valley Pumping Plant site and preference for the alternative Happy Valley Pumping Plant site are acknowledged. Please note that District staff is recommending that the Board of Directors approve the alternative site for the Happy Valley Pumping Plant (on Miner Road), after discussions with the owner of this parcel and consideration of other information. (In regard to the alternative site's owner's willingness to sell, please refer to **Response TU-1**.) As indicated on DEIR p. 6-2, the decision is at the discretion of the Board and the EBMUD Board of Directors could select the Happy Valley Pumping Plant alternative site described on DEIR p. 6-33 in lieu of the proposed site.
- WJC-2 See **Response RCW1-3** regarding the combined noise of the transformer and pumps.
- WJC-3 Refer to **Response RCW1-4**.
- WJC-4 The concern regarding local traffic is acknowledged. See **Response RCW-59**.
- WJC-5 The concern regarding school and swim club traffic is acknowledged. See **Response RCW-58**.
- WJC-6 The concern regarding oaks is acknowledged. See **Response RCW-39**.
- WJC-7 See **Response RCW1-8**.
- WJC-8 EBMUD has discussed the project with the Lombardy Lane site owner. See **Response RCW1-1**.
- WJC-9 See **Response RCW1-1** and **Response TU-1**.

WAYNE AND JO ALICE CANTERBURY

156 LOMBARDY LANE
ORINDA, CA 94563
925 254-4284
925 253-0249
wayne@canterburyraub.com
JoAlice777@Yahoo.com

East Bay Municipal Utility District
c/o Judy Zavadil, Senior Project Manager
P.O. Box 24055, MS701
Oakland, CA 94623-1055

Re: Happy Valley Pumping Plant
Water Treatment and Transmission Improvement Project

Dear Ms. Zavadil,

This confirms our conversation following my July 29 letter objecting to the use of the Lombardy Lane site for installation of a the Happy Valley pumping plant, in which you noted that the size of the proposed pump enclosure is 30 x 40 feet, not the 40 x 60 that I had understood. This information is encouraging, as the smaller footprint would render the plan all the more compatible with the *Miner Road* location.

WJC1-1

Very truly yours,
WS Canterbury
Wayne S. Canterbury

cc: EBMUD Board of Directors
Mayor and Council Members
City of Orinda
Emmanuel Ursu,
Planning Department, City of Orinda

2.110 Wayne and Jo Alice Canterbury

WJC1-1 The commenter's objection to construction of the Happy Valley Pumping Plant is noted. The preliminary design for the Happy Valley Pumping Plant has a footprint of approximately 30 feet by 50 feet. The facility would a single-story, 1,500 square foot structure.