

Final  
Environmental Impact Report  
Pinole-Hercules Water Pollution  
Control Plant Improvement Project



*Prepared for:*

City of Pinole  
2131 Pear Street  
Pinole, CA 94564

**AECOM**

June 30, 2010



Final  
Environmental Impact Report

# Pinole-Hercules Water Pollution Control Plant Improvement Project



*Prepared for:*

City of Pinole  
2131 Pear Street  
Pinole, CA 94564

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**AECOM**

June 30, 2010



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## ACRONYMS AND ABBREVIATIONS

μPa	micro Pascal
AB	Assembly Bill
BAAQMD	Bay Area Air Quality Management District
BAPL	Bay Area Products Line
CCCFC	Contra Costa County Flood Control & Water Conservation District
CCCPCW	Contra Costa County Public Works Department
CEQA	California Environmental Quality Act
CEQA Cooperating Agency	Hercules City Council
CEQA Lead Agency	Pinole City Council
City	City of Pinole
cm	centimeters
County	Contra Costa County
CSLC	California State Lands Commission
CUSA	Chevron USA
dB	decibels
DEIR	draft environmental impact report
DFG	California Department of Fish and Game
FEIR	final environmental impact report
FEMA	Federal Emergency Management Agency
GHG	greenhouse gas
Hz	Hertz
I-80	Interstate-80
IS	Initial Study
JPA	Joint Powers Authority
LAFCo	Local Agency Formation Commission
LSAA	Lake and Streambed Alternation Agreement
m	meter
mgd	million gallons per day
MSR	Municipal Service Review
NOP	Notice of Preparation
NPDES	National Pollutant Discharge and Elimination System
PRC	Public Resources Code
RSD	Rodeo Sanitary District
SOI	sphere of influence
SWRCB	State Water Resources Control Board
USFWS	U.S. Fish and Wildlife Service
WCWD	West County Wastewater District
WPCP	Pinole-Hercules Water Pollution Control Plant

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# 1 INTRODUCTION

## 1.1 BACKGROUND OF DRAFT AND FINAL ENVIRONMENTAL IMPACT REPORT

The City of Pinole (City) as lead agency, has prepared this document to be part of the final environmental impact report (FEIR) for the proposed Pinole-Hercules Water Pollution Control Plant (WPCP) Improvement Project (proposed project). This document responds to comments received during the public review period on the contents of the draft environmental impact report (DEIR). It contains a list of persons, organizations, and public agencies that submitted comments; the comments received on the DEIR; and responses to significant environmental points raised in those comments, as required by the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000 et seq.) and the State CEQA Guidelines (Title 14, California Code of Regulations, Section 15000 et seq.). In accordance with Section 15132 of the State CEQA Guidelines, this document and the DEIR together constitute the FEIR.

### 1.1.1 PROJECT LOCATION

The Pinole-Hercules WPCP is located along the shoreline of San Pablo Bay, at 11 Tennent Avenue, Pinole, California, within Contra Costa County (see Exhibit 2-1 in DEIR Chapter 2, “Project Description”). The WPCP is bordered by the Union Pacific Railroad tracks to the south; Pinole Creek to the northeast; Bayfront Park to the southwest; and San Pablo Bay to the west (see Exhibit 2-2 in DEIR Chapter 2, “Project Description”). Land east and south of the project site, across the railroad tracks, consists of residential housing and a storage facility.

Regional access to the WPCP is provided from Interstate-80 (I-80) via San Pablo Avenue. Local access to the plant is provided by Tennent Avenue, adjacent to a parking lot associated with Bayfront Park.

### 1.1.2 ELEMENTS OF THE PROJECT

The Cities of Pinole and Hercules are requesting a permit that would increase their maximum daily wet-weather flow capacity from 10.3 million gallons per day (mgd) to 14.59 mgd and a maximum wet-weather flow capacity of 20 mgd. The dry-weather treatment capacity would remain the same at 4.06 mgd.

#### OPTION 1: NEW LARGER EFFLUENT PIPE TO RODEO

The Pinole-Hercules WPCP would undergo various on-site facility improvements, but would remain a secondary treatment plant. Proposed facility improvements include new secondary clarifiers, influent and effluent pump stations, aeration tanks, and other equipment. The permitted Pinole-Hercules WPCP maximum daily wet-weather flow capacity would increase from 10.3 mgd to 14.59 mgd, and the permit would also allow for a peak instantaneous wet-weather flow capacity of 20 mgd. The current combined dry-weather effluent discharge rate at Outfall 001 of 5.20 mgd (4.06 mgd from the Pinole-Hercules WPCP and 1.14 mgd from the Rodeo Sanitary District [RSD]) would not be changed.

A new larger capacity treated effluent pipeline would be installed from the Pinole-Hercules WPCP to the permitted Outfall 001 at the RSD wastewater treatment plant. Shallow water Outfall 002 would no longer be used. All treated, disinfected wastewater would be discharged to the existing permitted deepwater outfall (Outfall 001) at the RSD. The diffuser on the exiting outfall would undergo maintenance to provide the appropriate dilution in San Pablo Bay. Finally, the existing city of Pinole corporation yard at the WPCP would be relocated to Pinole Shores Drive, between the Union Pacific Railroad tracks and San Pablo Avenue (see DEIR Exhibit 2-5 in Chapter 2, “Project Description”).

## **OPTION 2: PINOLE-ONLY FLOWS AT EXISTING PLANT**

There is a potential that in the future, the City of Hercules could decide to send its wastewater flows to the West County Wastewater District (WCWD) water pollution control facility. If this occurred, the wastewater flows generated by the City of Pinole would continue to be treated at the Pinole-Hercules WPCP. Under Option 2, to address the high influent flows that occur during large rain events, a 450,000-gallon concrete storage tank and associated accessories would be installed. The storage tank would be mostly buried, with the base located approximately 28 feet below the ground surface. Construction of the storage tanks would allow any flows above 10.3 mgd to be stored and then returned to the treatment process when flows drop below 10.3 mgd. The storage tank would be empty except during severe storm events. During the peak storm event, the storage tank would be filled and emptied within a 24-hour period. Option 2 would not include relocation of the corporation yard.

If the City of Hercules were to choose to send its flows to WCWD for treatment, the City of Hercules would be required to prepare a separate CEQA analysis to evaluate the environmental impacts of constructing the new pipeline and treating the flows at WCWD. Thus, Option 2 of this EIR is intended to provide coverage for the City of Pinole (i.e., Pinole-only flows at the existing WPCP) should the City of Hercules make this decision.

### **1.1.3 EIR PUBLIC REVIEW PROCESS**

The City circulated an Initial Study (IS) and Notice of Preparation (NOP) for a DEIR for the Pinole-Hercules WPCP Improvement Project on September 9, 2009, for a 30-day review period. After the IS/NOP was circulated, the City of Pinole held a public scoping meeting, consistent with the requirements of the State CEQA Guidelines, to provide public agencies and interested persons the opportunity to comment on the environmental information to be included in the DEIR. That meeting was held on September 24, 2009. Comments submitted at the meeting and those received during the IS/NOP comment period were included in Appendix B to the DEIR. On March 15, 2010, the City distributed the DEIR to public agencies and the general public and submitted the document to the State Clearinghouse for state agency review. A public hearing to receive comments on the DEIR was held at the Pinole City Hall on April 7, 2010. The public comment period on the DEIR closed April 28, 2010.

The FEIR consists of:

- ▶ the Draft Environmental Impact Report for the Pinole-Hercules WPCP Improvement Project and all attachments and appendices thereto (including the IS/NOP), dated March 15, 2010;
- ▶ comments and responses to comments on the DEIR, and
- ▶ revisions to the text of the DEIR.

Copies of this document are available for review by the public during normal business hours at the following locations:

Pinole City Hall  
2131 Pear Street  
Pinole, CA 94564

Hercules Library  
109 Civic Drive  
Hercules, CA 94547

Pinole Library  
2935 Pinole Valley Road  
Pinole, CA 94564

## **1.2 ORGANIZATION OF THIS DOCUMENT**

This document contains six chapters, as described below.

Chapter 1, "Introduction," discusses the background of the environmental review of the proposed project and a description of the contents of this document.

Chapter 2, “Comments and Responses to Comments on the DEIR,” lists all the commenters on the DEIR and presents both the verbatim comments and appropriate responses to significant environmental points, in accordance with Sections 15088(a) and (c) and 15132 of the State CEQA Guidelines. Some of the issues raised in comments on the DEIR address the merits of the project or raise topics that are not related to the environmental analysis. Because CEQA specifies that the responses must address comments raised on the environmental impacts of the project, the comments on non-environmental issues are noted but do not require detailed responses. All comment letters are labeled to correspond with the table in Chapter 2 that lists the comments (Table 2-1). Each individual comment is assigned a letter-number code (e.g., DFG-1) that corresponds with the response following the comment.

Chapter 3, “Corrections and Revisions to the DEIR,” presents corrections, clarifications, and other revisions to the DEIR text, based on issues raised by the comments on the DEIR or on other information made available to the lead agency. Changes in the text are indicated by strikeouts (~~strikeout~~) where text is removed and by underlining (underline) where text is added.

Chapter 4, “References,” identifies the reference documents used in the preparation of responses to comments.

Chapter 5, “Report Preparers,” identifies the preparers of this document.

### **1.3 PROJECT DECISION-MAKING PROCESS**

This document is being made available to the public agencies and members of the public that commented on the DEIR. As required by Section 15088(b) of the State CEQA Guidelines, the City is providing public agencies that commented on the DEIR at least 10 days to review proposed responses prior to considering the FEIR for certification.

The Pinole-Hercules WPCP Joint Powers Authority (JPA) will consider the adequacy of the FEIR and the merits of the project. The JPA will forward its recommendations to both the Pinole City Council (CEQA Lead Agency) and the Hercules City Council (CEQA Cooperating Agency). As the CEQA Lead Agency for this project, the Pinole City Council will hold a public hearing on July 20, 2010 at the Pinole City Council Chambers, at which time it will render decisions regarding FEIR certification and project approval. If the Pinole City Council certifies the FEIR, it will make required findings including, but not limited to, (1) the FEIR has been completed in compliance with CEQA, (2) the City Council has reviewed and considered the information in the FEIR, and (3) the FEIR reflects the City’s independent judgment and analysis. After certification, the Pinole City Council may consider whether to adopt either Option 1 or Option 2 as the proposed project, adopt either option with conditions, adopt one of the alternatives evaluated in Chapter 5 of the DEIR, or deny the project, in accordance with Section 15092 of the State CEQA Guidelines.

As part of the EIR certification process, the City of Pinole will be required to make findings regarding the disposition of each significant environmental impact, including whether feasible mitigation measures or alternatives are available to substantially reduce or avoid these effects (CEQA Guidelines Section 15091). Because the project would also result in unavoidable significant impacts, the City would also be required to adopt a statement of overriding considerations, specifying its rationale for approving the project in light of the unavoidable impacts (CEQA Guidelines Section 15093).

The City would, upon taking an approval action, then file a notice of determination with the County Clerk and the California Governor’s Office of Planning and Research, as directed by Section 15094 of the State CEQA Guidelines.

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## 2 COMMENTS AND INDIVIDUAL RESPONSES

### 2.1 INTRODUCTION

This chapter contains the comment letters received on the draft environmental impact report (DEIR) followed by individual responses to those comments. Section 2.2 describes the format of the responses to comments. Commentors, their associated agencies, and assigned letter identifications are listed in Section 2.3. Section 2.4 presents the comment letters received on the DEIR and the responses to those comments.

### 2.2 FORMAT OF COMMENTS AND RESPONSES

Comment letters and responses to comments are arranged in the following order:

- ▶ Section A: State Agencies
- ▶ Section B: Local Agencies
- ▶ Section C: Organizations

Each letter and each comment within a letter have been given an identification number. Responses are numbered so that they correspond to the appropriate comment. Where appropriate, responses are cross-referenced between letters.

### 2.3 LIST OF COMMENTORS

Table 2-1 provides a list of all agencies, organizations, and persons who submitted comments on the DEIR during the public review period.

<b>Table 2-1 Written Comments Received on the DEIR</b>			
<b>Letter Designation</b>	<b>Commenter</b>	<b>Date</b>	<b>Page</b>
<b>Section A: State Agencies</b>			
DFG	California Department of Fish and Game Bay Delta Region Charles Armor, Regional Manager	April 20, 2010	2-5
CSLC-A	California State Lands Commission Division of Environmental Planning and Management Marina R. Brand, Assistant Chief	April 22, 2010	2-11
CSLC-B	California State Lands Commission Division of Environmental Planning and Management Marina R. Brand, Assistant Chief	September 30, 2009	2-17
SWRCB	State Water Resources Control Board Division of Financial Assistance Lisa Lee, Environmental Scientist	April 23, 2010	2-21

**Table 2-1  
Written Comments Received on the DEIR**

Letter Designation	Commenter	Date	Page
<b>Section B: Local Agencies</b>			
Hercules	City of Hercules Brent M. Salmi, P.E., City Engineer	April 6, 2010	2-39
EBMUD-A	East Bay Municipal Utility District William R. Kirkpatrick, Manager of Water Distribution Planning	April 9, 2010	2-41
EBMUD-B	East Bay Municipal Utility District William R. Kirkpatrick, Manager of Water Distribution Planning	October 7, 2009	2-43
CCCFC	Contra Costa County Flood Control and Water District Mario Consolacion, Senior Engineering Technician	April 27, 2010	2-53
CCCPW	Contra Costa County Public Works Department Rene Urbana, Staff Civil Engineer	April 28, 2010	2-65
LAFCo	Contra Costa County Local Agency Formation Commission Lou Ann Texeira, Executive Officer	April 28, 2010	2-71
<b>Section C: Organizations</b>			
Chevron A	Chevron Environmental Management Company The Benham Companies – a SAIC Company Mohamed N. Ibrahim, Environmental Project Manager	March 30, 2010	2-77
Chevron B	Chevron Environmental Management Company Lee Higgins, PG	October 9, 2009	2-79

## 2.4 COMMENTS AND RESPONSES

The written comments on the DEIR and the responses to those comments are provided in this section. All comment letters are reproduced in their entirety, and each is followed by responses to comments on substantive environmental issues.

A public hearing was held on the DEIR on April 7, 2010. Comments presented at the hearing were focused on project costs; the potential cost to the public of the proposed facilities improvements; and the process that would be involved if the City of Hercules were to send its wastewater flows to the West County Wastewater District (which is not evaluated in this EIR). The City responded to those comments during the public hearing. Because the comments provided at the public hearing did not pertain to the text of the DEIR, responses to those comments are not addressed further in this Final EIR.

## SECTION A: STATE AGENCIES

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State of California – The Natural Resources Agency  
 DEPARTMENT OF FISH AND GAME  
 Bay Delta Region  
 7329 Silverado Trail  
 Napa, CA 94558  
 (707) 944-5500  
[www.dfg.ca.gov](http://www.dfg.ca.gov)

ARNOLD SCHWARZENEGGER, Governor  
 John McCamman, Director



April 20, 2010

Mr. Dean Allison  
 City of Pinole  
 2131 Pear Street  
 Pinole, CA 94564

Dear Mr. Allison:

Subject: Pinole-Hercules Water Pollution Control Plant Improvement Project,  
 Draft Environmental Impact Report, SCH #2009092024, Contra Costa County

The proposed project consists of improvements to the Pinole-Hercules Water Pollution Control Plant (WPCP) which is designed to increase wet-weather discharge capacity at a deepwater outfall (Outfall 001), to eliminate use of a shallow water outfall (Outfall 002), and to eliminate blending of primary- and secondary-treated effluent during high rainfall events. Two project options are analyzed in the draft Environmental Impact Report (EIR).

Option 1 would involve realignment and resizing of the existing effluent pipeline running between the WPCP and the Rodeo Sanitary District Wastewater Treatment Plant (RSD). This option would increase wet-weather flows from Outfall 001 from current maximum levels of 10.3 million gallons per day (mgd) to a maximum of 14.59 mgd. Currently, Outfall 001 also discharges an additional 2.5 mgd from RSD, which would not increase as a result of the project.

Option 2 accounts for a scenario whereby the City of Hercules would send its wastewater flows to the Richmond West County Wastewater District (WCWD) rather than the WPCP. Under this option, flows from the WPCP would be limited to flows from the City of Pinole and no increase in wet-weather discharges would occur at Outfall 001. The draft EIR does not evaluate potential impacts associated with construction of a pipe between the City of Hercules and the WCWD.

The Department of Fish and Game (DFG) has reviewed the documents provided for the subject project, and we have the following comments.

**Project Description**

**Exhibit 2-3**

Page 2-10 of the draft EIR indicates that the force main realignment proposed under Option 1 would cross Pinole, Ohlone, Refugio, and Rodeo creeks. Please modify Exhibit 2-3 to indicate the locations of the creeks, the proposed crossings, and Outfalls 001 and 002.

*Conserving California's Wildlife Since 1870*

Mr. Dean Allison  
April 20, 2010  
Page 2

#### **Additional Figure(s) Showing Alignment of Force Main Adjacent to Pinole Creek**

Page 2-10 of the draft EIR indicates that the force main proposed under Option 1 would run parallel to Pinole Creek for approximately 1,110 linear feet. Please provide detailed plans for this stretch of the alignment, indicating the distance of the force main from the top of bank. Proposed earth-moving activities, such as trenching, should also be indicated.

#### **Fisheries and Aquatic Resources**

##### **Overview of Fish Communities**

The first sentence of the fourth paragraph on page 3.4-5 states that "eight native and introduced species of freshwater fish occur in *Pinole Creek*" [emphasis added]. It appears that the quoted sentence refers to species reported in Rodeo Creek.

##### **Thermal Impacts**

Table 3.4-12 presents temperature ranges for existing effluent discharges. Please indicate whether effluent temperatures would remain the same, increase, or decrease in comparison to existing temperatures given proposed treatment modifications (e.g., ultraviolet radiation versus chlorination). If a change in effluent temperature would occur with the proposed treatment regime, please modify the analysis in the draft EIR accordingly.

#### **Biological Resources**

##### **Coast Salt Marsh Habitat**

Exhibit 3.9-1 indicates that coast salt marsh habitat is present along the proposed Pinole Creek alignment. Please provide additional detail in Table 3.9-1 explaining why this habitat is not suitable for two sensitive plant species found in the project vicinity and known to inhabit coast salt marshes, soft bird's beak (*Cordylanthus mollis* ssp. *mollis*) and Point Reyes bird's beak (*Cordylanthus maritimus* ssp. *palustris*).

##### **Nesting Bird Surveys**

Mitigation measure 3.9-2 should be expanded to include nesting season surveys for birds that are likely to nest in the project area during project implementation. If active nests are documented, the applicant is to consult with DFG.

#### **Cumulative Impacts**

##### **Cumulative Water Quality Impacts on Fisheries**

The draft EIR does not address cumulative effects on fisheries and biological resources associated with increased effluent discharges. No wastewater treatment facility expansions are discussed in the cumulative projects lists on pages 4-4 and 4-7; however, it is reasonable to assume that as the population of the Bay Area expands, the demand for increased wastewater treatment capacity will also increase. Please provide additional discussion of toxicity and thermal impacts associated with cumulative effluent discharges and their impact on fisheries. The analysis should discuss the overall significance of the cumulative impact, followed by the project's contribution to this impact.

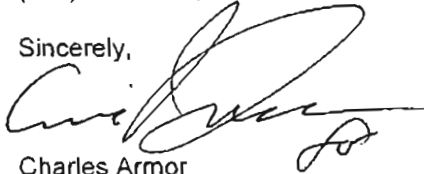
Mr. Dean Allison  
April 20, 2010  
Page 3

**Lake and Streambed Alteration Program**

For any activity that will divert or obstruct the natural flow, or change the bed, channel, or bank (which may include associated riparian resources) of a river or stream, or use material from a streambed, DFG may require a Lake and Streambed Alteration Agreement (LSAA), pursuant to Section 1600 et seq. of the Fish and Game Code, with the applicant. Issuance of an LSAA is subject to the California Environmental Quality Act (CEQA). DFG, as a responsible agency under CEQA, will consider the CEQA document for the project. The CEQA document should fully identify the potential impacts to the stream or riparian resources and provide adequate avoidance, mitigation, monitoring and reporting commitments for completion of the agreement. To obtain information about the LSAA notification process, please access our website at <http://www.dfg.ca.gov/habcon/1600/>; or to request a notification package, contact the Lake and Streambed Alteration Program at (707) 944-5520.

If you have any questions, please contact Ms. Randi Adair, Environmental Scientist, at (707) 944-5596; or Mr. Liam Davis, Habitat Conservation Supervisor, at (707) 944-5529.

Sincerely,



Charles Armor  
Regional Manager  
Bay Delta Region

cc: State Clearinghouse

DFG-1 *The comment restates the project purpose, and summarizes DEIR Option 1 and Option 2.*

The comment is noted.

DFG-2 *The comment requests that DEIR Exhibit 2-3 be modified to include the location of the creeks, the proposed creek crossings by the treated effluent force main, and outfalls 001 and 002.*

Exhibit 2-3 is intended to be broad overview of the proposed force main route. The information requested by the commenter is contained in DEIR Exhibits 3.9-1, 3.9-2, 3.9-3, and 3.9-4 in Section 3.9, "Terrestrial Biology." Therefore, no changes to the DEIR are necessary.

DFG-3 *The comment requests detailed plans for the portion of the treated effluent force main that would run parallel to Pinole Creek, indicating the distance of the force main from the top of bank, and including proposed earth-moving activities such as trenching.*

Detailed plans for the proposed treated effluent force main construction along Pinole Creek are not available at this time because it is too early in the planning process. The impacts related to activities that would be necessary to install the proposed treated effluent force main, including proposed earth-moving activities and trenching, are addressed in DEIR Impacts 3.4-1 and 3.4-2 in Section 3.4, "Fisheries and Aquatic Resources," in Impacts 3.6-1 and 3.6-3 in Section 3.6, "Hydrology and Water Quality," and in Impacts 3.9-1 through 3.9-4 in Section 3.9, "Terrestrial Biology." Where potentially significant impacts are identified, mitigation measures are included that would reduce the impacts to a less-than-significant level. See also Exhibit 2-3.

DFG-4 *The comment states that the first sentence of the fourth paragraph on page 3.4-5 of the DEIR states that "eight native and introduced species of freshwater fish occur in Pinole Creek," and that the reference to Pinole Creek should be changed to Rodeo Creek.*

The commenter is correct. The text of page 3.4-5 of the DEIR has been changed as shown in Chapter 3 of this final EIR (FEIR), "Corrections and Revisions to the DEIR".

DFG-5 *The comment states that DEIR Table 3.4-12 presents temperature ranges for existing effluent discharges. The comment requests that the DEIR indicate whether effluent temperatures would remain the same, increase, or decrease in comparison to existing temperatures as a result of the proposed change from chlorination to ultraviolet radiation, and that if a project-related change in temperature would occur from this treatment, the DEIR analysis be modified accordingly.*

The use of ultraviolet radiation as a final step in the wastewater treatment process does not heat the water. Therefore, no project-related water temperature change would occur, and no changes to the text of the DEIR are required. Dodson-Psomias, the project engineer, indicates that there is no evidence of measurable temperature change in wastewater following treatment with ultraviolet radiation. Therefore, the City does not

anticipate that any temperature-related impacts to aquatic organisms would occur from use of this process.

DFG-6

*The comment states that coast salt marsh habitat is present along the proposed Pinole Creek alignment as shown in Exhibit 3.9-1 and requests that information be added to Table 3.9-1 explaining why this habitat is not suitable for two sensitive plant species (i.e., soft bird's beak [Cordylanthus mollis ssp. Mollis] and Point Reyes bird's beak [Cordylanthus maritimus ssp. Palustris]) found in the project vicinity and known to inhabit coast salt marshes.*

The reasons why soft bird's beak and Point Reyes bird's beak are not likely to occur are listed in Table 3.9-1 on page 3.9-11 of the DEIR. No suitable habitat is present along Pinole Creek. Suitable habitat is present outside the mouth of Pinole Creek along the shoreline of San Pablo Bay. The project does not include any construction activities in or adjacent to the mouth of Pinole Creek. Therefore, no revisions to the DEIR are necessary.

DFG-7

*The comment states that Mitigation Measure 3.9-2 should be expanded to include nesting season surveys for birds that are likely to nest in the project area during project implementation, and if active nests are documented, the applicant should consult with the California Department of Fish and Game (DFG).*

To mitigate impacts on special-status birds, DEIR Mitigation Measure 3.9-2 already includes a requirement for nesting season surveys and the requirement that if active nests are documented, consultation with DFG must occur. As stated on DEIR page 3.9-25, the thresholds of significance used to evaluate project-related impacts indicate that the project would have a significant impact if it would “have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by DFG or [the U.S. Fish and Wildlife Service (USFWS)].” This is the same threshold listed in the State CEQA Guidelines, Appendix G Checklist. Therefore, CEQA does not require that mitigation measures be included for all birds with the potential to nest in the project area; rather, mitigation must be included for “species identified as a candidate, sensitive, or special-status species.” These species are discussed in DEIR Section 3.9.1, “Environmental Setting,” and are evaluated in Impact 3.9-2 (pages 3.9-28 and 3.9-29). Therefore, no changes to the DEIR are necessary.

DFG-8

*The comment states that the DEIR does not address cumulative effects on fisheries and biological resources associated with increased effluent discharges, and that even though the DEIR's cumulative project lists on pages 4-4 and 4-7 do not include any wastewater treatment facility expansions, it is “reasonable” to assume that as the population of the Bay Area expands, the demand for increased wastewater treatment capacity will also increase. Therefore, the comment states, the DEIR should provide additional discussion of toxicity and thermal impacts associated with cumulative effluent discharges and their impact on fisheries. The comment also states that the analysis should also discuss the overall significance of the cumulative impact, followed by the project's contribution to this impact.*

The DEIR does not address the cumulative effects on fisheries and biological resources associated with increased effluent discharges from expanded wastewater treatment facilities, because none were known or reasonably foreseeable at the time of issuance of the Notice of Preparation of the DEIR or the writing the DEIR (see DEIR Tables 4-3, 4-4, and 4-5 on pages 4-4, 4-7, and 4-9, respectively). Furthermore, the City is not aware at

this time of any planned wastewater treatment facility expansions that would affect fisheries resources near to the project site..As stated on page 4-4 of the DEIR, the City of Pinole (City) has chosen to use the list approach for its analysis of cumulative impacts, as permitted by State CEQA Guidelines Section 15130(b)(1)(A). CEQA does not require the DEIR to include future projects that are not reasonably foreseeable or for which information is not sufficient to allow meaningful analysis of potential impacts. The State CEQA Guidelines state:

When analyzing the cumulative impacts of a project under 15 130(b)(1)(A), the Lead Agency is required to discuss not only approved projects under construction and approved related projects not yet under construction, but also unapproved projects currently under environmental review with related impacts or which result in significant cumulative impacts. This analysis should include a discussion of projects under review by the Lead Agency and projects under review of other relevant public agencies, using reasonable efforts to discover, disclose, and discuss the other related projects.

The City is not aware of proposed or planned wastewater treatment plant expansions that would affect the San Pablo Bay, or of fisheries resources that would potentially be affected by the proposed project. Therefore, wastewater treatment plant projects are not included within the list of cumulative projects in the analysis of the proposed project's cumulative impacts in the Draft EIR.

DFG-9

*The comment summarizes the types of activities that could require a Lake and Streambed Alteration Agreement (LSAA) with DFG. The comment further states that DFG, as a Responsible Agency, will consider the CEQA document for the project, which should identify the potential impacts to the stream or riparian resources and provide adequate avoidance, mitigation, monitoring and reporting commitments for completion of the agreement.*

The purpose this is EIR is to evaluate environmental impacts as required by CEQA (see DEIR page 3.9-25, "Thresholds of Significance"). Option 2 evaluated in the DEIR would entail work only at the existing Pinole-Hercules Water Pollution Control Facility (WPCP) facility, and therefore no LSAA from DFG would be required. Based on the current project plans, the City does not anticipate that a LSAA from DFG would be required for DEIR Option 1. As part of City's commitments to reduce environmental impacts of the project, no construction work associated with pipeline installation would take place in the bed or bank of any stream crossing. Pipelines would be installed via suspension from an existing bridge or jack-and-boring underneath creeks (DEIR, p. 2-10). No sediments removed during excavation of the pipeline would be deposited within any body of water, including creeks, along the pipeline alignment. However, should the City decide to adopt Option 1 as the proposed project, the City would consult with DFG regarding the mitigation of impacts on any resources subject to DFG's jurisdiction.

**CALIFORNIA STATE LANDS COMMISSION**  
100 Howe Avenue, Suite 100-South  
Sacramento, CA 95825-8202



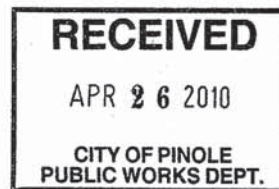
**PAUL D. THAYER**, Executive Officer  
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Relay Service From TDD Phone 1-800-735-2929  
from Voice Phone 1-800-735-2922

Contact Phone: (916) 574-1900  
Contact FAX: (916) 574-1885

April 22, 2010

SCH#: 2009092024

City of Pinole  
Attn: Dean Allison  
2131 Pear Street  
Pinole, CA 94564



**Subject: Draft Environmental Impact Report (DEIR) for the Pinole-Hercules Water Pollution Control Plant Improvement Project, San Pablo Bay, Contra Costa County**

Dear Mr. Allison:

The California State Lands Commission (CSLC) staff has reviewed the above-referenced Draft Environmental Impact Report. Under the California Environmental Quality Act (CEQA), the city of Pinole is the Lead Agency and the CSLC is a Responsible and/or Trustee Agency for any and all projects which could directly or indirectly affect sovereign lands, their accompanying Public Trust resources or uses, and the public easement in navigable waters. For this project, the CSLC is a Responsible Agency.

A comment letter, dated September 30, 2009, was sent to you during the NOP public review period. This letter (see attachment) was not included in the DEIR, therefore, the DEIR did not include a response to our comments. In addition, CSLC should be listed on page 1-4 as a Responsible Agency as the existing outfall (001) is on land within CSLC jurisdiction.

CSLC requested that the EIR address any impacts to aquatic species, including underwater noise effects, from increased wastewater flows through outfall (001) and the addition of the diffuser to outfall (001). This was not addressed in the DEIR although the document does address the impacts of increased wastewater flows through the effluent pipe and diffuser.

The Rodeo Sanitary District has a 49-year Public Agency Permit (PRC 5398.9), beginning November 1, 1977, for one outfall line (001). Any removal or substantial repair to the existing outfall shall not be undertaken without prior written permission of the Commission.

Dean Allison

Page 2

April 19, 2010

Upon further review, it has been determined that CSLC has no jurisdiction for outfall 002.

Please contact Drew Simpkin at (916) 574-2275, for questions pertaining to CSLC jurisdiction. You may contact Mary Ann Hadden at (916) 574-2574 for questions regarding the environmental review process.

Sincerely,



Marina R. Brand, Assistant Chief  
Division of Environmental Planning  
and Management

cc: Office of Planning and Research  
D. Simpkin, CSLC  
M. Hadden, CSLC

Attachments



CSLC-A-1 *The comment states that the California State Lands Commission (CSLC) is a Responsible and/or Trustee Agency for projects that could affect sovereign lands, their accompanying public trust resources or uses, and the public easement in navigable waters. The comment further states that the CSLC is a Responsible Agency for this project.*

CSLC is a Responsible Agency for this project as defined by Public Resources Code Section 21069 and the State CEQA Guidelines Section 15381 for those project activities on lands subject to CSLC jurisdiction. As shown in Chapter 3 of this FEIR, “Corrections and Revisions to the DEIR,” CSLC has been added to the list of State Responsible Agencies in DEIR Section 1.6.2, “Responsible and Trustee Agencies” (DEIR page 1-4).

CSLC-A-2 *The comment states that a letter sent by CSLC dated September 30, 2009, containing comments on the notice of preparation (NOP) was not included in the DEIR, and that CSLC should be listed in the DEIR as a Responsible Agency because the existing outfall (001) is on land that is within CSLC jurisdiction.*

The City inadvertently omitted the CSLC comment letter dated September 30, 2009, from Appendix B of the DEIR; responses to the comments contained in that letter are contained in this FEIR as CSLC-B. The City agrees that CSLC is a Responsible Agency on this project—see response to comment CSLC-A-1.

CSLC-A-3 *The comment requests that the EIR address “any impacts” to aquatic species, including underwater noise effects, from increased wastewater flows through outfall (001) and the addition of the diffuser to outfall (001). The commenter states that this was not addressed in the DEIR, although the DEIR does address the impacts of increased wastewater flows through the effluent pipe and diffuser.*

The commenter is correct that the DEIR already addresses impacts to aquatic species from increased wastewater flows through outfall 001 and the addition of the diffuser to outfall 001. See DEIR Chapter 3, “Fisheries and Aquatic Resources,” Impacts 3.4-1 through 3.4-7 (pages 3.4-29 through 3.4-48). Other than underwater noise effects, the commenter does not specify what she means by her request that the DEIR address “any impacts.” The City believes that the DEIR has used appropriate thresholds of significance for evaluation of project-related impacts on aquatic species, as listed on pages 3.4-25 and 3.4-26.

Typical background underwater noise levels are approximately 60–65 decibels (dB) per 1 micro Pascal ( $\mu\text{Pa}$ ) at 1 meter (m) from the source. The noise levels arising from wastewater flowing through the Pinole-Hercules WPCP’s deepwater outfall are not known and therefore, any increases in noise levels cannot be quantified. However, because the discharge comprises only wastewater flowing via gravitational forces into receiving water through a submerged diffuser at least 18 feet below the water surface, the noise levels are likely to be negligible and would not reach intensities that would have adverse effects on aquatic life. Furthermore, the noise impacts of the project would only be the increased noise related to the increased wastewater flow of a maximum of 4.29 mgd over the existing flow levels.

The noise levels from the project are likely to be within the levels that result in no adverse impacts to fish species. In an evaluation of the efficacy of using commercially manufactured low-frequency sound transducers for deterring yearling sockeye salmon (*Oncorhynchus nerka*), coho salmon (*O. kisutch*), and subyearling summer/fall Chinook salmon smolts from lock and navigation channels, Goetz et al. (2001) found no difference between treatment groups exposed to no sound and groups exposed to sounds reaching 170–180 dB per 1 $\mu$ Pa at 1m (i.e., 110 dB or more greater than underwater background noise). A concurrent study using the same sound transducers failed to elicit a startle or avoidance response in hatchery-derived subyearling Chinook and coho salmon or wild yearling sockeye salmon (Ploskey and Johnson 2001). Knudsen et al. (1992) conducted laboratory and field tests to evaluate the avoidance response of Atlantic salmon parr exposed to frequencies (i.e., pitch) of 10 and 150 Hertz (Hz). No avoidance response was detected at 150 Hz, even when fish were within 10 centimeters (cm) of the sound source and sound levels exceeded the fishes' hearing threshold by 114 dB. Other studies (e.g., VanDerwalker 1967; Knudsen et al. 1997) have reported varying degrees of avoidance responses at low-frequency sounds, but avoidance typically only occurred when fish came within a distance of 1 m or less of the sound source. None of the aforementioned studies reported any lethality resulting from exposure to sound over the range of sound pressures tested. Furthermore, these studies examined noise levels that would far exceed the intensity of noise emanating from wastewater flow through the deepwater outfall. Consequently, the increased flow of treated effluent through the deepwater outfall under Option 1 is not anticipated to have any noise-related effects on fish or aquatic life near the deepwater outfall.

The project does not involve any type of heavy-duty construction activity (e.g., pile driving) in San Pablo Bay that has been shown to have potentially adverse impacts. Underwater noise effects could occur when sufficiently elevated underwater sound pressures, such as pile driving of steel piers or caissons with heavy-duty construction equipment, could have the potential for direct or indirect adverse effects on fish. Direct effects may include lethality or injury (e.g., hearing damage, reduced inner ear equilibrium capacity) to fish arising from excessive noise levels. Indirect effects could include “noise barriers” created by elevated underwater noise levels, and preventing or delaying adult and juvenile fish from passing the construction site. Delaying migration and/or altering the migratory behavior of juvenile fish may indirectly lead to lethality from predation by piscivorous fish. Delaying immigration of adult salmonids may increase the risk for thermally induced egg loss. The project includes none of these types of construction activities and, therefore, would have none of these potential adverse impacts from noise.

Under Option 2, the wet-weather discharges from the treated wastewater generated only by the City to the deepwater outfall would be similar to existing discharge rates and, therefore, would have no additional effects on aquatic life due to noise impacts occurring near the deepwater outfall.

CSLC-A-4

*The comment states that the Rodeo Sanitary District has a 49-year Public Agency Permit (Public Resources Code [PRC] 5398.9) beginning November 1, 1977, for outfall 001, and any removal or substantial repair to the existing outfall may not be undertaken without prior written permission of the CSLC.*

The City would coordinate with CSLC and would obtain written permission to perform the necessary work on lands subject to CSLC jurisdiction.

CSLC-A-5

*The comment states that upon further review, the CSLC has determined to have no jurisdiction for outfall 002.*

The comment is noted.

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**CALIFORNIA STATE LANDS COMMISSION**  
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Sacramento, CA 95825-8202

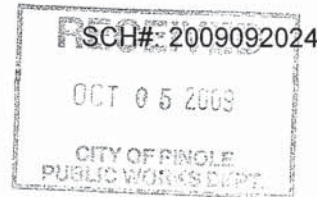


**PAUL D. THAYER**, Executive Officer  
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Contact FAX: (916) 574-1885

September 30, 2009

City of Pinole  
Attn: Dean Allison  
2131 Pear Street  
Pinole, CA 94564



**Subject: Notice of Preparation (NOP) of an Environmental Impact Report for the Pinole-Hercules Water Pollution Control Plant Improvement Project, San Pablo Bay, Contra Costa County**

Dear Mr. Allison:

The California State Lands Commission (CSLC) staff has reviewed the above-referenced NOP. Under the California Environmental Quality Act (CEQA), the city of Pinole is the Lead Agency and the CSLC is a Responsible and/or Trustee Agency for any and all projects which could directly or indirectly affect sovereign lands, their accompanying Public Trust resources or uses, and the public easement in navigable waters. For this project, the CSLC is a responsible agency.

By way of general background, upon admission to the Union in 1850, California acquired nearly four million acres of sovereign land underlying the State's navigable waterways. Such lands include, but are not limited to, the beds of more than 120 navigable rivers and sloughs, nearly 40 navigable lakes, and the three-mile-wide band of tide and submerged land adjacent to the coast and offshore islands of the State. The Commission holds its sovereign interest in these lands subject to the Public Trust for commerce, navigation, fisheries, open space, and preservation of natural environments, among others.

As stated in the NOP, the EIR will address the potential environmental impacts of the subject project which includes new secondary clarifiers, influent and effluent pump stations, aeration tanks, a new effluent pipeline for discharge at the Rodeo Sanitary District, and improvements to an existing outfall (001). The existing corporation yard will be relocated. The NOP also includes an option that allows flow from the city of Hercules to be directed to the West County Pollution Control Plant via a new pipeline, with the city of Pinole flows continuing to be treated at the existing plant. In addition, an existing outfall (002) will only be used in cases of extreme high water. The existing outfall (001) is located on land within the Commission's jurisdiction.

The Commission will rely on the EIR, as a Responsible Agency, to evaluate activities that will take place on land within the Commission's jurisdiction. Therefore, the EIR should address all environmental impacts that may occur from those actions. As part of the air quality analysis in the MND, greenhouse gas emissions (GHG) information consistent with the California Global Warming Solutions Act (AB 32) should be included. For each alternative, this would include a determination of the greenhouse gases that would be emitted, a determination of the significance of the impact, and mitigation measures to reduce that impact. The EIR should address any impacts to aquatic species, including underwater noise effects, from increased wastewater flows through outfall (001) and the addition of the diffuser to outfall (001).

The Rodeo Sanitary District has a 49-year Public Agency Permit (PRC 5398.9), beginning November 1, 1977, for one outfall line (001). Any removal or substantial repair to the existing outfall shall not be undertaken without prior written permission of CSLC staff.

The CSLC has no record of a lease being authorized for outfall 002. Please provide a detailed schematic or map showing the location of outfall 002 in order to determine whether it falls within the CSLC's leasing jurisdiction.

Please contact Drew Simpkin at (916) 574-2275, for questions pertaining to CSLC jurisdiction. You may contact Mary Ann Hadden at (916) 574-2574 for questions regarding the environmental review process.

Sincerely,



Marina R. Brand, Assistant Chief  
Division of Environmental Planning  
and Management

cc: Office of Planning and Research  
D. Simpkin, CSLC  
M. Hadden, CSLC

CSLC-B-1 *The comment states that the CSLC is a Responsible and/or Trustee Agency for projects that could affect sovereign lands, their accompanying public trust resources or uses, and the public easement in navigable waters. The comment further states that the CSLC is a Responsible Agency for this project. Finally, the comment provides general background information about the lands over which CSLC has jurisdiction.*

See response to comment CSLC-A-1.

CSLC-B-2 *The commenter restates portions of the project description as contained in the NOP, including an option that would allow wastewater flows from the City of Hercules to be directed to the West County Wastewater District (WCWD) via a new pipeline.*

The commenter is correct that Option 2, as described in the NOP, included the City of Hercules flows to WCWD for treatment via a new pipeline. However, upon further review, the Cities of Pinole and Hercules determined that if Hercules were to decide to send its flows to WCWD for treatment, the City of Hercules would be required to prepare a separate CEQA analysis to evaluate those environmental impacts. Therefore, Option 2 as analyzed in the DEIR only evaluates WPCP facility improvements that would be necessary for the City of Pinole to treat its flows at the existing plant. (See DEIR Chapter 1, "Introduction," page 1-1 and Chapter 2, "Project Description," page 2-13.)

*The comment also states that the NOP says that outfall 002 will only be used in cases of extreme high water.*

The commenter's statement is not correct; the NOP does not state that outfall 002 would continue to be used, for any reason. The NOP states that the purpose of the project evaluated in the DEIR is to eliminate the use of shallow water outfall 002 and to eliminate blending in order to comply with the Regional Water Quality Control Board's National Pollutant Discharge and Elimination System (NPDES) permit (NOP pages 1-2 and 1-3).

*Finally, the comment states that existing outfall 001 is located on land that is within the CSLC's jurisdiction.*

The comment is noted.

CSLC-B-3 *The comment states that the CSLC, as a Responsible Agency, will rely on the EIR to evaluate activities that will take place on land within the CSLC's jurisdiction. Therefore, the EIR should address all environmental impacts that may occur from those actions. The comment further states that the analysis should include the impact of greenhouse gas (GHG) emissions consistent with Assembly Bill (AB) 32, including the GHGs emitted, the significance of the impact, and mitigation measures to reduce the impact, for each "alternative."*

The City believes that the initial study (circulated with the NOP) and the DEIR appropriately address all environmental impacts of the project, including the impacts that would occur on land under CSLC's jurisdiction. The DEIR includes an analysis of GHG

emissions consistent with AB 32, including the GHGs emitted and a determination of the significance of the impact for both Options 1 and 2. (See DEIR Section 3.3, “Climate Change,” pages 3.3-1 through 3.3-14.) The DEIR found the impacts due to GHG emissions are less than significant. The City assumes that the commenter is not requesting an analysis of GHG emissions for each of the CEQA “alternatives” evaluated in Chapter 5 of the DEIR at a lesser level of detail; rather, that the commenter is referring to each of the two project Options 1 and 2 that are described in DEIR Chapter 1, “Introduction,” and Chapter 2, “Project Description,” and evaluated at an equal level of detail in DEIR Sections 3.1 through 3.9 and Chapter 4, “Other Statutory Requirements.”

CSLC-B-4

*The comment states that the EIR should address any impacts to aquatic species, including underwater noise effects, from increase wastewater flows through outfall (001) and the addition of the diffuser to outfall (001).*

See response to comment CSLC-A-3.

CSLC-B-5

*The comment states that the Rodeo Sanitary District has a 49-year Public Agency Permit (PRC 5398.9) beginning November 1, 1977 for outfall 001, and any removal of substantial repair to the existing outfall may not be undertaken without prior written permission of the CSLC.*

See response to comment CSLC-A-4.

CSLC-B-6

*The comment states that CSLC has no record of an authorized lease for outfall 002, and requests a detailed schematic or map showing outfall 002 to determine whether or not it falls with the CSLC’s leasing jurisdiction.*

See CSLC’s comment letter dated April 19, 2010, in which the CSLC states that it has determined it does not have jurisdiction over outfall 002. Therefore, the information requested by the commenter is not required.





# State Water Resources Control Board



Linda S. Adams  
Secretary for  
Environmental Protection

**Division of Financial Assistance**  
1001 I Street • Sacramento, California 95814 • (916) 341-5700 FAX (916) 341-5707  
Mailing Address: P.O. Box 944212 • Sacramento, California • 94244-2120  
Internet Address: <http://www.waterboards.ca.gov>

Arnold Schwarzenegger  
Governor

**APR 23 2010**

Mr. Dean Allison  
City of Pinole  
2131 Pear Street  
Pinole, CA 94564

Dear Mr. Allison:

ENVIRONMENTAL IMPACT REPORT (EIR) FOR CITY OF PINOLE (CITY); PINOLE-HERCULES WATER POLLUTION CONTROL PLANT IMPROVEMENT PROJECT (PROJECT); CONTRA COSTA COUNTY; STATE CLEARINGHOUSE NO. 2009092024

We understand the City is pursuing Clean Water State Revolving Fund (CWSRF) financing for this Project (CWSRF No. C-06-7288-110). As a funding agency and a state agency with jurisdiction by law to preserve, enhance, and restore the quality of California's water resources, the State Water Resources Control Board (State Water Board) is providing the following information for the California Environmental Quality Act (CEQA) document prepared for the Project.

We would appreciate notice of any hearings or meetings held regarding the environmental review of the Project, and look forward to receiving the final EIR. Following the City's CEQA process, please provide the following documents applicable to the Project: (1) Two copies of the draft and final EIR, (2) the resolution certifying the EIR, adopting the Mitigation Monitoring and Reporting Program (MMRP), and making CEQA findings, (3) all comments received during the review period and the City's response to those comments, and (4) a date stamped copy of the Notice of Determination filed with the Governor's Office of Planning and Research.

The CWSRF Program is partially funded by the United States Environmental Protection Agency (USEPA) and requires additional "CEQA-Plus" environmental documentation and review. Four information sheets are included that further explain the environmental review process and additional federal requirements in the CWSRF Program. In addition, an environmental evaluation form is included for the City to submit should it pursue State Water Board funding. The State Water Board can consult directly with agencies responsible for implementing federal environmental laws and regulations. Any environmental issues raised by federal agencies or their representatives will need to be resolved prior to State Water Board approval of a CWSRF financing commitment. For further information on the CWSRF Program environmental compliance please contact Ms. Michelle Lobo at (916) 341-6983.

It is important to note that prior to a CWSRF financing commitment, projects are subject to the provisions of the Federal Endangered Species Act and must obtain approval from the United States Fish and Wildlife Service (USFWS), and/or National Marine Fisheries Service (NMFS) for any potential effects to special status species. Please be advised that the State Water Board can consult with the USFWS, and/or NMFS on behalf of the City regarding all federal special status species the Project has the potential to impact if the Project is to be funded under the CWSRF Program.

*California Environmental Protection Agency*



APR 23 2010

In addition, CWSRF projects must comply with federal laws pertaining to cultural resources, specifically Section 106 of the National Historic Preservation Act. The State Water Board has been delegated responsibility for carrying out the requirements of Section 106 under a Nationwide Programmatic Agreement executed for the CWSRF Program by the USEPA, the Advisory Council on Historic Preservation, and the National Conference of State Historic Preservation Officers.

As stated above, the State Water Board has responsibility for ensuring compliance with Section 106 and the State Water Board Cultural Resources Officer (CRO) consults directly with the California State Historic Preservation Officer (SHPO). SHPO consultation is initiated when sufficient information is provided by the CWSRF applicant for projects having potential impacts to cultural resources. Please contact the State Water Board CRO Ms. Cookie Hirn at 916-341-5690, to find out more about the requirements and questions on how to begin the Section 106 compliance process. Note that the City will need to identify the Area of Potential Effects (APE), including construction areas, staging areas, and depth of any excavation.

If the City pursues State Water Board funding, provide the CRO with a copy of a current Records Search for the Project area, including maps that show all recorded sites and surveys in relation to the APE for the Project. The APE is three-dimensional and includes all areas that may be affected by the Project. The APE includes the surface area and extends below ground to the depth of any Project excavations. The Records Search request should be made for an area larger than the APE. The appropriate area varies for different projects but should be drawn large enough to provide information on what types of sites may exist in the vicinity. Specifically, please send copies of the Records Search maps with all sites and surveys mapped in relation to the pipeline routes, and copies of Native American consultation including documentation of follow-up phone calls. Additionally, the Project archeologist will need to provide the CRO with two copies of the Cultural Resources Studies prepared for the Project.

Native American and Interested Party Consultation is required for Section 106 compliance:

- A Project description and map should be sent to the Native American Heritage Commission (NAHC). The NAHC will provide a list of Native American tribes and individuals that are culturally affiliated with your Project area and recommend that they all be contacted
- A Project description and map should be sent to everyone on the list provided by the NAHC, asking for information on the Project area
- Similar letters should be sent to local historical organizations
- Follow-up contact should be made by phone, if possible, and a phone log should be included

*California Environmental Protection Agency*



APR 23 2010

Comments from the NAHC, local tribes, and historical organizations affiliated with the Project area, as well as the City's response to these comments should be included in the submittal to the CRO.

The NAHC can be contacted at:

915 Capitol Mall, Room 364  
Sacramento, CA 95814  
(916) 653-4082

Other federal requirements pertinent to the Project under the CWSRF Program include the following:

1. Compliance with the federal Clean Air Act: (a) Provide air quality studies that may have been done for the Project and (b) if the Project is in a nonattainment area or attainment area subject to a maintenance plan; (i) provide a summary of the estimated emissions (in tons per year) that are expected from both the construction and operation of the Project for each federal criteria pollutant in a nonattainment or maintenance area, and indicate if the nonattainment designation is moderate, serious, severe, or extreme; (ii) if emissions are above the federal de minimis levels located in the Code of Federal Regulations [40CFR93.153], but the Project is sized to meet only the needs of current population projections that are used in the approved State Implementation Plan for air quality, quantitatively indicate how the proposed capacity increase was calculated using population projections.
2. Compliance with the Coastal Zone Management Act: Identify whether the Project is within a coastal zone and the status of any coordination with the California Coastal Commission.

The State Water Board has no further comments on the EIR at this time. Thank you once again for the opportunity to review the City's environmental document. If you have any questions or concerns, please feel free to contact me at (916) 327-9401, or contact Ms. Justine Herrig at (916) 327-9117.

Sincerely,



Lisa Lee  
Environmental Scientist

cc: State Clearinghouse w/o enclosures  
(Re: SCH# 2009092024)  
P. O. Box 3044  
Sacramento, CA 95812-3044

*California Environmental Protection Agency*



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# STATE WATER RESOURCES CONTROL BOARD CEQA AND STATE WATER BOARD GRANTS

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## *Environmental Requirements for State Water Board Grants*

The State Water Resources Control Board (State Water Board) distributes funding through various grants, including Propositions 13, 40, 50, Water Recycling, Small Community Grants and others. Applicants seeking funds are required to comply with the California Environmental Quality Act (CEQA), and provide documents for the State Water Board's environmental review process.

### **GRANT FUNDING**

State Water Board grants are subject to CEQA. The State Revolving Fund Loan program has additional federal requirements described in the *SRF & CEQA-Plus* pamphlet.

### **LEAD AGENCY**

The applicant is usually the **Lead Agency** and must prepare and circulate an environmental document before approving a project. Only a public agency, such as a local, regional or state government, may be the Lead Agency under CEQA. If a project will be completed by a non-governmental organization, Lead Agency responsibility goes to the first public agency providing discretionary approval for the project.

### **RESPONSIBLE AGENCY**

The State Water Board is a **Responsible Agency** and must review and consider the environmental document prior to providing funding to any portion of a project.

As the Responsible Agency, the State Water Board must make findings based on information provided by the Lead Agency before granting "environmental clearance" for the project. The Lead Agency must adhere to the CEQA process and provide detailed information about any potential adverse or beneficial environmental impacts resulting from the project.

### **STATE WATER BOARD RESPONSIBILITIES**

The State Water Board's mission is to preserve, enhance and restore the quality of California's water resources, and ensure their proper allocation and efficient use for the benefit of present and future generations. To fulfill this responsibility, and to carry out obligations as a Responsible Agency under CEQA, the State Water Board must consider the Lead Agency's environmental document before providing funding.

### **ENVIRONMENTAL CLEARANCE**

Environmental clearance must be done before a project can be funded. For Small Community Wastewater grants and Water Recycling Funding Program grants, environmental clearance must be received before a Facilities Plan Approval is issued by the State Water Board for a project.

### **DOCUMENT REVIEW**

The State Water Board would like to review documents as early in the process as possible. Send environmental documents to the State Water Board, Regional Programs Unit during the CEQA public review period. Be sure to identify yourself as a grant applicant. This way, any environmental concerns the State Water Board has about the project can be addressed early in the process.

### **REQUIRED DOCUMENTS**

The Regional Programs Unit must have the documents listed below to provide environmental clearance.

1. **Draft and Final Environmental Documents** – Environmental Impact Reports, Negative Declarations, CEQA exemptions;
2. **Resolution** approving the project, adopting the environmental document and making CEQA findings;
3. **All comments** received during the public review period and your responses to those comments;
4. **Adopted Mitigation Monitoring Plan**, if applicable; and
5. **Notice of Determination** filed with the Governor's Office of Planning and Research.

Once the State Water Board has received all documents, considered them and found them adequate, environmental clearance for the funding can be granted.

### **CONTACT INFORMATION**

For more information, please contact the Division of Financial Assistance, Loans and Grants at (916) 341-5700.



**Water Boards**

STATE WATER RESOURCES CONTROL BOARD  
REGIONAL WATER QUALITY CONTROL BOARDS

November 2005

## BASIC CRITERIA FOR CULTURAL RESOURCES REPORTS

### FOR SECTION 106 CONSULTATION WITH THE STATE HISTORIC PRESERVATION OFFICER (SHPO) UNDER THE NATIONAL HISTORIC PRESERVATION ACT (NHPA)

#### CURRENT RECORDS SEARCH INFORMATION

- A current (less than a year old) records search from the appropriate Information Center is necessary. The records search must include maps that show all recorded sites and surveys in relation to the area of potential effects (APE) for the project.
- The APE is three-dimensional and includes all areas that may be affected by the project. The APE includes the surface area and extends below ground to the depth of any project excavations.
- The records search request should be made for an area larger than the APE. The appropriate area varies for different projects but must be drawn large enough to provide information on what types of sites may exist in the vicinity.

#### NATIVE AMERICAN AND INTERESTED PARTY CONSULTATION

- Native American and interested party consultation should be initiated at the beginning of any cultural resource investigations. The purpose is to gather information from people with local knowledge that may be used to guide research.
- A project description and map should be sent to the Native American Heritage Commission (NAHC) when the applicant requests a check of their Sacred Lands Files. The Sacred Lands Files include religious and cultural places that are not recorded at the information centers.
- The NAHC will include a list of Native American groups and individuals with their response. A project description and maps must be sent to everyone on the list asking for information on the project area.
- Similar letters should be sent to local historical organizations and other interested parties.
- Follow-up contact should be made by phone, if possible, and a contact log must be included in the report.

#### REPORT TERMINOLOGY

- A cultural resources report used for Section 106 consultation should use terminology consistent with the NHPA.

- Being consistent with the NHPA does not mean that the report needs to be “filled” with passages and interpretations of the regulations; the SHPO reviewer already knows the law.
- If “findings” are made, they must be one of the four “findings” listed in Section 106. These include:
  - “No historic properties affected” (no properties are within the APE, including the below ground APE).
  - “No effect to historic properties” (properties may be near the APE but the project will not impact them).
  - “No adverse effect to historic properties” (the project may affect historic properties but the impacts will not be adverse).
  - “Adverse effect to historic properties.” *Note: the SHPO must be consulted at this point. If your consultant proceeds on his/her own, his/her efforts may be wasted.*

#### WARNING PHRASES IN ALREADY PREPARED CEQA REPORTS

- A finding of “**no known resources**” does not mean anything. The consultant’s job is to find out if there are resources within the APE or to explain why they are not present.
- “**The area is sensitive for buried archaeological resources,**” followed by a statement that “**monitoring is recommended as mitigation.**” Monitoring is not acceptable mitigation. A reasonable effort should be made to find out if buried resources are present in the APE.
- “**The area is already disturbed by previous construction.**” This statement may be true, but documentation is still needed to show that the new project will not affect cultural resources. As an example, an existing road can be protecting a buried archaeological site. Or, previous construction may have impacted an archaeological site that was never documented.
- No mention of “**Section 106.**” A report that gives adequate information for compliance with the California Environmental Quality Act may not be sufficient to comply with Section 106.

Please contact Ms. Cookie Hirn with any questions on cultural resources reports.

Cookie Hirn  
State Water Resources Control Board  
Cultural Resources Officer  
916-341-5690  
[MHirn@waterboards.ca.gov](mailto:MHirn@waterboards.ca.gov)

INSTRUCTIONS AND GUIDANCE FOR  
"ENVIRONMENTAL COMPLIANCE INFORMATION"

Introduction:

Detailed information, including statutes and guidelines on the California Environmental Quality Act (CEQA), can be obtained at <http://ceres.ca.gov/ceqa>. A CEQA Process Flowchart that shows interaction points between lead and responsible agencies can be found at [http://ceres.ca.gov/topic/env\\_law/ceqa/flowchart/index.html](http://ceres.ca.gov/topic/env_law/ceqa/flowchart/index.html). In addition, State Water Board environmental staff is available to answer questions about the CEQA process. Please contact your assigned Project Manager to be directed to an appropriate environmental staff person for further clarification.

CEQA Checklist:

All projects coming to the State Water Board for funding are considered "projects" under CEQA because the State Water Board is providing discretionary approval for that funding.

The types of CEQA documents that might apply to an applicant's project include one of the following: 1. Notice of Exemption; 2. Initial Study/Negative Declaration (or Mitigated Negative Declaration with a Mitigation Monitoring and Reporting Program [MMRP]); or 3. Environmental Impact Report (EIR) with an MMRP. The applicant must determine the appropriate document for its project and submit the additional supporting information listed under the applicable section of the CEQA Checklist. Please submit two copies of all documents. If the applicant is using a CEQA document that is older than five years, the applicant must re-evaluate environmental and project conditions, and develop and submit an updated document based on the results of that re-evaluation.

The applicant must ensure the CEQA document is specific to the project for which funding is being requested. Tier I CEQA documents, such as Program or Master Plan EIRs, may not be suitable for satisfying State Water Board requirements if these documents are not project-specific. Instead, the applicant should be submitting a Tier II CEQA document that is project-specific. If this Tier II CEQA document references pertinent environmental and mitigation information contained in the Tier I CEQA document, then the applicant must submit both documents. *[NOTE: Tier I and Tier II documents refer to documents as defined under CEQA. Although the same terminology is used, these documents do not relate to the Tier I and Tier II level of reviews under the CWSRF Program.]*

Each applicant, if it is a public agency, is responsible for approving the CEQA documents it uses regardless of whether or not it is a lead agency under CEQA. Non-profit organizations, however, shall only be responsible for approving the applicable project mitigation measures identified in the MMRP. For purposes of State Water Board funding, all public agencies applying for this funding shall file either a Notice of Exemption or a Notice of Determination with the Governor's Office of Planning and Research (State Clearinghouse). Stamped copies of these notices shall be submitted with the rest of the environmental documents.

If the CEQA document is linked to a National Environmental Policy Act (NEPA) document (such as an Environmental Assessment or an Environmental Impact Statement), then the applicant shall submit the additional corresponding NEPA items with either a Finding of No Significant Impact, or a Record of Decision made by the lead agency under NEPA.

Note that additional information may be requested from the applicant after review of all the environmental documents to ensure the State Water Board can complete its own CEQA compliance.

Federal Information:

CEQA requires full disclosure of all aspects of the project, including impacts and mitigation measures that are not only regulated by state agencies, but also by federal agencies. Early consultation with state and federal agencies in the CEQA process will assist in minimizing changes to the project when funding is being requested from the State Water Board. For the items that follow the CEQA Checklist, the applicant shall provide the information and/or reference any applicable sections from the documents being submitted to assist with environmental staff's CEQA review, as well as to provide applicant guidance on any potential concerns, and to assist with federal coordination as needed.

1. Federal Endangered Species Act (ESA), Section 7:

For further information on the federal ESA relating to law, regulation, policy, and notices, go to <http://www.fws.gov/endangered/policy/index.html> and <http://www.nmfs.noaa.gov/pr/laws/esa/>. Note that compliance with both state and federal ESA is required of projects having the potential to impact special status species. Although overlap exists between the federal and state ESAs, there might be additional or more restrictive state requirements. For further information on the state ESA, go to <http://www.dfg.ca.gov/habcon/cesa/>.

2. National Historic Preservation Act, Section 106:

The NHPA focuses on federal compliance. In addition, CEQA requires that impacts to cultural and historic resources be analyzed. The "CEQA and Archeological Resources" section from the Governor's Office of Planning and Research CEQA Technical Advice Series states that the lead agency obtains a current records search from the appropriate California Historical Resources File System Information Center. In addition, the Native American Heritage Commission (NAHC) will provide a list of Native American tribes to be contacted and that are culturally affiliated with a project area.

The NAHC can be contacted at:

915 Capitol Mall, Room 364  
Sacramento, CA 95814  
(916) 653-4082



3. Clean Air Act:

For CWSRF financed projects, we recommend including a general conformity section in the CEQA documents so that another public review process will not be needed, should a conformity determination be required. The applicant should check with its air quality management district and review the State Air Resources Board [California air emissions map](#) for information on the State Implementation Plan. For information on the analysis steps involved in evaluating conformity, please contact the environmental staff person through the assigned Project Manager.

4. Coastal Zone Management Act:

For affected areas, refer to <http://coastalmanagement.noaa.gov/mystate/docs/StateCZBoundaries.pdf>. For additional information please refer to <http://www.coastal.ca.gov/ccatc.html> and/or <http://www.bcdc.ca.gov/>.

5. Farmland Protection Policy Act:

The Natural Resources Conservation Service provides information on the Farmland Protection Policy Act at <http://www.nrcs.usda.gov/programs/fppa>. Please see the following website regarding the Williamson Act <http://www.consrv.ca.gov/dlrp/lca>.

6. Floodplain Management - Executive Order 11988:

Each agency shall provide leadership and take action to reduce the risk of flood loss, to minimize the impact of floods on human safety, health and welfare, and to restore and preserve the natural and beneficial values served by floodplains in carrying out its responsibilities. Before taking an action, each agency shall determine whether the proposed action will occur in a floodplain. The generally established standard for risk is the flooding level that is expected to occur every 100 years. If an agency has determined to, or proposes to, conduct, support, or allow an action to be located in a floodplain. The agency shall consider alternatives to avoid adverse effects and incompatible development in the floodplains. For further information, please consult the following web link: <http://www.epa.gov/owow/wetlands/regs/eo11988.html>.

7. Migratory Bird Treaty Act (MBTA):

The MBTA, along with subsequent amendments to this Act, provides legal protection for almost all breeding bird species occurring in the United States and must be addressed in CEQA. The MBTA restricts the killing, taking, collecting and selling or purchasing of native bird species or their parts, nests, or eggs. The treaty allows hunting of certain game bird species, for specific periods, as determined by federal and state governments. In the CEQA document, each agency must make a finding that a project will comply with the MBTA. For further information, please consult the following web link: <http://www.fws.gov/laws/lawsdigest/migtrea.html>.

8. Protection of Wetlands – Executive Order 11990:

Projects, regardless of funding, must get approval for any temporary or permanent disturbance to federal and state waters, wetlands, and vernal pools. The permitting process is usually through the

Clean Water SRF Program  
Environmental Compliance

U.S. Army Corps of Engineers (USACOE), can be lengthy and may ultimately require project alterations to avoid wetlands. Applicants must consult with USACOE early in the planning process if any portion of the project site contains wetlands, or other federal waters. The USACOE Wetland Delineation Manual is available at: <http://www.wetlands.com/regs/tlpg02e.htm>. Also note that the Water Boards are involved in providing approvals through a 401 Water Quality Certification and/or Waste Discharge Requirements ([http://www.waterboards.ca.gov/water\\_issues/programs/cwa401/index.shtml](http://www.waterboards.ca.gov/water_issues/programs/cwa401/index.shtml)).

9. Wild and Scenic Rivers Act:

There are construction restrictions or prohibitions for projects near or on a "wild and scenic river." A listing of designated "wild and scenic rivers" can be obtained at <http://www.rivers.gov/wildriverslist.html>. Watershed information can be obtained through the "Watershed Browser" at: [http://cwp.resources.ca.gov/map\\_tools.php](http://cwp.resources.ca.gov/map_tools.php).

10. Source Water Protection:

For more information, please visit: <http://epa.gov/region09/water/groundwater/ssa.html>.

**CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)  
CHECKLIST FOR THE APPLICANT  
What to Submit to your State Water Board's Project Manager**

If project is covered under a **CEQA Categorical or Statutory Exemption**, submit a copy of the following:

- Notice of Exemption (filed with the Governor's Office of Planning and Research)**
- List of Best Management Practices (BMPs) and their locations, if project implements BMPs**
- Map of the project area**

If project is covered under a **Negative Declaration**, submit a copy of the following:

- Draft and Final Initial Study/Negative Declaration**  
(or Mitigated Negative Declaration, if applicable)
  - Comments and Responses to the Draft
  - Mitigation Monitoring and Reporting Program (if using a Mitigated Negative Declaration)
- Resolution approving the CEQA documents**
  - Adopting the Negative Declaration
  - Making CEQA Findings
- Notice of Determination (filed with the Governor's Office of Planning and Research)**

If project is covered under an **Environmental Impact Report (EIR)**, submit a copy of the following:

- Draft and Final EIR**
  - Comments and Responses to the Draft
  - Mitigation Monitoring and Reporting Program (MMRP)
- Resolution approving the CEQA documents**
  - Certifying the EIR and adopting the MMRP
  - Making CEQA Findings
  - Adopting a Statement of Overriding Considerations for any adverse impact(s) that cannot be avoided or fully mitigated if project is implemented
- Notice of Determination (filed with the Governor's Office of Planning and Research)**

If EIR is a joint CEQA/National Environmental Policy Act document (EIR/Environmental Impact Statement or EIR/Environmental Assessment), submit the applicable Record of Decision and/or Finding of No Significant Impact.

State Water Resources Control Board (State Water Board)  
Clean Water State Revolving Fund Program

Evaluation Form for Environmental Review and Federal Coordination

1. **Federal Endangered Species Act:**

**Does the project involve any direct effects from construction activities, or indirect effects such as growth inducement that may affect federally listed threatened or endangered species that are known, or have a potential, to occur on-site, in the surrounding area, or in the service area?**

No. Discuss why the project will not impact any federally listed special status species:

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Yes. Include information on federally listed species that could potentially be affected by this project and any proposed avoidance and compensation measures so that the State Water Board can initiate informal/formal consultation with the applicable federally designated agency. Document any previous ESA consultations that may have occurred with the project.

**Attach project-level biological surveys, evaluations analyzing the project's direct and indirect effects on special-status species, and a current species list for the project area.**

2. **National Historic Preservation Act:**

**Identify the Area of Potential Effects (APE), including construction, staging areas, and depth of any excavation. (Note that the APE is three dimensional and includes all areas that may be affected by the project, including the surface area and extending below ground to the depth of any project excavations.)**

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**Attach a current records search with maps showing all sites and surveys drawn in relation to the project area, and records of Native American consultation.**

**3. Clean Air Act: Is the project subject to a State Implementation Plan (SIP) conformity determination?**

No. The project is in an attainment or unclassified area.

Yes. The project is in a nonattainment area or attainment area subject to maintenance plans. Include information to indicate the nonattainment designation (e.g. moderate, serious or severe), if applicable. If estimated emissions (below) are above the federal de minimis levels, but the project is sized to meet only the needs of current population projections that are used in the approved SIP for air quality, then quantitatively indicate how the proposed capacity increase was calculated using population projections.

Air Basin Name: \_\_\_\_\_

**Provide the estimated project construction and operational air emissions (in tons per year) in the chart below, and attach supporting calculations.**

**Attach any air quality studies that may have been done for the project.**

Pollutant	Status (Attainment, Nonattainment or Unclassified)	Threshold of Significance for the Area (if applicable)	Construction Emissions (Tons/Year)	Operation Emissions (Tons/Year)
Carbon Monoxide (CO)				
Ozone (O <sub>3</sub> )				
Oxides of Nitrogen (NO <sub>x</sub> )				
Particulate Matter (PM <sub>2.5</sub> )				
Particulate Matter (PM <sub>10</sub> )				
Reactive Organic Gases (ROG)				
Sulfur Dioxide (SO <sub>2</sub> )				
Volatile Organic Compounds (VOC)				

**4. Coastal Zone Management Act:  
Is any portion of the project site located within the coastal zone?**

No. The project is not within the coastal zone.

Yes. Describe the project location with respect to coastal areas, and the status of the coastal zone permit:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**5. Farmland Protection Policy Act:**

**Is any portion of the project site located on important farmland?**

No. The project will not impact farmland.

Yes. Include information on the acreage that would be converted from important farmland to other uses. Indicate if any portion of the project site is located within Williamson Act control and the amount of affected acreage:

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**6. Flood Plain Management:**

**Is any portion of the project site located within a 100-year floodplain as depicted on a floodplain map or otherwise designated by the Federal Emergency Management Agency?**

No. Provide a description of the project location with respect to streams and potential floodplains:

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Yes. Describe the floodplain, and include a floodplain map and a floodplains/wetlands assessment. Describe any measures and/or project design modifications that would minimize or avoid flood damage by the project:

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**7. Migratory Bird Treaty Act:**

**Will the project affect protected migratory birds that are known, or have a potential, to occur on-site, in the surrounding area, or in the service area?**

No.

Yes. Discuss the impacts (such as noise and vibration impacts, modification of habitat) to migratory birds that may be directly or indirectly affected by the project and mitigation measures to reduce or eliminate these impacts. Include a list of all migratory birds that could occur where the project is located:

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**8. Protection of Wetlands:**

**Does any portion of the project area contain areas that should be evaluated for wetland delineation or require a permit from the U.S. Army Corps of Engineers?**

No. Provide the basis for such a determination:

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Yes. Describe the impacts to wetlands, potential wetland areas, and other surface waters, and the avoidance, minimization, and mitigation measures to reduce such impacts. Provide the status of the permit and information on permit requirements:

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**9. Wild and Scenic Rivers Act:**

**Is any portion of the project located within a wild and scenic river?**

No. The project will not impact a wild and scenic river.

Yes. Identify the wild and scenic river watershed and project location relative to the affected wild and scenic river:

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**Identify watershed where the project is located:** \_\_\_\_\_

**10. Source Water Protection:**

**Is the project located in an area designated by the U.S. Environmental Protection Agency, Region 9, as a Sole Source Aquifer?**

No. The project is not within the boundaries of a sole source aquifer.

Yes. Identify the aquifer (e.g., Santa Margarita Aquifer, Scott's Valley, the Fresno County Aquifer, the Campo/Cottonwood Creek Aquifer or the Ocotillo-Coyote Wells Aquifer):

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SWRCB-1

*The comment states that the State Water Resources Control Board (SWRCB) would appreciate any notice of hearings or meetings held regarding the environmental review of the project. The comment also provides direction on copies of project-related environmental documents requested by SWRCB.*

A public hearing to receive comments on this project was held on September 24, 2009, following circulation of the notice of preparation/initial study (NOP/IS). A public hearing to receive comments on the DEIR was also held on April 7, 2010, following circulation of the DEIR. SWRCB was provided with notice of both hearings via newspaper publication and copies of the notice of availability that were circulated with the NOP/IS and the DEIR. Public notice of the Pinole City Council meeting to decide whether or not to certify the EIR will be provided via newspaper publication and also in the notice of availability attached to the FEIR (which will be mailed to SWRCB). The City will provide SWRCB with the copies requested in its comment letter.

SWRCB-2

*The comment summarizes the Clean Water Act State Revolving Loan Fund program and provides detailed information pertaining to CEQA-Plus requirements. The commenter also provides various attachments and forms related to the CEQA-Plus process.*

The City has incorporated the CEQA-Plus requirements listed by the commenter into the EIR. The City will prepare and submit to SWRCB all required copies of environmental documents and the required State Revolving Loan Fund documentation, including the "Evaluation Form for Environmental Review and Federal Coordination" attached to the comment letter.

SWRCB – 3

See response to comment SWRCB-2 .

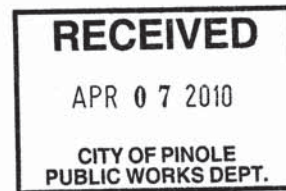


## SECTION B: LOCAL AGENCIES

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CITY OF HERCULES  
111 CIVIC DRIVE, HERCULES CA 94547  
PHONE: (510) 799-8200



April 6, 2010

Mr. Dean Allison  
City of Pinole  
2131 Pear Street  
Pinole, CA 94564

Re: Construction on San Pablo Avenue


Dear Dean:

It is City of Hercules' understanding that the City of Pinole is planning the construction of a new sewer effluent pipeline from the Pinole Hercules Water Pollution Control Plant to the Rodeo Sanitary District Wastewater Treatment Plant. We, further, understand that your preferred route through the City of Hercules is San Pablo Avenue. This project is of concern to us as we will be constructing landscaped medians, traffic signal improvements and curb, gutter and sidewalk improvements on San Pablo Avenue between Tsushima Way and Sycamore Avenue. We are, presently, scheduling this work for the 2010-11 fiscal year.

Although we don't expect the City of Pinole to construct its entire project through Hercules, we would like to have your pipeline installed within our project limits during the course of our construction. It would appear that Pinole could realize some savings on their project as the installation of the pipeline could be bid and installed with our project and Pinole would likely not be responsible for the final asphalt concrete surfacing of its pipeline trench.

If you wish to discuss this issue in more detail, please contact me at (510) 799-8216.

Sincerely,

  
Brent M. Salmi, P.E.  
City Engineer

cc: Belinda Espinosa  
Nelson Oliva  
Erwin Blancaflor

Hercules-1

*The comment states that the preferred pipeline route to the Rodeo Sanitary District runs through the City of Hercules along San Pablo Avenue and that the City of Hercules will be constructing various street and sidewalk improvements along San Pablo Avenue during the 2010–11 fiscal year. The comment further states that the City of Hercules would like to have the proposed project-related pipeline installed in San Pablo Avenue during the course of the City of Hercules' planned improvements.*

In the event that Option 1 is adopted, the City of Pinole will coordinate with the City of Hercules to determine whether or not the proposed pipeline through the portion of San Pablo Avenue that is within Hercules' jurisdiction could be installed while the planned Hercules improvements are in process.



April 9, 2010



Dean Allison, Public Works Director  
City of Pinole  
2131 Pear Street  
Pinole, CA 94564-1774

Re: Draft Environmental Impact Report – Pinole-Hercules Water Pollution Control  
Plant Improvement Project, Pinole

Dear Mr. Allison:

East Bay Municipal Utility District (EBMUD) appreciates the opportunity to comment on the Draft Environmental Impact Report (EIR) for the Pinole-Hercules Water Pollution Control Plant (WPCP) Improvement Project located in the City of Pinole (City). EBMUD has the following comments.

**GENERAL**

EBMUD’s response provided to the City on October 7, 2009 (see enclosure) regarding the September 2009 Notice of Preparation of a Draft EIR for the Pinole-Hercules WPCP Improvement Project is not included in Appendix B, Scoping Comments, of the Draft EIR. EBMUD would like to emphasize that this response still applies and should be incorporated into the project and recommends that a copy of the response letter be incorporated into the Final EIR.

If you have any questions concerning this response, please contact David J. Rehnstrom, Senior Civil Engineer, Water Service Planning at (510) 287-1365.

Sincerely,

William R. Kirkpatrick  
Manager of Water Distribution Planning

WRK:AMW:sb  
sb10\_062.doc

Enclosure

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Recycled Paper

EBMUD-A-1

*The comment states that the East Bay Municipal Utility District provided a comment letter on the NOP, which was not included in Appendix B of the DEIR. The comment further states that these previous comments still apply and the previous comment letter should be incorporated into the FEIR.*

The earlier comment letter submitted by the East Bay Municipal Utility District was inadvertently omitted from Appendix B of the DEIR. Responses to comments on that letter are provided in this FEIR as EBMUD-B.



October 7, 2009

Dean Allison  
City of Pinole  
2131 Pear Street  
Pinole, CA 94564-1774

Re: Notice of Preparation Draft Environmental Impact Report – Pinole-Hercules  
Water Pollution Control Plant Improvement Project, Pinole

Dear Mr. Allison:

East Bay Municipal Utility District (EBMUD) appreciates the opportunity to comment on the Notice of Preparation of a Draft Environmental Impact Report (EIR) for the Pinole-Hercules Water Pollution Control Plant (WPCP) Improvement Project located in the City of Pinole. EBMUD has the following comments.

#### **WATER SERVICE**

EBMUD owns and operates numerous underground water and recycled water pipelines located along the proposed alignments for the new pipelines of the Pinole-Hercules WPCP Improvement Project. These water and recycled water pipelines provide continuous service to EBMUD customers in the area and their integrity needs to be maintained at all times. Any proposed construction activity in the street and/or EBMUD right-of-ways would be subject to the terms and conditions determined by EBMUD including relocation of the water mains and/or right-of-ways, at the project sponsor's expense. A copy of EBMUD's Engineering Standard Practice relating to water main design criteria is enclosed to this response for reference.

#### **WATER RECYCLING**

As part of EBMUD's Water Supply Management Program (WSMP) 2040, EBMUD identified several potential water recycling projects to be located within West Contra Costa County. An objective of these projects is to conserve the limited potable water supply by replacing industrial use of potable water with recycled water. Please note that the water recycling projects identified in EBMUD's WSMP 2040 could benefit from the implementation of either of the two options under evaluation for the Pinole-Hercules WPCP Improvement Project. Implementing Option 1 would increase effluent flow delivers to Rodeo Sanitary District, and the added effluent could be used to implement EBMUD water recycling project in the Rodeo area. If Option 2 is to be implemented, it

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Recycled Paper

Dean Allison  
October 7, 2009  
Page 2

would increase effluent flow from West County Wastewater District water pollution control facility, which would allow EBMUD to implement future phases of the Richmond Advanced Recycled Expansion Water Project as identified in the WSMP 2040.

If you have any questions concerning this response, please contact David J. Rehnstrom, Senior Civil Engineer, Water Service Planning at (510) 287-1365.

Sincerely,

A handwritten signature in black ink, appearing to read "William R. Kirkpatrick", with a stylized flourish at the end.

William R. Kirkpatrick  
Manager of Water Distribution Planning

WRK:AMW:sb  
sb09\_206.doc

Enclosure



<b>ENGINEERING STANDARD PRACTICE</b>	ESP	512.1
SUBJECT:  WATER MAIN AND SERVICES DESIGN CRITERIA	EFFECTIVE	09 OCT 06
	SUPERSEDES	15 AUG 00
<p>PURPOSE</p> <p>To establish basic criteria for the design of water mains in the distribution system.</p> <p>DESIGN OF WATER MAINS</p> <p>A. General</p> <ol style="list-style-type: none"> <li>1. Location of water mains shall be on the north or east side of the street and 7 feet from the face of curb, where practical, and shall avoid the centerline and gutter areas of the street when possible. (Refer to ESP 517.1 for location in right-of-ways.)</li> <li>2. Clearance between water mains and other utilities shall be a minimum of 1 foot vertical and 5 feet horizontal wherever practical. (Maintain 10 feet horizontal separation from sewers wherever practical.) Where the vertical clearance cannot be maintained at 1 foot minimum between metallic pipes, refer to Standard Drawing 308-EA. When replacing existing mains, the new main shall be a minimum of 3 feet from those being abandoned.</li> <li>3. Cover over the top of pipe shall be not less than 36 inches to finished grade and 24 inches to pavement subgrade, and shall not be less than 42 inches in unimproved areas where final street grade has not been established. Pipelines 16 inches and larger shall have 42 inches minimum cover in all areas.</li> <li>4. Air valves shall be combination air release and vacuum valves, not less than 1 inch in size, and located to prevent the formation of entrapped air pockets and to assist in filling and emptying of the pipeline.</li> <li>5. Blow offs shall be not less than the size required for adequate flushing of the mains as listed in ESP 862.1, and shall be installed at all dead ends and at low points as may be required to empty the pipeline.</li> <li>6. Fire hydrants are normally located by the local Fire Agency at curb returns at intersections. If they are required between intersections, hydrants are normally located in the public right-of-way opposite lot lines. Hydrant laterals shall run at right angles from main to hydrant.</li> <li>7. In cases where water quality is a concern, such as where low water use could potentially cause problems due to flow through and high water age or incremental residence time, or where pipeline constructability is problematic, pipe materials other than mortar-lined and plastic-coated steel (ML&amp;PCS) or polyvinyl chloride (PVC) may be used in nonstandard applications. Alternative pipe materials will only be selected for new water mains if it is determined not only that the application is suitable, but that there is a District advantage afforded by the alternate technology application.</li> </ol>		

<b>ENGINEERING STANDARD PRACTICE</b>	ESP	512.1
SUBJECT:	EFFECTIVE	09 OCT 06
WATER MAIN AND SERVICES DESIGN CRITERIA	SUPERSEDES	15 AUG 00

**B. Valving**

1. Valves in 6-inch and 8-inch mains shall be spaced at approximately 600-foot intervals, and shall be installed so that a minimum length of distribution main is shut down at one time.
2. Valves spacing in 12-inch and 16-inch mains in the distribution grid shall be governed by operational requirements, but generally shall be approximately 1,000 feet.
3. Valve spacing in pure transmission mains (no services) shall not exceed 4,000 feet and shall be at closer intervals when there are connections to the distribution system.
4. Mainline valves at street intersections shall be placed at the extension of north or east property lines.
5. On mains 8 inches and smaller, valves shall be the same size as the main. On mains 12 inches and larger, valves shall normally be the same size as the main, but smaller sizes may be used when the main is reduced for incorporation of smaller meters or control valves.
6. Valves 12 inches and larger shall be butterfly valves except when used for making a wet tap.
7. All connections to 12-inch and larger mains, which cross other mains, shall be of the bypass type with a valve off the larger main. All side connections or appurtenances shall be valved at the main.
8. Bypass connections shall be one size larger than the smaller main, e.g., from a 12-inch main, use an 8-inch bypass to connect into a 6-inch crossing main.
9. For valves 24 inches and larger, an engineered by pass with a gate valve shall be required.

**C. Materials**

Either ML&PCS or PVC shall be used for all standard water main installations. Other pipe materials may be used in nonstandard applications subject to paragraph A7.

1. Nonmetallic materials
  - a. The primary/standard nonmetallic pipe used by EBMUD is PVC.
    - 1) 4-inch, 6-inch, 8-inch, and 12-inch PVC pipe shall be American Water Works Association (AWWA) C-900 or approved equal, class 200, with TYTON, TYTON compatible joints or fusible joints; 16-inch PVC pipe shall be AWWA C-905 or approved equal, class 235. PVC pipe greater than 8 inches is considered nonstandard and shall only be used for specialized applications if it is determined not only that the application is suitable, but that there is a District advantage afforded by the alternate technology application.

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<p>2) 2-inch PVC pipe shall be SCH 80 with solvent welded joints.</p> <p>3) Nonmetallic pipe shall be installed with a metallic tracer wire and identification tape in accordance with ESP 512.3.</p> <p>b. High density polyethylene (HDPE) pipe may be used as an alternative to PVC or steel, for specialized applications that require the use of trenchless technologies such as horizontal directional drilling, pipe bursting, or slip-lining. For new or replacement pipe applications, HDPE pipes and fittings shall have a maximum Standard Dimension Ratio (SDR) of 11, with fusion welded joints per AWWA C906, and shall be manufactured from PE 100 resin that is NSF/ANSI Standard 61 approved for potable water applications.</p> <p>PE 3408 pipe material and fittings may be used as an alternative to PE 100, if SDR/pressure rating requirements are met. HDPE pipe with an SDR higher than 11 may be used for certain applications, if the required pull force, for a pipe bursting application, or other calculations can demonstrate that a lower pressure rating, or higher outside diameter to minimum wall thickness ratio, is acceptable.</p> <p>HDPE pipe shall be black pipe with blue stripes for identification as potable water application.</p> <p>c. Nonmetallic materials shall only be used when none of the conditions exist as listed in C.2.c below.</p> <p>2. Metallic materials</p> <p>a. The standard metallic pipe shall be ML&amp;PCS.</p> <p>b. Steel pipelines shall be designed with welded joints.</p> <p>c. Steel pipe shall be used when one or more of the following conditions exist.</p> <ol style="list-style-type: none"> <li>1) Sizes are 12-inches and larger except when it is determined that there is both an advantage to using an alternate material and the product application is appropriate.</li> <li>2) Lines that have working pressures exceeding 140 pounds per square inch (psi).</li> <li>3) Lines that are installed where the grade is 15 percent or greater.</li> <li>4) Lines that are installed in heavily traveled ways or at crossings of heavily traveled ways.</li> <li>5) Lines that are installed prior to or during street construction (unless conditions permit the use of PVC) and in the immediate proximity of other proposed heavy construction.</li> <li>6) Lines that are inlet-outlet lines to reservoirs or force mains from pumping plants.</li> </ol>		

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- 7) Lines that are installed with excessive cover (over 6 feet) or with little cover (less than 30 inches).
- 8) Lines that cross force main sewers for a minimum of 5 feet on either side of the sewers.
- 9) Lines that cannot be located at least 5 feet horizontally and 1 foot above any sewer line.
- 10) Lines that are installed where the soil or groundwater in the vicinity of the pipeline is or has been contaminated with compounds that could pose a public health risk to the water supply if the pipe was penetrated either by chemical diffusion or a physical break.
- 11) Lines that are installed under decorative concrete or pavement.
- 12) Lines that cross creeks, either buried or suspended on a structure.
- 13) Lines that are relocated prior to and above or below the planned crossing of EBMUD's pipeline by another utility.
- 14) Lines that are in right-of-ways where no well-defined street exists or in any roadway whose profile or alignment is likely to be modified.
- 15) Lines that are installed in hilly terrain where there is questionable ground condition and a high risk to downhill properties by damage resulting from pipeline failure.
- 16) Lines that cross over existing structures where differential settlement of soil or concentrated traffic loads may be expected.
- 17) Lines that are installed in slide areas, fill areas over bay mud, or other areas having evidence or potential of unstable ground.
- 18) Lines that cross potentially active geologic faults or are in the Alquest-Priola earthquake fault zone as shown on map sets issued by the Seismic Improvement Program. (Other materials may also be permissible. Refer to ESP 550.1 "Seismic Design requirements.")

3. Corrosion practices: All pipelines shall be designed in accordance with ESP 572.1

**D. Type of Joints**

Joints between pipe sections and at fittings are either restrained joints or unrestrained joints.

- 1. Restrained joints are designed to withstand separation forces without supplemental appurtenances or anchors. Examples are: welded joints in steel pipelines, flanged connections to valves, and fusible joints in PVC or HDPE pipelines.

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<p>2. Unrestrained joints must have supplemental appurtenances or concrete anchors at locations where they are required to withstand separation forces. Examples are: "push-on" joints utilizing only a rubber ring to make a joint, flexible couplings, and compression type fittings.</p> <p>3. Special joints may be required when crossing potentially active geologic faults, in unstable ground areas, and at connections to structures. Examples are butt welds or double welded joints designed for extra strength or reliability and restrained-articulated joints that are designed to provide specific limited movement while retaining unassisted restraint against separation.</p> <p>E. Seismic Considerations</p> <p>Pipeline design shall account for possible effects of earthquakes. Refer to ESP 550.1 "Seismic Design Requirements" for detailed provisions. In general, differential ground movements such as those caused by fault rupture, landslides or soil liquefaction are especially damaging to buried pipelines and require special attention including:</p> <ol style="list-style-type: none"> <li>1. An alternate location based on potential property damage, effect of failure on the distribution system, particularly fire-fighting capability, and costs;</li> <li>2. Pipe of greater strength or flexibility than otherwise needed;</li> <li>3. Special backfill or casing to support pipe or allow motion;</li> <li>4. Reduced spacing between valves to isolate potential breaks; and</li> <li>5. Valves and possible emergency hose manifolds installed on each side of an identified, potentially active fault zone.</li> </ol> <p>DESIGN OF SERVICES</p> <p>A. General</p> <ol style="list-style-type: none"> <li>1. Services shall be installed at right angles to the mainline whenever possible.</li> <li>2. All services shall be metered. (Refer to ESP 521.2 for meter sizes.)</li> <li>3. Meters shall be in a protected location adjacent to, but out of a traveled way to facilitate reading.</li> <li>4. Connections to the main shall be made at the spring line.</li> <li>5. Three-inch services shall have a 4-inch tap and piping.</li> <li>6. One-inch is the minimum standard service piping for new services and service renewals. EXCEPTION: For polybutylene replacements, 3/4-inch service piping (with a maximum length of</li> </ol>		

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30 feet) to a 5/8-inch meter is allowed where the available static pressure is greater than 60 psi. Contact the Water Distribution Planning Division for any further determination.

**B. Valving**

1. All services shall be valved at the connection to the main using an AWWA main cock.
2. All services 2 inches and under, and all domestic, irrigation, industrial, and combined services also shall have valves before the meter.

**C. Materials**

1. Metallic materials

Copper (K)

Copper pipe is standard service lateral material for 1-inch to 2-inch sizes

Mortar Lined and Plastic Coated Steel (ML&PCS)

Service laterals 4 inches and larger shall use metallic materials compatible with the materials in the mainline or insulating joints and cathodic protection shall be added per Standard Drawings.

2. Nonmetallic materials

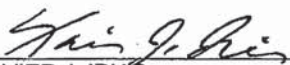
Polyvinyl Chloride (PVC)

High Density Polyethylene (HDPE)

PVC pipe can be used as an alternative to the metallic in 1 1/2-inch and 2-inch sizes. HDPE pipe shall only be used as an alternative to metallic or PVC services in 1 1/2-inch and 2-inch sizes, for specialized applications such as very long services and/or services located in areas that have difficult access.

**D. Types of Joints**

Flare and compression fittings are used on copper and on PVC. See Section D under Design of Water Mains for joints on steel pipe.

  
 \_\_\_\_\_  
 XAVIER J. IRIAS  
 Director of Engineering and Construction

EBMUD-B-1      *The comment provides information about East Bay Municipal Utility District facilities in the vicinity of the pipeline alignment and states that construction activity in the street and/or East Bay Municipal Utility District rights-of-way would be subject to specific terms and conditions.*

The comment is noted. The City will consult with EBMUD for pipeline construction activities under the project in EBMUD rights-of-way.

EBMUD-B-2      *The comment states that water recycling projects identified in the East Bay Municipal Utility District's Water Supply Master Plan 2040 could benefit from implementing either the proposed Option 1 or Option 2.*

The comment is noted.

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April 27, 2010

Dean Allison  
City of Pinole  
2131 Pear Street  
Pinole, CA 94564-1774

**RE:** Pinole-Hercules Water Pollution Control Plant Improvement Project

**Our Files:** 93-69 & 4009-00

Dear Mr. Allison:

We have reviewed the Draft Environmental Impact Report (Draft EIR) for the Pinole-Hercules Water Pollution Control Plant (WPCP) Improvement Project, and submit the following comments:

1. Exhibit 2-2 on page 2-3, Exhibit 2-4 on page 2-11 and Exhibit 2-6 on page 2-15: The Contra Costa County Flood Control and Water Conservation District (FC District) owns a strip of land between the WPCP property and the Union Pacific Railroad right of way. This parcel serves as the sole access of the FC District to the south bank of Pinole Creek downstream of the railroad. The three exhibits show this strip of land as part of the WPCP property. Please revise the exhibits to show that this strip of land is not part of the WPCP property.
2. Exhibit 2-4, Page 2-11: Two of the three 80-foot diameter secondary clarifiers are proposed within the strip of land owned by the FC District between the WPCP parcel and the Union Pacific Railroad right of way. The FC District will not allow the construction of the secondary clarifiers inside its property.
3. Section 1.6.2, page 1-4: Please include the following information in this section:
  - a. Local Responsible Agencies: Please add an entry for Contra Costa County that indicates that a drainage permit will be required for activities affecting watercourses and drainage facilities in the unincorporated areas.
  - b. Local Responsible Agencies: Please include the Contra Costa County Flood Control and Water Conservation District among the local agencies that have discretionary approval over the project. Include a statement in this subsection that states that land rights (easements or license agreements)

and/or flood control permits will be required by the FC District for encroachments and construction work within its facilities and properties. The FC District has jurisdiction over the flood control facilities at Pinole Creek, Rodeo Creek, San Pablo Creek and Rheem Creek.

- c. Federal Agencies: Please include the U.S. Army Corps of Engineers, San Francisco District, Readiness Branch and the U.S. Army Corps of Engineers, Sacramento District, Operation Section among the federal offices that have jurisdiction over the project. Approval by the San Francisco District's Readiness Branch or by the Sacramento District's Operation Section is required for proposed encroachments on the flood control facilities constructed by the Corps of Engineers. The Corps of Engineers constructed the flood control channels at Pinole Creek, Rodeo Creek, San Pablo Creek and Rheem Creek. The FC District will coordinate review and approval of the project with the Readiness Branch or the Operation Section.
4. Section 2.6.1, Secondary Treatment Process, Page 2-8: The paragraph for the Secondary Treatment Process indicates that three new secondary clarifiers will be constructed for Option 1. As mentioned in a previous comment in this letter, two of the three secondary clarifiers will lie within the FC District's property and that the FC District will not allow the encroachment. Since the secondary clarifiers appear to be a major component of Option 1, the EIR author should assess whether Option 1 is still a viable alternative if the clarifiers cannot be relocated or redesigned.
5. Section 2.6.1, Effluent Disposal, page 2-10: The description of the alignment for the new 24-inch force main in this subsection indicates that the force main will be installed parallel to Pinole Creek for approximately 1,100 feet between the Bay Trail footbridge and San Pablo Avenue. One of the practical locations, if not the only viable one, is the FC District's property for Pinole Creek. If in fact the FC District's property is being considered for the location of the force main, we cannot guarantee approval of the encroachment, and we offer the following supplemental comments:
  - a. The Draft EIR should include a description of the proposed location and alignment of the force main. The Draft EIR should include exhibits showing the location and alignment of the force main within the FC District's property. The depth of installation and the topographic features of the property such as the top of creek bank, land side toe of the levee, location of the floodwalls, and access road location should be included in the exhibits.

- b. The Draft EIR should include an analysis of the long-term impacts of the force main to Pinole Creek flood control channel. The Pinole Creek Demonstration Project of the City of Pinole is slated for construction soon. The effects of the force main on the improvements of the Demonstration Project as well as on the service road, levees and floodwalls on the north bank of Pinole Creek should be assessed.
  - c. We request that Final EIR for the project be deferred until the FC District has reviewed the impacts and proposed mitigation measures, and the City of Pinole has provided sufficient responses to our comments on this issue.
6. Section 2.6.1, paragraph for Effluent Disposal, page 2-10: Construction work within the Rodeo Creek flood control channel is proposed under the Option 1 alternative. The placement of the new force main across Rodeo Creek will require a flood control permit and land rights from the FC District, and approval from the Corps of Engineers.
7. Section 2.6.1, paragraph for Pipeline Creek Crossings, page 2-10: The description in this paragraph indicates that the City of Pinole plans an aboveground crossing of Pinole Creek for the new 24-inch force main under Option 1.

The above-ground crossing, as proposed, will introduce an additional obstruction to the creek flows and maintenance access for the FC District.

The FC District strongly recommends an underground pipeline crossing of Pinole Creek. We recommend that mitigation measure 3.6-1 for impact 3.6-2 (Flooding and Related Hazards) of Option 1 be changed to state that the project will use an underground crossing of Pinole Creek.

We wish to note that in previous consultations with the City of Pinole, the FC District has expressed its desire to have the existing Railroad Avenue bridge removed since the structure is one of the largest impediments to the flood capacity of the creek. We request that no new improvements for the project be attached to or supported by the bridge.

In addition, we recommend that the City of Pinole consider replacing the existing sewer force main at the bridge with an underground pipeline.

8. Section 2.9, Commitments to Reduce Environmental Impacts: We recommend the following information be included under this section:
- a. An additional bullet item that states that the City of Pinole will submit applications for permit and land transactions (easements or license

agreements) to the Contra Costa County Flood Control and Water Conservation District for encroachments and work within the properties and facilities of the FC District.

- b. An additional bullet item that states that the City of Pinole will coordinate, through the FC District, with the U.S. Army Corps of Engineers, San Francisco District, Readiness Branch and the U.S. Army Corps of Engineers, Sacramento District, Operation Section to obtain approval of the encroachments and proposed work at Pinole Creek, Rodeo Creek, Rheem Creek and San Pablo Creek flood control channels. This review process can take from 6 months to a year to complete.
  - c. The entry for the second statement in bullet item number 8 which states "The pipeline would either be installed via suspension from the existing bridge or via jack-and-bore underneath the creeks". We indicated in a previous comment in this letter that the existing Railroad Avenue bridge should not be used for the pipeline crossing of Pinole Creek near the sewer plant. We request that the second statement in this bullet item be amended to state that the pipeline crossing at Pinole Creek near the sewer plant will not be attached to the Railroad Avenue bridge. We recommend an underground pipeline crossing of Pinole Creek.
9. Section 4.1.5, Table 4-3, page 4-4: The Pinole Creek Demonstration Project, which is also sponsored by the City of Pinole and the FC District, should be included to this table. We believe that the improvements of the Demonstration Project will be affected by this project.
  10. Section 4.1.6, paragraph for Flood Protection, page 4-15: The description in this paragraph indicates that the Pinole-Hercules WPCP is protected by levees from the 100-year flood. We do not believe there are levees on the south bank of Pinole Creek next to the sewer plant site. Although the plant site is currently not within the FEMA floodplain, results from the model we ran for this section of Pinole Creek show that there are few sections of the creek with inadequate capacity to contain a 100-year event. Our model shows that during a 100-year event, Pinole Creek may overtop its south bank by as much as a foot of water in a few places, which may flow onto your project site. We recommend that the proposed upgrades to the project site be designed to accommodate any overflows from the creek. The City may also want to consider providing flood protection in compliance with FEMA criteria for non-residential buildings within a floodplain.

11. The Draft EIR should discuss mitigation measures required by the regulatory agencies that would impact any of the flood control facilities under the FC District's jurisdiction.
12. We wish to note that in the Notice of Preparation we indicated that drainage fees will be required for new impervious surfaces within Drainage Areas 19A and 73. Additionally, the FC District's expenses for the permits, land transactions and coordination with other agencies for this project should be the responsibility of the City of Pinole.

We appreciate the opportunity to submit comments on the Draft EIR and we look forward to reviewing the responses to our comments. If you have any questions, please call me at (925) 313-2283 or e-mail me at [mcons@pw.cccounty.us](mailto:mcons@pw.cccounty.us). Alternately, you may contact Teri Rie at (925) 313-2363 or [trie@pw.cccounty.us](mailto:trie@pw.cccounty.us).

Sincerely,

  
Mario Consolacion  
Senior Engineering Technician  
Contra Costa County Flood Control  
& Water Conservation District

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c: T. Jensen, Flood Control  
T. Rie, Flood Control  
C. Roner, Flood Control

CCCFC-1 *The comment states that the Contra Costa County Flood Control & Water Conservation District (CCCFC) owns a strip of land between the WPCP property and the Union Pacific Railroad right of way, which provides access for the CCCFC to the south bank of Pinole Creek downstream of the railroad. The comment requests that DEIR Exhibits 2-2, 2-4, and 2-6 be revised to show that this strip of land is not part of the WPCP property.*

As requested by the commenter, Exhibits 2-2, 2-4, and 2-6 have been revised to show the correct WPCP property boundary. (See Chapter 3 of this FEIR, “Corrections and Revisions to the DEIR.”)

CCCFC-2 *The comment states that DEIR Exhibit 2-4 shows that two of the three secondary clarifiers are proposed within the strip of land owned by the CCCFC and that the CCCFC will not allow the construction of the secondary clarifiers inside its property.*

See response to comment CCCFC-1 and Chapter 3 of this FEIR, “Corrections and Revisions to the DEIR.” The clarifiers would not be constructed within the strip of land owned by the CCCFC.

CCCFC-3 *The comment requests that DEIR Section 1.6.2 identify that a drainage permit from CCCFC will be required for activities affecting watercourses and drainage facilities in the unincorporated county.*

As requested by the commenter, text has been added to DEIR Section 1.6.2 indicating that a drainage permit from CCCFC would be required for activities affecting watercourses and drainage facilities in the unincorporated county. (See Chapter 3 of this FEIR, “Corrections and Revisions to the DEIR.”)

CCCFC-4 *The comment requests that CCCFC be added to DEIR Section 1.6.2 as a Local Responsible Agency and that a statement be added that land rights (easements or license agreements) and/or flood control permits will be required by CCCFC for encroachments and construction work within its facilities (including Pinole, Rodeo, San Pablo, and Rheem Creeks).*

As requested by the commenter, text has been added to DEIR Section 1.6.2 indicating that CCCFC is a Local Responsible Agency, and that land rights (easements or license agreements) and/or flood control permits will be required by CCCFC for encroachments and construction work within its facilities (including Pinole, Rodeo, San Pablo, and Rheem Creeks). (See Chapter 3 of this FEIR, “Corrections and Revisions to the DEIR.”)

CCCFC-5 *The comment requests that the U.S. Army Corps of Engineers and the San Francisco and Sacramento Districts be added to DEIR Section 1.6.2, along with an explanation of each district’s necessary approvals, as stated by the commenter.*

As a procedural matter, the City notes that under CEQA, the CCCFC does not have the authority to request changes to the DEIR that fall within the purview of another agency (in this case, the U.S. Army Corps of Engineers). Furthermore, the City notes that DEIR Section 1.6.2 already lists the U.S. Army Corps of Engineers as a federal responsible

agency. However, the additional details requested by the commenter will be added to the DEIR. (See Chapter 3 of this FEIR, “Corrections and Revisions to the DEIR.”)

CCCFC-6

*The comment states that DEIR Section 2.6.1 indicates that three new secondary clarifiers will be constructed under Option 1, that two of those clarifiers will lie within the CCCFC’s property, and that CCCFC will not allow construction of the clarifiers on its property. The comment further suggests that the City consider whether or not project Option 1 is still viable if the clarifiers cannot be relocated or redesigned.*

See response to comments CCCFC-1 and CCCFC-2 and revised DEIR Exhibits 2-2, 2-4, and 2-6 (in Chapter 3 of this FEIR, “Corrections and Revisions to the DEIR”), which have been modified to show the correct WPCP property boundary. Therefore, the clarifiers would not be constructed within CCCFC’s property, project Option 1 is still viable, and no further changes to the DEIR are required.

CCCFC-7

*The comment states that one of the practical locations, “if not the only viable one,” for installation of the new 24-inch force main along Pinole Creek is within the CCCFC’s property for Pinole Creek. The comment states that if the pipeline is proposed for installation within CCCFC’s property, CCCFC cannot guarantee approval of the encroachment.*

The comment is noted. Project Option 2 would not require installation of a new 24-inch force main. In the event the City were to adopt Option 1 as the proposed project, the City would consult with CCCFC regarding the exact location of the pipeline along Pinole Creek during the project design phase.

*The comment further requests that the DEIR include a description of the proposed location and alignment of the force main, including exhibits showing the location within CCCFC’s property, depth of installation, topographic features, top of creek bank, land side toe of the levee, location of floodwalls, and access road location.*

Project Option 2 would not require installation of a new 24-inch force main. In the event the City were to adopt Option 1 as the proposed project, it would hire an engineering firm to prepare detailed design drawings that include the information requested by the commenter and would consult with CCCFC regarding the exact location of the pipeline along Pinole Creek during the project design phase. Therefore, the information requested by the commenter cannot be provided at this time, because it is too early in the planning process. However, the general location of the pipeline along Pinole Creek is shown in DEIR Exhibit 2-3 (page 2-9) and Exhibits 3.9-1, 3.9-2, and 3.9-3 (pages 3.9-3, 3.9-5, and 3.9-7, respectively).

CCCFC-8

*The comment states that the DEIR should include an analysis of the long-term impacts of the force main to Pinole Creek flood control channel.*

First, the City notes that project Option 2 would not require installation of a new 24-inch force main. In the event the City were to adopt Option 1 as the proposed project, since the force main would not be installed within the Pinole Creek flood control channel, the City does not believe that impacts would occur to said channel. See DEIR Section 3.6.1, “Environmental Setting – Hydrology,” (page 3.6-1 and 3.6-2) and Impact 3.6-2 (page 3.6-26 through 3.6-27).

*The comment also states that because the City of Pinole’s Pinole Creek Demonstration Project is slated for construction soon, the DEIR should include the effects of the force*

*main on the improvements of the demonstration project as well as on the surface road, levees, and floodwalls on the north bank of Pinole Creek.*

The City of Pinole would implement both the Pinole Creek Demonstration Project and the WPCP Improvement Project and is the lead agency for both those projects under CEQA. Therefore, the City is well acquainted with the Pinole Creek Demonstration Project and the potential interrelationships between the two projects. As the lead agency on both projects, the City is responsible for coordinating internally regarding project designs, timing, and implementation of the various project elements. The City does not believe that implementation of the WPCP Improvement Project evaluated in this EIR would result in conflicts with the Pinole Creek Demonstration Project. The City of Pinole inadvertently neglected to include the Pinole Creek Demonstration Project in DEIR Table 4-3 (page 4-4); however, the City did consider the cumulative impacts of that project as part of the related projects. The demonstration project has been added to DEIR Table 4-3. (See Chapter 3 of this FEIR, “Corrections and Revisions to the DEIR.”)

CCCFC-9

*The comment requests that the FEIR for the project be deferred until CCCFC has reviewed “the impacts and proposed mitigation measures” and until the City of Pinole has provided “sufficient” responses to CCCFC’s comments “on this issue.”*

The City assumes that when the commenter states “on this issue,” he is referring to the installation of the proposed 24-inch force main along Pinole Creek under project Option 1. The City believes that the DEIR already contains a thorough and appropriate analysis of the project’s impacts and recommends feasible mitigation measures to reduce the level of potentially significant impacts (where appropriate). As stated above in responses to comments CCCFC-1 through CCCFC-8, the City does not believe there are any new project-related impacts. Regarding mitigation measures, the commenter does not specifically suggest any new mitigation or suggest any specific revisions to existing mitigation that should be included in the DEIR. Finally, State CEQA Guidelines Section 15088 provides that the FEIR must be circulated to all parties who commented on the DEIR for a 10-day review period prior to EIR certification. Therefore, the CCCFC will have an opportunity to review the City’s responses to CCCFC comments.

CCCFC-10

*The comment states that the placement of the new force main across Rodeo Creek will require a flood control permit and land rights from the CCCFC, and approval from the U.S. Army Corps of Engineers.*

See responses to comment CCCFC-4 and CCCFC-5.

CCCFC-11

*The comment states the project includes an aboveground crossing of Pinole Creek for the new 24-inch force main under Option 1, and that CCCFC believes an aboveground crossing will introduce an “additional obstruction” to the creek flows and maintenance access for CCCFC. The comment further requests that Mitigation Measure 3.6-1 for Impact 3.6-2 (related to flooding hazards) be changed to require that the project use an underground crossing of Pinole Creek.*

The City of Pinole recognizes the CCCFC’s concerns regarding flood control along Pinole Creek. The City also notes that Pinole Creek is not within a designated Federal Emergency Management Agency (FEMA) 100-year floodplain. In its comment letter on the NOP (attached to the DEIR as Appendix A), and in the CCCFC-17 comment below, the commenter concurred that Pinole Creek is not located within a designated 100-year floodplain. The City understands that CCCFC believes the WPCP could be subject to occasional floodwater via high flows in Pinole Creek, and also that CCCFC conducts



periodic dredging operations in Pinole Creek to remove sediment and maintain flood protection (see DEIR page 3.6-1 and 3.6-2). The City is cognizant of Pinole Creek flood modeling performed by CCCFC as stated in its comment letter on the NOP. If project Option 1 is adopted, the City will consult with CCCFC and will consider crossing Pinole Creek with the required 24-inch force main installed underground using jack-and-bore methods of construction, instead of suspended on the existing Railroad Avenue bridge. As shown in Chapter 3 of this FEIR, "Corrections and Revisions to the DEIR," the text of Section 2.6.1, "Pipeline Creek Crossings," on page 2-10 has been revised accordingly. Finally, the City notes that Mitigation Measure 3.6-2 already requires the City to consult with CCCFC on the design of stream crossings for the new pipeline. If the pipeline crossing over Pinole Creek would be attached to the Railroad Avenue bridge, the pipeline would be placed such that it would be above the predicted surface-water elevation of the 100-year peak flow (see DEIR page 3.6-27).

*The comment further states that in previous consultations between the CCCFC and the City of Pinole, CCCFC has requested that the existing Railroad Avenue bridge be removed because it "is one of the largest impediments to the flood capacity of the creek." The comment therefore requests that no new project-related improvements be attached to or supported by the bridge.*

Removal of the existing Railroad Avenue bridge is not part of this project. Furthermore, removal of the bridge and relocation of the existing sewer line attached to the bridge would be cost prohibitive to the City of Pinole. As stated above, if project Option 1 is adopted, the City would consult with CCCFC and would consider crossing Pinole Creek with the required 24-inch force main installed underground using jack-and-bore methods of construction, instead of suspending the new force main on the existing Railroad Avenue bridge. See the text change to Chapter 2, "Project Description," in Chapter 3 of this FEIR, "Corrections and Revisions to the DEIR," and see DEIR Mitigation Measure 3.6-2 (page 36-27).

CCCFC-12

*The comment requests that the City of Pinole consider replacing the existing sewer force main at the bridge with an underground pipeline.*

This comment does not pertain to the project analyzed in the DEIR, which does not involve or require the removal of the existing sewer force main at the Railroad Avenue bridge. Replacement of the existing pipeline at the Railroad Avenue bridge is not necessary to meet the project purpose and need or the project objectives, and would be cost prohibitive for the City of Pinole.

CCCFC-13

*The comment requests that an additional bullet item be added to DEIR Section 2.9, "Commitments to Reduce Environmental Impacts," indicating that the City of Pinole will submit applications for permit and land transactions (easements or license agreements) to CCCFC for encroachments and work within the CCCFC facilities.*

As requested by the commenter, this text has been added to DEIR Section 2.9. (See Chapter 3 of this FEIR, "Corrections and Revisions to the DEIR.")

CCCFC-14

*The comment requests that an additional bullet item be added to DEIR Section 2.9 "Commitments to Reduce Environmental Impacts," indicating that the City of Pinole will coordinate with the U.S. Army Corps of Engineers, San Francisco and Sacramento Districts, to obtain approval of project work in Pinole Creek, Rodeo Creek, Rheem Creek, and San Pablo Creek.*

As requested by the commenter, this text has been added to DEIR Section 2.9. (See Chapter 3 of this FEIR, “Corrections and Revisions to the DEIR.”)

CCCFC-15

*The comment requests that bullet item number 8 in DEIR Section 2.9 “Commitments to Reduce Environmental Impacts,” be changed to the state that the pipeline crossing over Pinole Creek will not be attached to the Railroad Avenue bridge. The comment recommends an underground crossing of Pinole Creek.*

See response to comment CCCFC-11. If project Option 1 is adopted, the City will consult with CCCFC and will consider crossing Pinole Creek with the required 24-inch force main installed underground using jack-and-bore methods of construction, instead of suspended on the existing Railroad Avenue bridge. Therefore, no changes to the text of bullet item number 8 in DEIR Section 2.9 “Commitments to Reduce Environmental Impacts” is required.

CCCFC-16

*The comment states that the Pinole Creek Demonstration Project should be added to DEIR Table 4-3, and the commenter believes that the improvements of the demonstration project will be affected by the project.*

See response to comment CCCFC-8.

CCCFC-17

*The comment states that DEIR page 4-15, which deals with the evaluation of cumulative impacts related to flood protection, states that the WPCP is protected by levees from a 100-year flood. The comment states that the WPCP is not within a designated FEMA 100-year floodplain, and that because CCCFC modeling indicates that a few sections of Pinole Creek have inadequate capacity to contain a 100-year event, water could flow onto the WPCP. The comment recommends that the proposed upgrades to the WPCP be designed to accommodate any overflows from the creek and that the City consider providing flood protection in compliance with FEMA criteria for nonresidential buildings within a floodplain.*

The City notes that the exact text of the DEIR referred to by the commenter, which is located in the analysis of cumulative impacts related to flooding issues on page 4-15, states “...the WPCP may be exposed to flows from overtopping of the Pinole Creek levee.” This text contains two typographical errors; please see Chapter 3 of this FEIR, “Corrections and Revisions to the DEIR,” for text revisions that remove reference to a levee. Regarding the commenter’s concerns about flooding in Pinole Creek, see response to comment CCCFC-11. Finally, the City has already incorporated flood protection of new WPCP facilities as a mitigation measure; see DEIR Impact 3.6-2 and Mitigation Measures 3.6-1 and 3.6-2 (pages 3.6-26 and 3.6-27).

CCCFC-18

*The comment states that the DEIR should discuss mitigation measures required by the regulatory agencies that would affect any of the flood control facilities under CCCFC jurisdiction.*

Under CEQA, an agency should only comment on those activities within the area of the agency’s expertise (CEQA Guidelines section 15086(c)). CCCFC’s comment relates to mitigation measures that fall under the purview of another agency. Furthermore, the City has responded to comments received on the DEIR from various regulatory agencies (such as DFG) in this FEIR. The commenter does not provide any specifics as to what additional analysis or mitigation measures he would like to see conducted in relationship to this comment that are within purview of CCCFC or any other agency. The City believes that the EIR both contains an appropriate analysis of project-related impacts and

recommends feasible mitigation measures to reduce the level of potentially significant and significant impacts (where appropriate), as required by CEQA. Therefore, no changes to the DEIR are required.

CCCFC-19

*The comment states that drainage fees will be required for new impervious surfaces within Drainage Areas 19A and 73 and that CCCFC's expenses for the permits, land transactions, and coordination with other agencies for this project should be the responsibility of the City of Pinole.*

This comment does not pertain to the text of the DEIR; the comment is noted.

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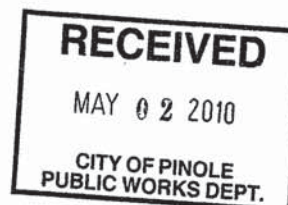
Contra Costa County  
**Public Works**  
Department

Julia R. Bueren, Director

Deputy Directors  
R. Mitch Avalon  
Brian M. Balbas  
Stephen Kowalewski

April 28, 2010

Dean Allison  
City of Pinole  
2131 Pear Street  
Pinole, CA 94564-1774



Re: Draft EIR - Pinole-Hercules Water Pollution  
Control Plan Improvement Project

Dear Mr. Allison:

On behalf of the Public Works Department, we have reviewed your second Draft EIR submitted to our office. We found that most of our comments in our letter dated October 7, 2009 (attached) were addressed; however, the following items remain:

Comment #3: Exhibit 2.3 shows location of proposed force main. A list of some County projects recently constructed, under construction, approved or planned for construction is provided on Table 4-5. However, an actual list of County roads to be impacted is not found.

Comment #4: There is no mention of a pre-project survey of the roads impacted by construction and haul routes in the Draft EIR. This issue needs to be addressed with a mitigation measure.

Comment #5: A Transportation/Traffic section is not included in the Draft EIR as indicated in our previous comments. A mitigation measure should be included that requires a traffic control plan, to be submitted to Contra Costa County for review and approval.

Comment #6: This issue was not addressed. The document should address the issue of temporary pedestrian access during construction around school areas.

Comment #9: Coordination with Contra Costa County for future projects is mentioned in Item 4.15, Tables 4-3, 4-4 and 4-5. Construction of the force main should be coordinated with County Capital Road Improvement projects or pavement surfacing conducted by the County Public Works Department. Trenching of freshly treated pavement should be avoided whenever possible. To find out what County roads are scheduled for surface treatment call Henry Finch in Maintenance at (925) 313-7004.

*"Accredited by the American Public Works Association"*  
255 Glacier Drive • Martinez, CA 94553-4825  
TEL: (925) 313-2000 • FAX: (925) 313-2333  
www.cccpublicworks.org

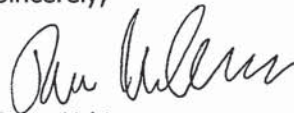
Dean Allison  
April 28, 2010  
Page 2 of 2

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Comment #10: A Traffic Analysis was not included or mentioned in the report as previously requested. This issue needs to be addressed.

Thank you for the opportunity to review the EIR and provide comments. Should you have any questions, please contact me at (925) 313-2308.

Sincerely,



Rene Urbina  
Staff Civil Engineer  
Transportation Engineering

RU:jcw

G:\dc-glacier\grpdata\transeng\EIR\Pinole\Pinole-Hercules Water Pollution Control Plant\CITY OF PINOLE - 2nd Draft EIR.doccraft  
EIR

Attachment

Cc: Lee Huo, ABAG  
Mike Carlson, Transportation Engineering Division  
Chris Lau, Transportation Engineering Division  
Mary Halle, Transportation Engineering Division  
Monish Sen, Engineering Services Division  
Teri Rie, Flood Control Division

CCCPW-1

*The comment states that Exhibit 2.3 shows the location of the proposed force main and that a list of County projects is provided on Table 4-5; however, the DEIR does not provide a list of County roads that would be affected by the project.*

The City wishes to note that the list of Contra Costa County (County) projects in Table 4-5 (page 4-9 of the DEIR) was provided by Contra Costa County. The City directed Ms. Wendy Copeland of AECOM (the EIR preparer) to consult with Contra Costa County regarding the list of related projects. Ms. Copeland spoke with Ms. Rosemarie Pietras in the Community Development Division of Contra Costa County, and Ms. Debbie Sittser provided the County's list of projects on January 12, 2010.

Exhibit 2-3 (page 2-9 of DEIR Chapter 2, "Project Description") shows the pipeline route and lists all of the County roads that would be affected by pipeline construction activities under Option 1. Under Option 2, as described on page 2-13 through 2-17 and shown on Exhibit 2-6 of DEIR Chapter 2, "Project Description," project-related improvements would be constructed only at the WPCP. Therefore, no construction work on County roads would take place under Option 2. Concerning the Corporation Yard, which would be relocated only if Option 1 were selected (as stated on page 2-13 of DEIR Chapter 2, "Project Description"), a location map is provided in the DEIR as Exhibit 2-5 (page 2-14), which identifies the two streets that could be potentially affected by construction traffic.

CCCPW-2

*The comment states that no mention exists in the DEIR of a preproject survey of the roads that would be affected by construction and haul routes and that this issue needs to be addressed by a mitigation measure.*

As procedural matter, the City wishes to note that it directed its environmental consultant (AECOM) to contact the Contra Costa County Public Works Department (CCCPW) to discuss traffic and transportation issues following the City's receipt of CCCPW's comment letter on the NOP/IS. Accordingly, Ms. Wendy Copeland, the AECOM project manager, spoke with Mr. Rene Urbina at the CCCPW Transportation Engineering Division on December 3, 2009. Mr. Urbina indicated that he was not able to discuss the County's concerns regarding this project with Ms. Copeland. Instead, he stated that the County would be assigning someone else within the Transportation Engineering Division to handle the project, and that he would request that person to contact Ms. Copeland to discuss traffic issues related to the project. Neither AECOM nor the City has received a return call from the CCCPW Transportation Engineering Division to discuss the project-related traffic impacts.

The City has not yet conducted a specific preproject survey of roads affected by the project. The project-related improvements have not yet progressed beyond a preliminary design phase. However, the DEIR identifies the proposed general location of the proposed pipeline on County streets:

The proposed 24-inch force main would exit the WPCP from Tennent Avenue and make a 90-degree turn northeast to cross Pinole Creek, parallel to the Bay Trail footbridge. Northeast of the footbridge, the

proposed force main would make a 90-degree turn southeast to travel parallel to Pinole Creek for approximately 1,100 feet. The force main would then be routed east and would be installed parallel to the existing Union Pacific Railroad line until reaching San Pablo Avenue. The path of the proposed force main would coincide with the path of the existing force main northeast of the San Pablo Avenue–Sycamore Avenue intersection. At this point, the proposed force main would be installed parallel to the existing force main for the remainder of the route to RSD (Exhibit 2-3). For approximately 100 feet, the pipeline would follow the existing access road before entering the RSD boundary. (DEIR, Chap. 2, page 2-10, see also Exhibit 2-3)

However, the City agrees that, as part of the project implementation, it will provide a specific preproject survey of roads that would be affected by haul routes and/or construction activities. As stated on page 2-18 of Chapter 2, “Project Description,” in the DEIR, the City has committed to implement a suite of various actions as part of the project in order to reduce potential environmental impacts. The City has committed, as part of the project, to coordinate with the County to provide project designs, roadway cross-sections, traffic control plans, and other items that may be required by the Contra Costa County Department of Public Works as the project moves forward.

The impacts of construction of the pipeline were analyzed in the DEIR and mitigation measures included for any potentially significant impacts. Traffic and transportation issues were evaluated in the initial study that was circulated with the NOP (attached as Appendix A to the DEIR). Pages 2-28 through 2-32 of the initial study contain an analysis of project-related traffic and transportation issues, which were found to be less than significant. For all the reasons stated above, the City does not believe that a new mitigation measure requiring a preproject survey of roads affected by construction and haul routes is necessary.

CCCPW-3

*The comment states that the DEIR does not include a traffic/transportation section as requested by CCCPW comments on the NO, and that a mitigation measure should be included that requires a traffic control plan to be submitted to Contra Costa County for review and approval.*

See response to comment CCCPW-2. As stated on page 2-18 of Chapter 2, “Project Description,” in the DEIR, the City has committed to implement a suite of various actions as part of the project in order to reduce potential environmental impacts. The City has already committed as part of the project to prepare traffic control plans and submit them to CCCPW for approval, and the initial study circulated with the NOP and contained in DEIR Appendix A already contains an appropriate analysis of traffic and transportation impacts. As stated on page 2-31 of the initial study (Appendix A to the DEIR), the City would follow existing County ordinances and local regulations that require coordination, noticing of lane closures, signage, and flagmen. Therefore, for the reasons stated above, and as discussed in response to comment CCCPW-2, the City believes that a new traffic and transportation section and/or a new mitigation measure requiring a traffic control plan in the DEIR is not necessary or required.

CCCPW-4

*The comment states that the DEIR did not address the issue of temporary pedestrian access during construction around school areas.*

The City does not believe that any project-related construction activities would occur in the immediate vicinity of any schools based on the proposed Option 1 pipeline route.



However, if, during the detailed project design phase, a potentially unforeseen field condition should occur such that the pipeline (Option 1 only) would need to be relocated so that it were adjacent to a school site (which is not foreseeable at this time), the City would implement a traffic control plan that includes temporary detours, signage, and flagman so that safe access to school sites would be provided. Preparation of a traffic control plan was already addressed in the initial study circulated with the NOP (and attached as Appendix A to the DEIR), as well as on page 2-18 of Chapter 2, "Project Description," in the DEIR. Therefore, the City does not believe that any changes to the DEIR are required.

CCCPW-5

*The comment states that coordination with Contra Costa County for future projects is mentioned in Item 4.15 and in Tables 4-3, 4-4, and 4-5 and that construction of the force main should be coordinated with various County departments.*

The DEIR does not contain an "Item 4.15"; the City assumes that the commenter is referring to Section 4.1.5, "List of Related Projects," on page 4-4 of the DEIR. Tables 4-3, 4-4, and 4-5 (pages 4-4, 4-7, and 4-9 of the DEIR, respectively) contain the lists of related projects that were considered in the cumulative analysis in Chapter 4, "Other Statutory Requirements," of the DEIR. The analysis of cumulative impacts does not relate to coordination of force main construction with Contra Costa County. However, as previously stated on pages 2-28 through 2-32 of the initial study circulated with the NOP (attached as Appendix A to the DEIR), in DEIR Section 2.9, "Commitments to Reduce Environmental Impacts" (page 2-18), and in responses to comments CCCPW-2 and CCCPW-3 above, the City will coordinate with the County regarding force main construction if Option 1 is selected.

CCCPW-6

*The comment states that a traffic analysis was not included or mentioned in the report as previously requested and that this issue needs to be addressed.*

See response to comments CCCPW-2 and CCCPW-3. Traffic and transportation issues were evaluated in the initial study that was circulated with the NOP. The NOP and initial study were circulated to members of the public and various agencies, including the Contra Costa County Department of Public Works, for a 30-day comment period that began on September 9, 2009, and ended on October 8, 2009. At the conclusion of the comment period, Ms. Wendy Copeland (AECOM project manager) contacted the Contra Costa County Department of Works on behalf of the City of Pinole to discuss project-related traffic impacts in response to the County's comment letter submitted on the NOP/IS. The County provided no response. A copy of the initial study is attached as Appendix A to the DEIR. Pages 2-28 through 2-32 of the initial study contain a thorough analysis of project-related traffic and transportation issues, which were found to be less than significant. Therefore, for the reasons stated above and in responses to comments CCCPW-2 and CCCPW-3, the City does not believe that any changes to the DEIR are required.

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April 28, 2010

Dean Allison  
City of Pinole Public Works Director  
2131 Pear Street  
Pinole, CA 94565

**SUBJECT: Pinole-Hercules Water Pollution Control Plant Improvement Project**

Dear Mr. Allison:

Thank you for including the Contra Costa Local Agency Formation Commission (LAFCO) in the environmental review process for the above project. We have reviewed the Draft Environmental Impact Report (DEIR) for this project. In response, we offer general and specific comments below.

**General Comments**

As a Responsible Agency pursuant to the California Environmental Quality Act (CEQA), LAFCO may need to rely on the City's environmental documents in consideration of future boundary change and other applications [e.g., annexation, sphere of influence (SOI) amendment, out of agency service, etc.].

LAFCO is an independent, regulatory agency with discretion to approve or disapprove, with or without amendment, wholly, partially or conditionally, changes of organization or reorganization. In accordance with the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (CKH Act), LAFCO is required to consider a variety of factors when evaluating a proposal, including, but not limited to the proposal's potential impacts on agricultural land and open space, provision of municipal services and infrastructure, timely and available supply of water, fair share of regional housing, etc..

The factors relating to boundary changes are contained in Government Code §56668. We encourage local agencies to reference these factors, as appropriate, in their environmental documents. LAFCO is also subject to SB 375. We encourage local agencies to utilize the most current standards and thresholds of significance with respect to air quality and greenhouse gas emissions analyses. Addressing these factors will help facilitate the LAFCO application process. Failure to do so may result in additional CEQA compliance work.

If LAFCO will be asked to rely on the City's environmental document for a future boundary change or other LAFCO action, the document should specifically 1) reference the LAFCO action(s) in the Project Description, 2) list LAFCO as Other Public Agencies Whose Approval is Required, and 3) most importantly, the LAFCO action(s) and relevant factors on which the LAFCO decisions would be based

(e.g., population, land use, topography, proximity to populated areas, the likelihood of growth, the need for services, etc.) should be adequately evaluated in the environmental document. For example, if the project will require annexation to a sewer district, this action and the relevant analysis indicating the effect of the annexation on the sewer agency's ability to meet the increased demand for service without adversely affecting existing customers should be specifically addressed in the environmental document.

### Specific Comments

The DEIR includes a discussion of alternatives, including "All Flows to West County Wastewater District (WCWD) Facilities" and "City of Hercules Only to WCWD Facilities." As noted in the DEIR, neither the City of Hercules nor the City of Pinole is currently within the WCWD SOI or service boundary.

The DEIR concludes that neither of the alternatives involving WCWD is considered "environmentally superior." However, should either of these alternatives be pursued, it is possible that a LAFCO action (e.g., SOI amendment, annexation, out of agency service approval) may be needed. Should a LAFCO action be required, additional environmental review specific to the LAFCO action will be needed. In addition, should an SOI expansion be required, a Municipal Service Review (MSR) may also be required. The MSRs previously prepared by LAFCO in 2008 and 2009 covering the WCWD and cities of Hercules and Pinole did not specifically evaluate future service by WCWD to Hercules and/or Pinole.

Thank you for the opportunity to comment. We look forward to receiving copies of any future environmental notices and documents relating to this project. Please contact the LAFCO office if you have any questions.

Sincerely,



Lou Ann Texeira  
Executive Officer

c: LAFCO Planner

LAFCo-1

*The comment states that LAFCo is a “Responsible Agency” under CEQA with regard to the project and that LAFCo may need to rely on the City’s environmental documents in consideration of future boundary changes and other actions. The comment provides information about LAFCo’s purpose and the factors considered by LAFCo when evaluating a proposal.*

The City of Pinole does not believe that a LAFCo action is required for Pinole to certify this EIR and adopt either Option 1 or Option 2; therefore, LAFCo is not a responsible agency under Public Resource Code Section 21069 for this project. As described in DEIR Chapter 1, “Introduction” (page 1-1), and Chapter 2, “Project Description” (page 2-13), in the event that the City of Hercules were to decide to send its wastewater flows to the West County Wastewater District, the City of Hercules would be required to prepare a separate environmental document to analyze the impacts of that action. At that time, the City of Hercules would coordinate with Contra Costa County LAFCo to determine whether or not a LAFCo action would be required for the Hercules project.

LAFCo-2

*The comment states that local agencies are encouraged to utilize the most current standards and thresholds of significance with respect to the analysis of air quality and greenhouse gas emissions.*

As discussed in detail on pages 3.1-10 through 3.1-20 of Section 3.1, “Air Quality,” in the DEIR, the City believes that the DEIR already presents the most current standards and thresholds of significance with response to air quality, including the recommendations of the Bay Area Air Quality Management District (BAAQMD). As discussed in detail on pages 3.3-1 through 3.3-15 of Section 3.3, “Climate Change,” in the DEIR, the City believes that the DEIR already presents the most current standards and thresholds of significance with response to climate change, including AB 32, Senate Bill 97, revisions to the State CEQA Guidelines regarding climate change, and proposed BAAQMD guidelines. Section 3.3 of the DEIR also includes an analysis of potential impacts of climate change on the project (Impact 3.3-3), including sea level rise, changes in precipitation patterns, and storm surges.

LAFCo-3

*The comment lists items required in the environmental document if LAFCo is asked to rely on the City’s analysis.*

See response to comment LAFCo-1. The City does not believe that a LAFCo action is required for the City to certify this EIR and adopt either Option 1 or Option 2.

LAFCo-4

*The commenter states that according to the DEIR, the Cities of Pinole and Hercules are not within the West County Wastewater District sphere of influence or service boundary.*

The comment is noted. See response to Comment LAFCo-1.

LAFCo-5

*The commenter states that if either of the alternatives involving the West County Wastewater District is pursued, a LAFCo action may be required including additional environmental review specific to the LAFCo action, as well as a Municipal Service*

*Review (MSR), because the previous MSRs did not evaluate future service by West County Waterwater District to Pinole or Hercules.*

The comment is noted. Option 1 does not require either City to be located within the WCWD sphere of influence (SOI) or service boundary. Option 2 does not require the City of Pinole, the lead agency for this EIR, to be located within the WCWD SOI or service boundary. Option 2 would only be selected by the City of Pinole in the event that the City of Hercules decided to send its flows to WCWD. As stated on page 2-13 in Chapter 2, "Project Description," and Chapter 1, "Introduction" (page 1-1) of the DEIR, if the City of Hercules were to choose to send its wastewater to the WCWD for treatment, the City of Hercules would be required to prepare a separate CEQA analysis to evaluate the environmental impacts of constructing the new pipeline and treating the flows at WCWD. At that time, the City of Hercules, as the CEQA lead agency for that environmental document, would consult with LAFCo to determine whether a LAFCo action were necessary and the amount of environmental analysis necessary to support said action. Should the "All Flows to WCWD Facilities Alternative" discussed in DEIR Chapter 5, "Alternatives," be adopted by the City of Pinole, both Pinole and Hercules would perform the consultation with LAFCo discussed in the preceding sentence.

**SECTION C: ORGANIZATIONS**

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

From: Ibrahim, Mohamed N. [mailto:MOHAMED.N.IBRAHIM@saic.com]  
Sent: Tuesday, March 30, 2010 2:52 PM  
To: dallison@ci.pinole.ca.us  
Cc: Burns, Thomas A.; Anzelon, Daniel B.; Hoang,  
Tan T.  
Subject: Pinole-hercules WTP EIR response

Mr Allison,

SAIC (on behalf of Chevron Environmental Management Company [CEMC]) received a copy of the Draft EIR for the Pinole-Hercules Water Pollution Control Plant Improvement Project. Upon review of Appendix B "Scoping Comments" I did not see CEMC's response letter that was previously sent for the initial request. I wanted to confirm receipt of the initial letter before we duplicate efforts for another letter. I have attached the response letter previously sent for reference. Let me know and thanks in advance.

Regards,

Mohamed N Ibrahim | The Benham Companies - an SAIC company

Environmental Project Manager | Engineering and Infrastructure

phone: (916) 979-3828 | fax (916) 979-3735

email: [ibrahimn@saic.com](mailto:ibrahimn@saic.com) <<mailto:ibrahimn@saic.com>>

The Benham Companies - an SAIC Company.

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Energy | Environment | National Security | Health | Critical  
Infrastructure

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Chevron-A

*The comment states that Chevron's letter previously sent in response to the NOP was not attached to Appendix B of the DEIR. A copy of the previous letter is provided.*

The City inadvertently omitted a copy of Chevron's previous letter from Appendix B of the DEIR. Responses to the previous letter provided by the commenter are provided in this FEIR as Chevron-B.



**Lee Higgins, PG**  
Environmental  
Project Manager

**Chevron Environmental  
Management Company**  
6111 Bollinger Canyon Road  
BR1Y/3484  
San Ramon, CA 94583  
Tel 925 543 2365  
Fax 925 543 2323  
leehiggins@chevron.com

October 9, 2009

Stakeholder Correspondence—City of Pinole  
Pinole-Hercules Water Pollution Control Plant Improvement Project - Draft Environmental Impact Report

Mr. Dean Allison  
Public Works Director  
City of Pinole  
2131 Pear Street  
Pinole, California 94564

**Subject: Comment for the Pinole-Hercules Water Pollution Control Plant Improvement Project  
Draft Environmental Impact Report**  
Chevron Environmental Management Company  
Historic Pipeline Alignment-Bakersfield to Richmond

Dear Mr. Allison:

On behalf of Chevron Environmental Management Company (CEMC), Science Applications International Corporation (SAIC) received a Notice of Preparation dated September 9, 2009, for a Draft Environmental Impact Report (EIR) for the Pinole-Hercules Water Pollution Control Plant Improvement Project (the project). The purpose of this letter is to notify the City of Pinole and other project stakeholders as to the location of a formerly active crude-oil transportation pipeline with respect to the project area (see Figures 1 through 3). The intent is that the pipeline location information will be incorporated into the Final EIR for the project.

In the early 1900s, Standard Oil (Standard) built a pipeline system to transport heavy crude oil from oilfields in the southern San Joaquin Valley to a refinery in the San Francisco Bay Area. The pipelines were operated until the early 1970s when they were decommissioned. Currently, CEMC manages work associated with this historic pipeline.

Evidence of historic releases associated with the formerly active pipeline is sometimes identified during the course of underground utility work and other subsurface construction activities near the former pipeline right of way (ROW). Generally, residual weathered crude oil associated with Standard's historical pipeline operations can be observed visually; however, analytical testing is necessary to confirm that the likely source of the affected material is associated with the former Standard pipeline. Analytical results from human health risk assessments performed by CEMC at several known historical pipeline release sites confirm that soil affected by the historic release of product from the pipelines is non-hazardous, and does not pose significant health risks.

Mr. Dean Allison – Public Works Director  
October 9, 2009  
Page 2

CEMC has identified several areas where the proposed larger effluent pipeline route to Rodeo Sanitary District and the proposed pipeline route to West County Water Control Pollution Plant will intersect the former Standard pipeline ROW as illustrated on Figures 1 through 3. CEMC's experience indicates that the potential exists for subsurface soil along and near the Standard historical pipeline alignments to be affected by undocumented residual weathered crude oil; however, encountering affected soil from these pipelines should not delay the progress of this project. CEMC requests to remain informed of project progress, encountered petroleum, and any additional planned construction and land development projects in the vicinity of the former Standard pipeline alignment.

Note that Chevron Pipeline Company (CPL) may provide separate correspondence regarding activities associated with the active Bay Area Pipeline (BAPL) and the Chevron U.S.A. (CUSA) Natural Gas pipeline alignments, which are coincident with portions of the former Standard pipeline alignment.

For more information regarding the Historical Pipeline Portfolio–Bakersfield to Richmond alignment, please visit <http://www.hppinfo.com/>. If you have any questions or require additional information, please call SAIC consultants Mohamed Ibrahim (916) 979-3828 or Tom Burns at (916) 979-3748 regarding the historical Standard pipeline alignments, and CPL representative Jeremy Gross at (925) 783-2003 regarding the active BAPL and CUSA pipeline alignments.

Sincerely,



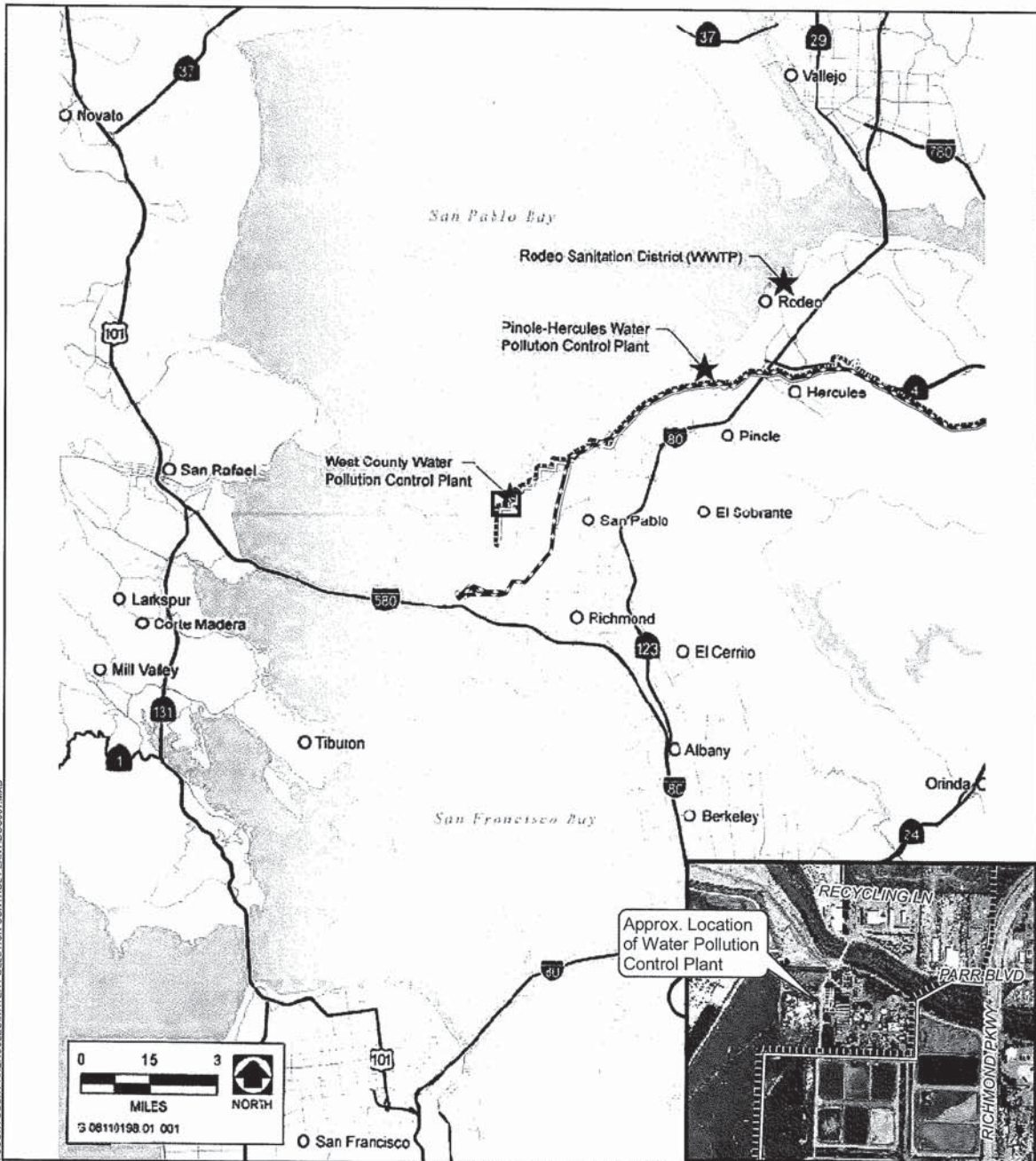
Lee Higgins, PG

LPH/klg

Enclosures:

- Figure 1. Historical and Active Pipeline Alignments–Regional Project Location
- Figure 2. Historical and Active Pipeline Alignments–Proposed Pipeline Route to Rodeo Sanitary District–Options 1 and 2
- Figure 3. Historical and Active Pipeline Alignments–Proposed Pipeline Route to West County Water Pollution Control Plant–Option 2

cc: Mr. Tom Burns – SAIC  
3800 Watt Avenue, Suite 210, Sacramento, California 95821  
Mr. Mohamed Ibrahim – SAIC  
3800 Watt Avenue, Suite 210, Sacramento, California 95821  
Mr. Mike Jenkins – SAIC (letter only)  
3800 Watt Avenue, Suite 210, Sacramento, California 95821  
Mr. Jeremy Gross – Chevron Pipeline Company  
2360 Buchanan Road, Pittsburg, California 94565



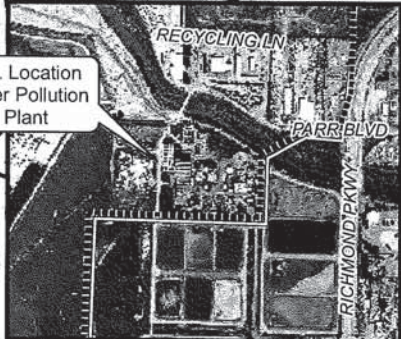
FILE: \\CASAC\PROJECTS\HOANGTA\GIS\CONTRA\_COSTA\_COUNTY\HERCULESWATER\_POLLUTION\_CONTROL\_PLANT\UDC001.MXD

Map is a relative representation of current and historical data and should be verified for exact legal or underground work.



- Historical Standard Oil Pipeline
- ..... Active Bay Area Products Line (BAPL)
- Active Chevron USA (CUSA)  
Northern Gas Pipeline

Note: The BAPL and CUSA follow the same ROW.



Approx. Location of Water Pollution Control Plant

**HISTORICAL AND ACTIVE PIPELINE ALIGNMENTS**

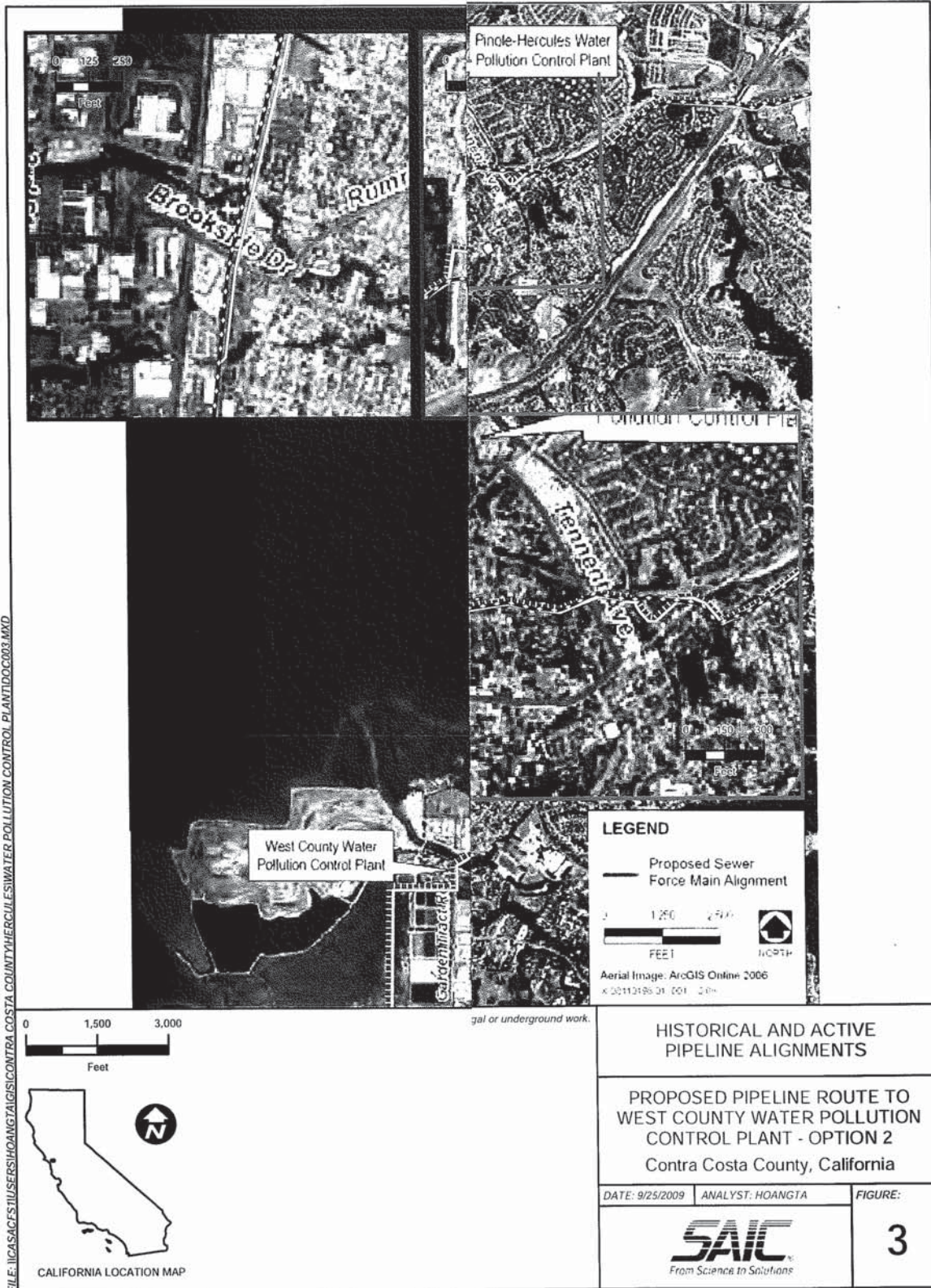
REGIONAL PROJECT LOCATION  
West Contra Costa County, California

DATE: 9/25/2009 ANALYST: HOANGTA FIGURE:



1





Chevron-B-1

*The comment states that a formerly active crude-oil transportation pipeline is located in the project vicinity, and attachments are provided showing the location of three pipelines in relation to project facilities. The commenter also provides a brief history of the pipelines.*

Figures 1 and 2 provided by the commenter, which are based on Exhibits 1 and 4 from the NOP (attached to the DEIR as Appendix A), show the location of proposed project facilities in relation to a Historical Standard Oil Pipeline, an Active Bay Area Products Line (BAPL), and an Active Chevron USA (CUSA) Northern Gas Pipeline.

Figure 3 provided by the commenter, which is based on Exhibits 1 and 7 from the NOP (attached to the DEIR as Appendix A), shows the location of the Standard Oil, BAPL, and CUSA pipelines in relation to a proposed untreated wastewater effluent force main from the WPCP to WCWD that was described in the NOP. However, the City notes that as described in DEIR Chapter 2, "Project Description," and as shown in DEIR Exhibits 2-1 and 2-9, project Option 1 and Option 2 no longer include construction of a wastewater pipeline to WCWD. As described in DEIR Chapter 1, "Introduction" (page 1-1), and Chapter 2, "Project Description" (page 2-13), in the event that the City of Hercules were to decide to send its wastewater flows to the WCWD, the City of Hercules would be required to prepare a separate environmental document to analyze the impacts of that action. Therefore, while the City appreciates receipt of this information, the facilities shown Figure 3 provided by the commenter do not apply to the project evaluated in this EIR.

Chevron-B-2

*The commenter states that evidence of historic releases (weathered crude oil) associated with the formerly active Standard Oil pipeline is sometimes uncovered during underground utility work near the former pipeline right of way. Although evidence can be observed visually, analytical testing is necessary to determine whether or not the material originated from the Standard Oil pipeline. The commenter further states that the results of previous analytical testing of soil from weathered crude oil releases at other sites indicate that the weathered crude oil is "non-hazardous and does not pose significant health risks."*

The City appreciates the information regarding testing results that is provided by the commenter and understands that based on the results of previous testing performed by Chevron on historic releases, any material that may be encountered during construction of this project is also likely to be determined nonhazardous, and therefore would not result in significant health risks. See also response to comment Chevron-B-4.

Chevron-B-3

*The commenter states that several areas where the proposed effluent pipeline route to the Rodeo Sanitary District and the WCWD will intersect the former Standard Oil pipeline right of way as shown on the attached Figures 1 through 3.*

See response to comment Chevron-B-1.

Chevron-B-4

*The commenter states Chevron's belief that there is a potential for subsurface soil along the project-related alignments to be "affected" by undocumented residual weathered*



*crude oil, but encountering such affected soil should not delay the progress of the project evaluated in this EIR. Chevron requests to be informed of project progress, encountered petroleum, and any additional planned construction and development projects in the vicinity of the former Standard Oil pipeline alignment.*

See response to comment Chevron-B-1 and Chevron-B-2. As shown in Chapter 3 of this FEIR, “Corrections and Revisions to the DEIR,” text has been added to DEIR Section 2.9 to reflect the fact that as part of the project, the City would inform Chevron of project progress where such progress occurs in the vicinity of Chevron facilities along the proposed treated effluent force main route to the Rodeo Sanitary District (project Option 1 only; project Option 2 does not entail construction in the vicinity of Standard Oil, BAPL, or CUSA pipelines). The City would also inform and coordinate with Chevron should any evidence of subsurface weathered crude oil be encountered during Option 1 construction activities in the vicinity of the Chevron pipeline right of way. Text has also been added stating that as required by federal, state, and local laws and regulations, in the event that evidence of subsurface weathered crude oil is encountered during project-related construction activities, any contaminated areas would be remediated in accordance with recommendations made by Chevron, and by the San Francisco Bay RWQCB, California Department of Toxic Substances Control, and/or other federal, state, or local regulatory agencies as appropriate.

Finally, regarding the facilities shown on Chevron’s Figure 3, as described in DEIR Chapter 1, “Introduction” (page 1-1), and Chapter 2, “Project Description” (page 2-13), in the event that the City of Hercules were to decide to send its wastewater flows to the WCWD, the City of Hercules would be required to prepare a separate environmental document to analyze the impacts of constructing a pipeline to WCWD.

Chevron-B-5

*The commenter states that Chevron Pipeline Company may provide separate correspondence regarding activities associated with the BAPL and the CUSA pipeline.*

The City notes that as stated in the notice of availability circulated with the DEIR, the public comment period on the DEIR ended on April 28, 2010. No comments from the Chevron Pipeline Company have been received.

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## 3 CORRECTIONS AND REVISIONS TO THE DEIR

### 3.1 INTRODUCTION

This chapter includes revisions to the text in the DEIR following its publication and public review. The changes are presented in the order in which they appear in the original DEIR and are identified by DEIR page number. Revisions are shown as excerpts from the DEIR text, with strikethrough (~~strikethrough~~) text for deletions and underline (underline) text for additions.

### 3.2 CORRECTIONS AND REVISIONS TO THE DEIR

#### INTRODUCTION, RESPONSIBLE, AND TRUSTEE AGENCIES, PAGE 1-4

The following text is hereby added to the list of Local Responsible Agencies:

- ▶ California State Lands Commission: For any activities on lands subject to CSLC jurisdiction.
- ▶ Contra Costa County Flood Control & Water Conservation District (CCCFC): Easements or license agreements and drainage/flood control permits for work performed in CCCFC facilities.

The following text is modified in the list of Federal Responsible Agencies:

- ▶ U.S. Army Corps of Engineers, Sacramento and San Francisco Districts: Clean Water Act Section 404 permit (if necessary); approval of work within Pinole Creek, Rodeo Creek, Rheem Creek, and San Pablo Creek.

#### PROJECT DESCRIPTION, COMMITMENTS TO REDUCE ENVIRONMENTAL IMPACTS, PAGE 2-18

The following text is hereby added to the bottom of page 2-18:

- ▶ The City would inform Chevron of project progress where such progress occurs in the vicinity of Chevron facilities along the proposed treated effluent force main route (project Option 1 only) to the Rodeo Sanitary District. The City would also inform and coordinate with Chevron should any evidence of subsurface weathered crude oil be encountered during Option 1 construction activities in the vicinity of the Chevron pipeline right of way. Furthermore, as required by federal, state, and local laws and regulations, in the event that evidence of subsurface weathered crude oil is encountered during project-related construction activities, any contaminated areas would be remediated in accordance with recommendations made by Chevron approved by the applicable regulatory agency, and requirements imposed by the San Francisco Bay RWQCB, California Department of Toxic Substances Control, and/or other federal, state, or local regulatory agencies as appropriate.
- ▶ The City would obtain a drainage permit from the Contra Costa County Flood Control District for project-related activities that affect watercourses and drainage facilities in the unincorporated areas of the County.
- ▶ The City would obtain either easements or license agreements and/or flood control permits from the Contra Costa County Flood Control District for work within its facilities (including Pinole, Rodeo, San Pablo, and Rheem Creeks).

## **FISHERIES AND AQUATIC RESOURCES, PAGE 3.4-5**

The first sentence of the third paragraph on page 3.4-5 is hereby modified as follows:

Leidy (2005) reported that eight native and introduced species of freshwater fish occur in ~~Pinole Creek~~ Rodeo Creek (Table 3.4-2).

## **PROJECT DESCRIPTION, EXHIBIT 2-2, PAGE 2-3**

Exhibit 2-2 is hereby revised to reflect the correct southeastern property boundary of the Pinole-Hercules WPCP.

## **PROJECT DESCRIPTION, PIPELINE CREEK CROSSINGS, PAGE 2-10**

The text of the second sentence is hereby modified as follows:

The Pinole Creek crossing would either be accomplished by suspending the new pipeline underneath the bridge next to the existing force main, or would be installed underneath Pinole Creek using jack-and-bore construction methods. Regardless of which method were used, no work would occur in the bed or bank of Pinole Creek, nor would any sediment from construction activities be deposited in Pinole Creek.

## **PROJECT DESCRIPTION, EXHIBIT 2-4, PAGE 2-11**

Exhibit 2-4 is hereby revised to reflect the correct southeastern property boundary of the Pinole-Hercules WPCP, and to show the correct location of the three proposed secondary clarifiers.

## **PROJECT DESCRIPTION, EXHIBIT 2-6, PAGE 2-15**

Exhibit 2-4 is hereby revised to reflect the correct southeastern property boundary of the Pinole-Hercules WPCP.

## **GEOLOGY AND SOILS, PAGE 3.5-27 – 28**

The first paragraph of Mitigation Measure 3.5-1a, “Prepare Site-Specific Geotechnical Report per CBC Requirements and Implement Appropriate Recommendations,” is hereby modified as follows:

Before building permits are issued and construction activities begin, ~~any project development phase,~~ the City of Pinole shall hire a licensed geotechnical engineer to prepare a final geotechnical subsurface investigation report for the proposed facilities, ~~which shall be submitted for review and approval to the City of Pinole Planning Department.~~ The final geotechnical engineering report shall address and make recommendations on the following: [...]

## **GEOLOGY AND SOILS, PAGE 3.5-28**

The first paragraph of Mitigation Measure 3.5-1b, “Monitor Earthwork during Ground-Disturbing Activities,” is hereby modified as follows:

All earthwork shall be monitored by a qualified ~~geotechnical or soils~~ engineer retained by the City of Pinole. The ~~geotechnical or soils~~ engineer shall provide oversight during all excavation, placement of fill, and disposal of materials removed from and deposited on both on- and off-site construction areas.

## HYDROLOGY AND WATER QUALITY, PAGE 3.6-26

The first paragraph of Mitigation Measure 3.6-1b, “Prepare and Implement a Stormwater Control Plan,” is hereby modified as follows:

A stormwater control plan shall be prepared, in accordance with RWQCB requirements, to comply with CCCWP’s Stormwater Management Plan and C.3 Stormwater Guidebook. The stormwater control plan shall detail permanent stormwater management facilities. Storm drain facilities shall be designed in accordance with the site design and drainage system guidelines provided by CCCWP, which include, but are not limited to, the following:

## NOISE, PAGE 3.6-26

Mitigation Measure 3.8-1, “Reduce Short-Term Increases in Noise Levels from Construction Sources,” is hereby modified as follows:

To reduce impacts associated with noise generated during project-related construction activities at the WPCP and along the proposed pipeline route, the City of Pinole and its primary construction contractors shall ensure that the following requirements are implemented at each work site in any year of project construction to avoid and minimize construction noise effects on sensitive receptors. Measures that shall be used to limit noise shall include the items listed below:

1. To the maximum extent feasible, construction activities (except for the use of the drilling machine required for horizontal directional drilling HDD associated with jack-and-bore operations and the pipeline connections to existing equipment at the WPCP) shall be limited to the hours of 7 a.m. to 5 p.m. Monday through Friday, and from 9 a.m. to 6 p.m. on Saturday in commercial zones only.

[. . .]

## OTHER STATUTORY REQUIREMENTS, TABLE 4-3, PAGE 4-4

The following information is hereby added as a new row at the bottom of Table 4-3:

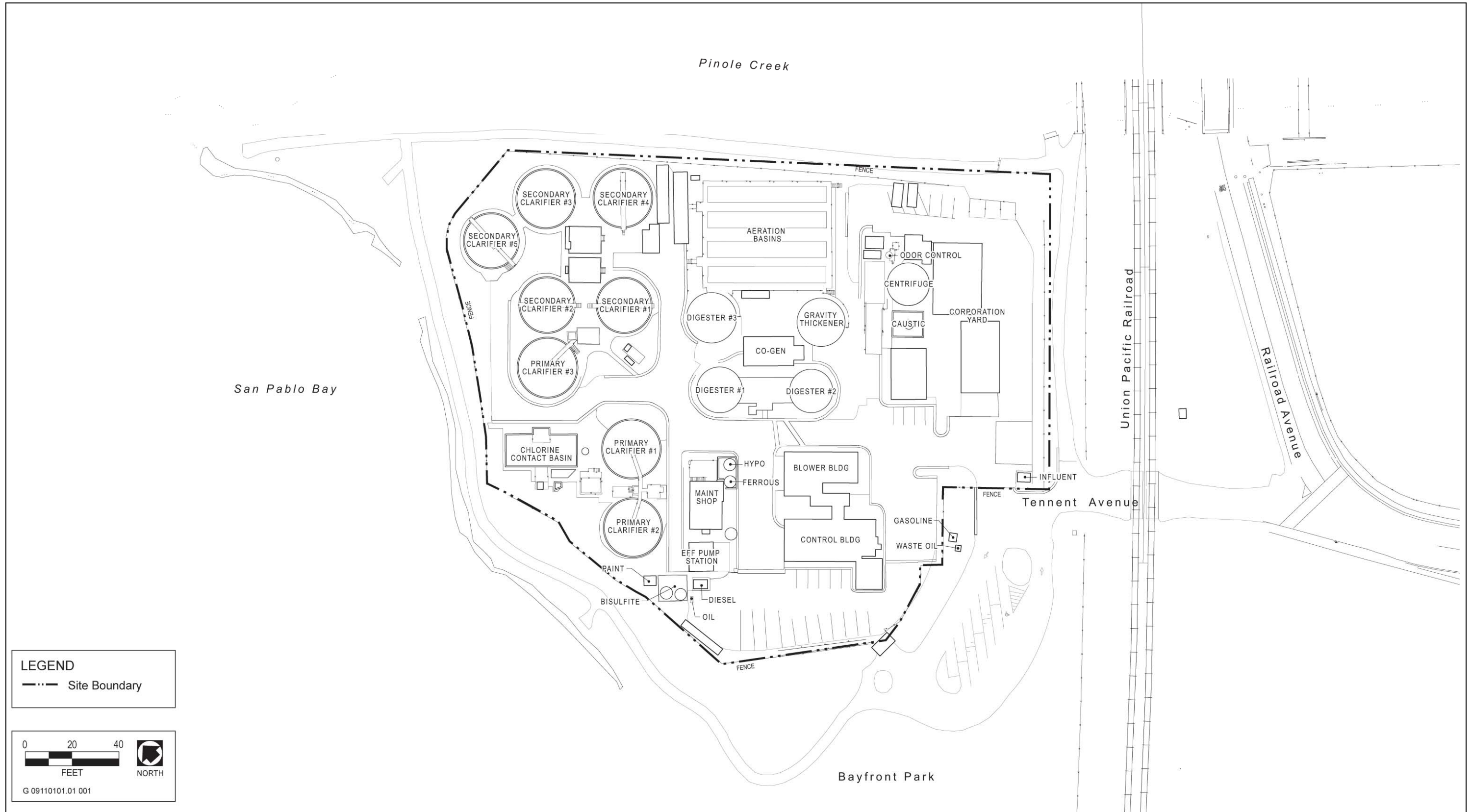
Type of Project	Address	Square Feet	# of Units
<u>Pinole Creek Demonstration Project</u>	<u>Pinole Creek, north of the Pinole-Hercules WPCP</u>	<u>N/A</u>	<u>N/A</u>

## OTHER STATUTORY REQUIREMENTS, FLOOD PROTECTION, PAGE 4-15

The text of the last sentence of the last paragraph on page 4-15 is hereby modified as follows:

However, as noted by the Contra Costa County Flood Control and Water Conservation District, the WPCP may be exposed to flows from overtopping of ~~the~~ Pinole Creek ~~levee~~.

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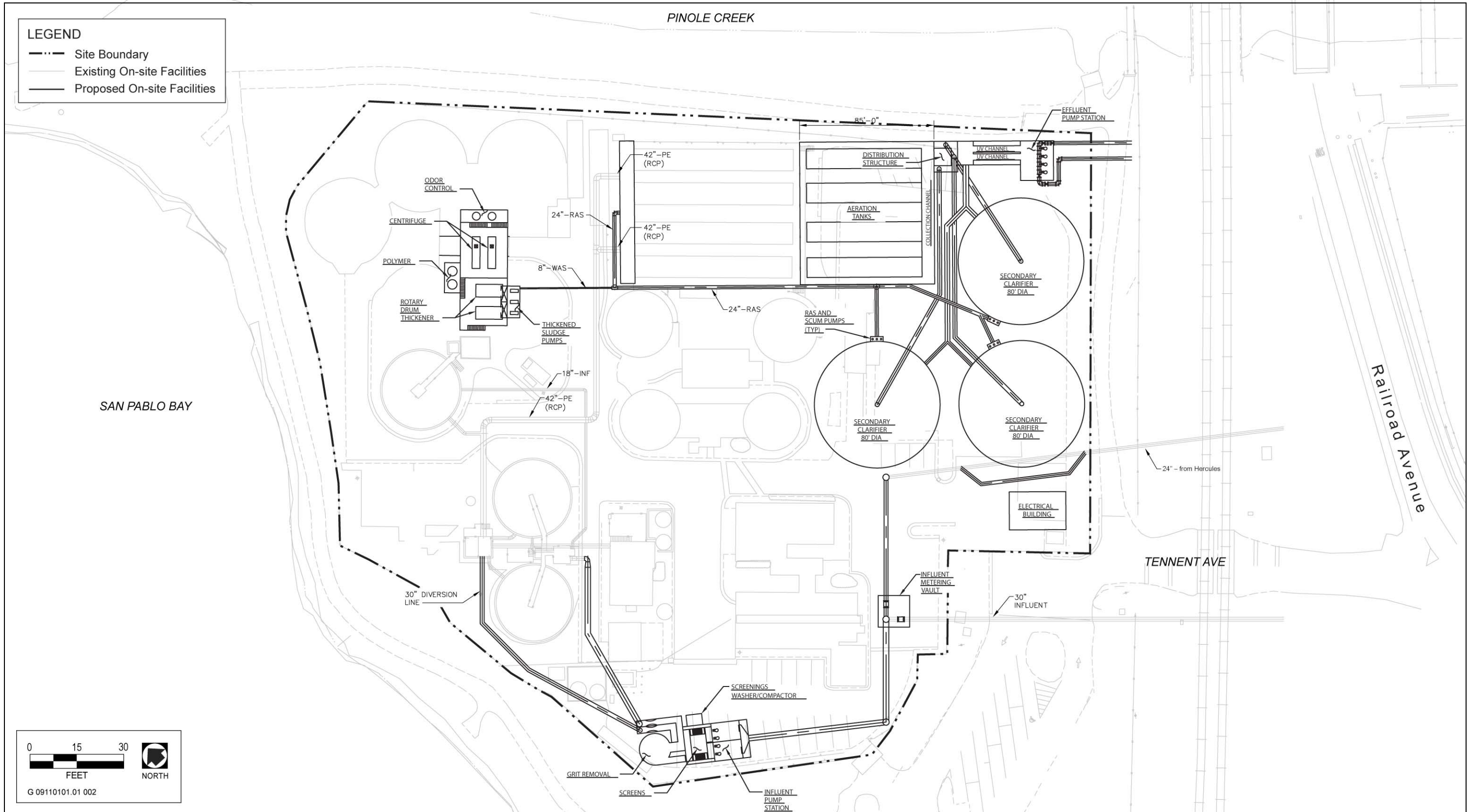
Source: Dodson-Psomas 2009

**Layout of the Existing Pinole-Hercules WPCP Facility**

**Exhibit 2-2**





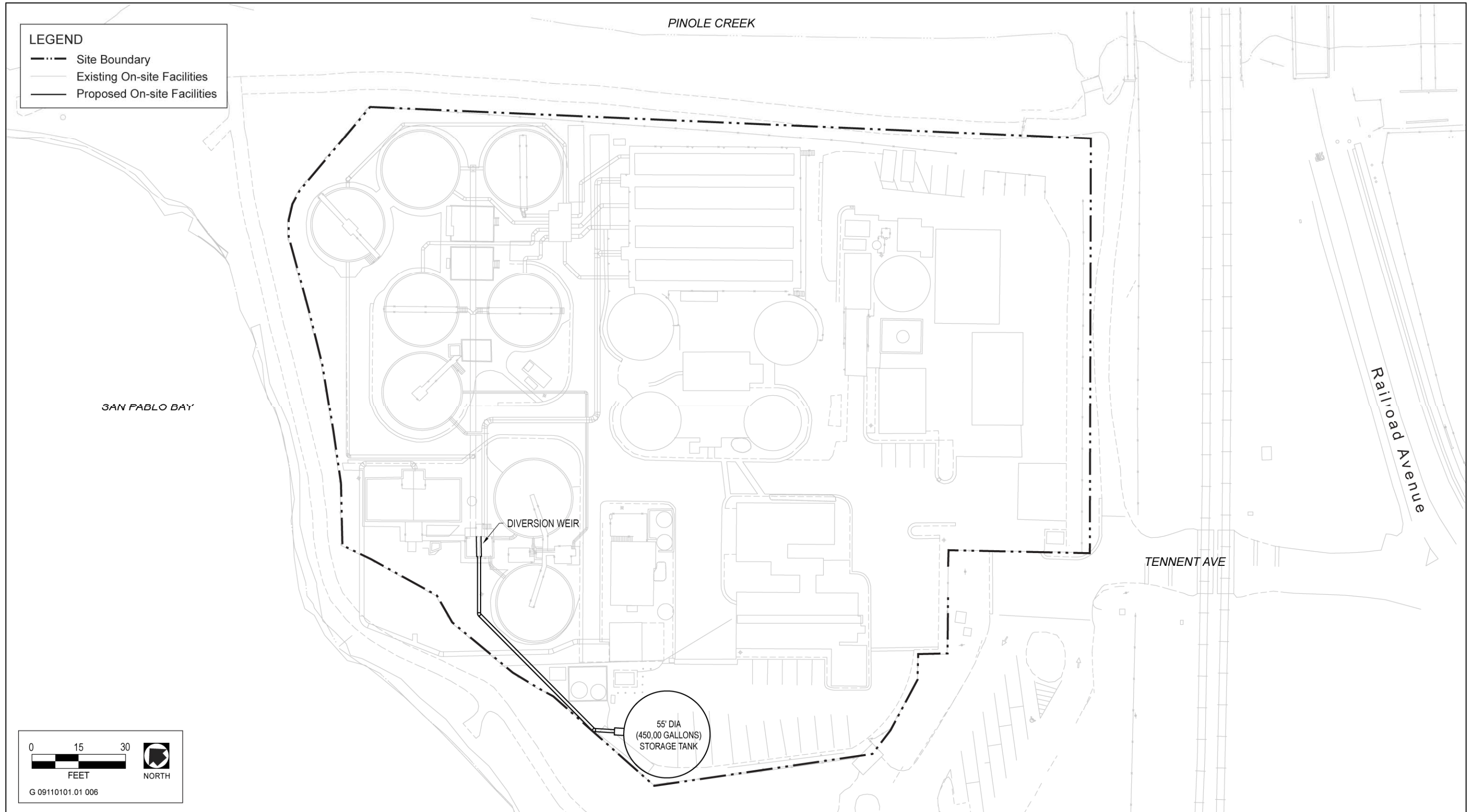


Source: Dodson-Psomas 2009

**Proposed Pinole-Hercules WPCP Facility Improvements—Option 1**

**Exhibit 2-4**





Source: Dodson-Psomas 2009

**Proposed WPCP Facility Improvements—Option 2**

**Exhibit 2-6**

## 4 REFERENCES

- Goetz, F. A., J. J. Dawson, T. Shaw, and J. Dillon. 2001. Evaluation of low-frequency sound transducers for guiding salmon smolts away from a navigation lock. Pages 91–114 in C. C. Coutant (ed). Behavioral technologies for fish guidance. *American Fisheries Society, Symposium 26*. Bethesda, MD.
- Knudsen, F. R., P. S. Enger, and O. Sand. 1992. Awareness Reactions and Avoidance Responses to Sound in Juvenile Atlantic Salmon, *Salmo salar*. *J Fish Biol.* 40:523–534.
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- Ploskey, G. R., and P. N. Johnson. 2001. Effectiveness of Strobe Lights and an Infrasound Device for Eliciting Avoidance by Juvenile Salmon. Pages 37–56 in C. C. Coutant (ed). Behavioral technologies for fish guidance. *American Fisheries Society, Symposium 26*. Bethesda, MD.
- VanDerwalker, J. G. 1967. Response of salmonids to low-frequency sound. Pages 45–58 in W.N. Tavolga (ed). *Proceedings of the Second Symposium on Marine Bio-Acoustics* Volume 2. Pergamon Press. New York, NY.

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