APPENDIX B

Scoping Comments

-----Original Message-----
From: Drew Simpkin [mailto:SimpkiD@slc.ca.gov]
Sent: Monday, September 21, 2009 12:30 PM
To: Dean Allison
Subject: SHC#2009092024 San Pablo Bay

Mr. Allison,
I am with the California State Lands Commission and am reviewing the Pinole-Hercules Water Pollution Plant Improvement Project for possible State Lands interest. After reviewing the proposed project I have determined that the existing outfall at Rodeo Sanitary District has an associated lease (PRC 5398) and was issued in 1977. The NOP also mentions an existing shallow water outfall that will abandoned. Is this shallow outfall also located at the Rodeo location? Would it be possible to obtain a schematic of this outfall? Any materials you might
have in describing where this outfall is would be most helpful.

Materials can be sent electronically via email or mailed to me directly at:

California State Lands Commission
Attn: Drew Simpkin
100 Howe Ave Suite 100 South
Sacramento, CA 95825-8202

Thank you,

Drew Simpkin
Public Land Management Specialist
California State Lands Commission
(916) 574-2275
simpkid@slc.ca.gov

* * * In response to the Governor's Executive Order S-13-09, the Commission's offices will be closed the first three Fridays of each month beginning July 10, 2009 and ending June 30, 2010. * * *

From: Jeffrey Wisniewski [mailto:jeff3w@gmail.com]
Sent: Thu 9/24/2009 10:18 AM
To: Dean Allison
Subject: Wastewater Improvement Project Draft EIR

Mr. Allison-

I have two comments on the NOP for the Draft EIR:

(1) The proposed pipeline route outlined for Option 2 runs mostly along San Pablo Avenue. A second route, potentially more advantageous with regards to long-term costs of pumping, etc., should be considered, e.g., along the UPRR rail line which is much more flat along its length, which would require a lot less pumping, in addition to not requiring major infrastructure improvements (and re-improvements) along a major arterial route (San Pablo Avenue) for a substantial length of time.

(2) As required by CEQA, and as stated in the NOP, the EIR will include four alternatives (including a "No Project" alternative), although the alternatives will not be evaluated "at the same level of detail as the proposed project." Alternative 3 -- All Flows to West County Wastewater District Facilities -- should be upgraded to a preferred option, and studied thoroughly. This would be the best alternative in the long run. The potential for redevelopment of the existing Pinole wastewater treatment facility, and the value of such property (which would include transit-oriented development), must be considered when deciding on the long-term objectives for the project. Upgrading the plant (either preferred Options 1 or 2) are short-sighted as they will stunt the future growth of Pinole, and in the case of Option 1, Hercules. Alternative 3 -- All Flows to WCWD -- should be evaluated as a third preferred option in the Draft EIR.

Please let me know if you have any questions, or need any additional information, on my comments. I would appreciate if my comments were read into the record at tonight's scoping meeting in the case that I am unavailable to attend.

Thank you.
-Jeff

Jeffrey Wisniewski
1102 Avocet Drive
Hercules
510-724-6211

Contra Costa County
Flood Control
& Water Conservation District

Julia R. Bueren,
ex officio Chief Engineer
R. Mitch Avalon,
Deputy Chief Engineer

October 5, 2009

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

RECEIVED
OCT 13 2009
CITY OF PINOLE
PUBLIC WORKS DEPT.

RE: Pinole-Hercules Water Pollution Control Plant Improvement Project
Our Files: 93-69 & 4009-00

Dear Mr. Allison:

We have reviewed the Notice of Preparation (NOP) for the Pinole-Hercules Water Pollution Control Plant (WPCP) Improvement Project Draft Environmental Impact Report (DEIR), which we received on September 10, 2009, and submit the following comments:

General Project Comments

1. The proposed option 1 is located in Drainage Areas 69 and 112, unformed drainage areas. Therefore, there are no drainage area fees due at this time.

2. The proposed option 2 is located in unformed Drainage Areas 19, 69, 111, 112, and 127, and formed Drainage Areas 19A and 73. For Drainage Areas 19A and 73, drainage fees are due in accordance with Flood Control Ordinance Number 89-24 and 88-68, respectively, if new impervious surface is proposed.

3. The Contra Costa County Flood Control & Water Conservation District (FC District) has plans to improve both Pinole Creek and San Pablo Creek. The pipeline should cross below the invert of these creeks either by the method of jacked and bored or open trenched. However, if a pipe bridge is necessary, the soffit of the bridge should be above the 100-year water surface level plus 2 feet of freeboard, the abutment should be out of the FC District right of way, and the bridge may not restrict our maintenance access. Please contact the FC District to coordinate the design of proposed pipeline within the FC District right of way.

4. The DEIR should discuss potential environmental impacts from the construction of the proposed facilities for both options.

Hydrology

1. Option 1 requires crossing Pinole Creek, and Option 2 requires crossing four creeks (Pinole Creek, Garrity Creek, Rheem Creek, and San Pablo Creek). The DEIR Hydrology Section should discuss the construction methods, environmental impacts, and mitigations for all pipeline creek crossings.

2. We request that the DEIR provide a map of the watersheds where the project is located, including watershed boundaries, and also identifying FC District right of way.

3. In the Hydrology Section, please identify and show all existing watercourses, tributaries, and man-made drainage facilities, within the project site and that which could be impacted by this project. The discussion should include an analysis of the capacity of the existing watercourses and additional runoff from the upgrading of WPCP and the proposed corporation yard. Please discuss any proposed on-site and off-site drainage improvements, and include maps or drawings for the improvements.

4. The Hydrology Section should quantify the amount of runoff that would be generated by the project and discuss how the runoff entering and originating from the site would be distributed between the natural watercourses and the man-made drainage facilities.

5. If improvements or work within the natural watercourses are proposed, the DEIR should discuss the scope of improvements. This should include any plans to work within the four creeks during the construction of the pipeline.

6. We recommend that the DEIR address the design and construction of storm drain facilities to adequately collect and convey stormwater entering or originating within the WPCP and corporation yard to the nearest adequate man-made drainage facility or natural watercourse, without diversion of the watershed, per Title 9 of the County Ordinance Code.

7. The DEIR should discuss how the project will comply with the current NPDES (National Pollutant Discharge Elimination System) requirements under the City's Stormwater Management and Discharge Control Ordinances and the C.3 Guidebook.

Regulatory Permits

1. We recommend that the DEIR request the appropriate environmental regulatory agencies, such as the U.S. Army Corps of Engineers, the State Department of Fish and Game and the State Regional Water Quality Control Board, to explore the permits, special conditions, and mitigation that may be necessary for this project.

2. The DEIR should discuss mitigation measures required by the above-mentioned agencies that may be necessary and that would impact any of the creeks under the FC District's jurisdiction. Any mitigation measures (i.e., tree planting) within Pinole Creek and San Pablo Creek will require a separate Flood Control Permit and a County Drainage Permit for any planting within Rheem Creek or Garrity Creek.

3. The DEIR should also say that a Flood Control Permit is required for the construction of the proposed pipeline along and crossing Pinole Creek, outfall into Pine Creek (should Alternative 1 and 2 be considered in the future), and pipeline crossing San Pablo Creek within the FC District right of way, and/or a County Drainage permit for the construction of the proposed pipeline crossing Garrity Creek within the incorporated County.

Right of Way Transactions

1. The DEIR should discuss any right of way transactions (easements or license agreement for the pipeline along and across Pinole Creek and San Pablo Creek, within FC District right of way).

2. We will require payment for the right of way costs (i.e., easement and license agreement), if the proposed force main will be along Pinole Creek within the FC District right of way. The estimated cost for the review and process of a license agreement or easement, along with coordination and inspections, is approximately $100,000.

Conclusion

1. Option 1 is the FC District's preferred alternative, with the least impacts to natural water courses. Option 1 requires crossing only Pinole Creek. Option 2 involves transporting wastewater generated by the City of Hercules to the West County Wastewater District, which requires crossing three additional creeks, Garrity Creek, Rheem Creek, and San Pablo Creek. All four creeks currently do not have capacity to accommodate a 100-year event.

2. Our main concern with Option 1 is the pipeline crossing at Pinole Creek. It is unclear how the proposed pipeline will be crossing the creek. The FC District is planning to restore riparian habitat and flood capacity to Pinole Creek, and therefore we prefer the pipeline to cross this creek below the invert of the creek.

3. The existing Railroad Avenue bridge across Pinole Creek, within the Union Pacific Railroad right of way, has been identified as one of the largest impediments to flood capacity in the creek. The cities should consider replacing the existing Railroad Avenue pipe bridge with an underground pipeline, along this new pipe crossing. You may contact us for hydraulic information on Pinole Creek.

4. The FC District should be included in the review of all drainage facilities that have a region-wide benefit, that impact region-wide facilities, or that impact FC District-owned facilities (Pinole Creek and San Pablo Creek). The FC District is available to provide technical assistance during the development of the DEIR, including hydrology and hydraulic information and our HYDRO6 method, under our Fee-for-Service program.

We appreciate the opportunity to comment on the NOP submittal and welcome continued coordination. We look forward to reviewing an Administrative Draft EIR (ADEIR), which should address our comments. If you should have any questions, please call me at (925) 313-2179 or e-mail me at jkao@pw.cccounty.us; alternately, you may contact Teri Rie at (925) 313-2363 or trie@pw.cccounty.us.

Sincerely,

Jane Y. Kao
Staff Engineer
Contra Costa County Flood Control
& Water Conservation District

JK:cw
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c: G. Connaughton, Flood Control
P. Detjens, Flood Control
T. Jensen, Flood Control
T. Rie, Flood Control
C. Roner, Flood Control

Contra Costa County
Public Works
Department

Julia R. Bueren, Director
Deputy Directors
R. Mitch Avalon • Brian M. Balbas
Stephen Kowalewski • Patricia McNamee

October 8, 2009

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

Re: NOP – Pinole-Hercules Water Pollution Control Plan Improvement Project

Dear Mr. Allison:

The **Transportation Engineering Division** of the Contra Costa County Public Works Department has the following comments on the NOP for the Draft Environmental Report (DEIR) for the proposed Water Pollution Control Plant Improvement Project proposed in *West County.*

1. We recommend that the DEIR provide a complete description of easements, franchise agreements, or encroachment permits. The document should indicate that Encroachment Permits from the County's Application and Permit Center will be required for any work proposed within the County Right of Way, and requests for permanent or temporary easements within the County owned property/right-of-way, or franchise agreements, if necessary, shall be coordinated with the Contra Costa County Public Works Department, Real Property Division.

2. Construction of the force main for both Option 1 and Option 2 will take place along County roads. Prior to the start of construction, a Traffic Control Plan (including any temporary lane closure, flagging, haul routes, detour plans, etc.) would be required to be submitted to the Contra Costa County Public Works Department for review and approval. The document must address the impacts of any lane closure.

3. Include a section which will list the portions of County roads where the force main will be constructed, and indentify all temporary and future impacts to County roads as a result of construction of the force main, since a significant portion of the force main will occur in unincorporated Contra Costa County. These impacts must include existing utilities as well as future potential utility projects.

4. A mitigation requirement should be identified in the report to describe a process where a pre-project survey of haul route(s) is conducted, thereafter damaged or deteriorated pavement resulting from the project truck traffic is identified on the haul route(s), and measures are implemented to bring the pavement back to pre-project conditions by the project sponsor at their own cost.

5. A **Transportation/Traffic Impacts** section should be included with a description of the proposed Traffic Control Plan (TCP) that will be submitted to Contra Costa County Public Works for work performed inside County roads. A haul route (or routes) should be detailed and approved by the local jurisdictions with the TCP.

6. The document should include a discussion about providing continuous pedestrian access during construction, especially for all routes to schools impacted by this project.

7. A preliminary Strom Water Control Plan (SWCP) should be included with this project if the project creates or replaces over 10,000 square feet of impervious surface.

8. The document should include proposed cross-sections of the installation of the force main along County roads. The cross-sections should detail the location of the trench for the proposed force main to be installed inside County right-of-way, and identify potential utility conflicts as well as proposed mitigation.

9. The applicant should address the impact of the project on any future road projects in unincorporated Contra Costa County. The applicant should coordinate with this office by providing more detailed exhibits of the force main location, so that we may identify on any future road widening, alignment improvements, bike lanes, etc. in the vicinity of the project.

10. The EIR should document the change in staffing that would result from the proposed project and analyze the trip generation impacts of this change, presumably an increase. The West Contra Costa Action Plan contains the standards with which any impact should be measured against. The Contra Costa Transportation Authority Technical Procedures should be followed in the traffic analysis.

11. Along San Pablo Avenue there is a proposed Class I facility (Sycamore Avenue to Hercules Ave) and a proposed Class II facility (Hercules Avenue to Tennant Avenue). At a minimum the project should not compromise the eventual implementation of these plans. If feasible, the project proponent should work with the cities of Hercules and Pinole to implement these plans as a part of the proposed project. The aforementioned section of roadway is also a part of the

Bay Trail. The project sponsor should contact the Association of Bay Area Governments to ensure this Bay Trail link is not compromised.

We appreciate the opportunity to comment on the NOP submittal and look forward to reviewing the next submittal. Please feel free to contact me at (925) 313-2308 if you have any questions.

Sincerely,

Rene Urbina
Staff Engineer
Transportation Engineering

RU: jcw
G:\transeng\2009\correspondence\CITY OF PINOLE - RESPONSE NOP
Cc: Lee Huo, ABAG
Mary Halle
Monish Sen
Jane Y. Kao

From: Jane Kao [mailto:jkao@pw.cccounty.us]
Sent: Monday, November 09, 2009 6:02 PM
To: Dean Allison
Cc: Tim Jensen; Teri Rie; Greg Connaughton
Subject: Pinole-Hercules Water Pollution Control Plant

Mr. Allison,

On October 5, 2009, we commented on the Pinole-Hercules Water Pollution Control Plant Improvement project (file # 97-69 & 4009-00). We have additional information regarding Pinole Creek that you may want to consider. 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. Although not required, you may also want to consider providing flood protection in compliance with FEMA criteria for non-residential buildings within a floodplain.

Please feel free to call if you have any questions or if we can provide any information for your use.

Thanks,

Jane Y. Kao

Flood Control Logo-hoz Med

255 Glacier Drive

Martinez, CA 94553

* EMAIL: jkao@pw.cccounty.us <mailto:jkao@pw.cccounty.us>

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ANA → ER FOR PLANT

DEPARTMENT OF TRANSPORTATION
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TTY 711

Flex your power!
Be energy efficient!

October 14, 2009

CCGEN022
SCH#2009092024

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

Dear Mr. Allison:

Pinole-Hercules Water Pollution Control Plant Improvement Project – Notice of Preparation

Thank you for including the California Department of Transportation (Department) in the environmental review process for the Pinole-Hercules Water Pollution Control Plant Improvement project. The following comments are based on the Notice of Preparation.

Encroachment Permit
Any work or traffic control within the State Right-of-Way (ROW) requires an encroachment permit that is issued by the Department. Traffic-related mitigation measures will be incorporated into the construction plans during the encroachment permit process. See the following website link for more information: http://www.dot.ca.gov/hq/traffops/developserv/permits/

To apply for an encroachment permit, submit a completed encroachment permit application, environmental documentation, and five (5) sets of plans which clearly indicate State ROW to the address at the top of this letterhead, marked ATTN: Michael Condie, Mail Stop #5E.

Should you have any questions regarding this letter, please call Yatman Kwan of my staff at (510) 622-1670.

Sincerely,

Lisa Carboni

LISA CARBONI
District Branch Chief
Local Development - Intergovernmental Review

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OCT 26 2009
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c: State Clearinghouse