

6.3 Local and Regional Agencies

6.3 Local and Regional Agencies

**TABLE 6.3-1
LOCAL AND REGIONAL AGENCIES THAT SUBMITTED COMMENTS ON THE DRAFT EIS/EIR**

| Comment Format | Comment ID | Name of Commenter | Title | Organization/Affiliation |
|-----------------------|-------------------|--|--|--|
| Email | L_ACWD | Paul Piraino | General Manager | Alameda County Water District |
| Email | L_CCCDCD | John Cunningham | Senior Transportation Planner | Contra Costa County, Department of Conservation and Development |
| Email | L_CCCFC | Tim Jensen | Senior Civil Engineer | Contra Costa County, Flood Control and Water Conservation District |
| Email | L_CCCPW | Julia R. Bueren | Public Works Director | Contra Costa County, Public Works Department |
| Public Hearing | L_CCCSD1 | Ann E. Farrell | Director of Engineering | Central Contra Costa Sanitary District |
| Courier | L_CCCSD2 | Ann E. Farrell | Director of Engineering | Central Contra Costa Sanitary District |
| Fax | L_DDSD | Gary W. Darling | General Manager | Delta Diablo Sanitation District |
| Mail | L_DSRS | David A. Requa | Assistant General Manager/District Engineer | Dublin San Ramon Services District |
| Email | L_EBMUD | Alexander R. Coate | Director of Water and Natural Resources | East Bay Municipal Utility District |
| Email | L_EBRPD1 | Brad Olson | Environmental Programs Manager | East Bay Regional Park District |
| Mail | L_EBRPD2 | Kristin B. Burford and Matthew D. Zinn | Shute, Mihaly & Weinberger LLP | East Bay Regional Park District |
| Email | L_ECCCHC | John Kopchik | Executive Director | East Contra Costa County Habitat Conservancy |
| Email | L_RCRA | Craig K. Murray | Development Project Manager II | Richmond Community Redevelopment Agency |
| Mail | L_RD800 | Jeffrey D. Conway | District Manager | Reclamation District 800 |
| Email | L_SCVWD | Sandy Oblonsky | Assistant Officer, Office of Water Utility Enterprise Planning | Santa Clara Valley Water District |
| Email | L_SRCSD | Stan R. Dean | District Manager | Sacramento Regional County Sanitation District |
| Email | L_SWC | Terry L. Erlewine | General Manager | State Water Contractors |
| Email | L_Zone 7 | G.F. Duerig | General Manager | Zone 7 Water Agency |



43885 SOUTH GRIMMER BOULEVARD • P.O. BOX 5110, FREMONT, CALIFORNIA 94537-5110
(510) 668-4200 • FAX (510) 770-1793 • www.acwd.org

April 21, 2009

Marguerite Naillon
Contra Costa Water District
P.O. Box H2O
Concord, CA 94524

Louis Moore
Bureau of Reclamation
2800 Cottage Way
MP-700
Sacramento, CA 95825



Dear Ms. Naillon and Mr. Moore:

Subject: ACWD Comments on Draft EIR/EIS for the Los Vaqueros Expansion Project

Thank you for the opportunity to comment on the Draft EIR/EIS for the Los Vaqueros Reservoir Expansion Project EIR/EIS. As you know, Alameda County Water District (ACWD or District) relies on deliveries of State Water Project (SWP) supplies via the South Bay Aqueduct (SBA) to deliver up to 42,000 acre-feet per year to our service area in southern Alameda County. This water is treated at our water treatment plants prior to distribution for potable use. In addition, a portion of our SWP supply is also used for local groundwater recharge operations. On average, the SWP provides approximately 40% of the District's total annual water supply. ACWD also utilizes local runoff from the Alameda Creek Watershed for approximately 40% of our supply, and water purchased from the San Francisco Regional Water System makes up the balance (or approximately 20%) of the District's supplies.

As documented in the Draft EIR/EIS, a key component of the Proposed Action/Project ("ELV Project") is a connection between the Los Vaqueros Reservoir and the SWP's Bethany Reservoir on the California Aqueduct. The Draft EIR/EIS states that, under this alternative (Alternative No. 1), the connection to Bethany Reservoir would be utilized to deliver water from the ELV Project to Bay Area water users, specifically ACWD, Santa Clara Valley Water District (SCVWD) and Zone 7 Water Agency (Zone 7), collectively the South Bay Aqueduct Contractors ("SBA Contractors"). Also, as described in the Draft EIR/EIS, the ELV Project would provide improved water supply reliability benefits including: 1) "Delta Supply Restoration", in which water stored at the ELV Project would be used to partially offset the loss in the SBA Contractors' supply reliability as a result of recent Delta export pumping restrictions; 2) dry year storage benefits, in which additional storage at the ELV Project could



Ms. Naillon and Mr. Moore
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be used to increase the amount of dry year supply for SBA Contractors; and 3) emergency storage benefits, in which stored water in the ELV Project may be available to Bay Area agencies, including ACWD, in the event of a water supply emergency.

The Draft EIR/EIS also describes the environmental benefits of diverting a major portion of the SBA Contractors' Delta supplies through the ELV Project, rather than through the existing SWP and CVP Delta export facilities. As described in the Draft EIR/EIS, these benefits include: 1) improved fish screening, in which these Delta supplies would be diverted through state-of-the-art fish screens, rather than the currently unscreened diversions of the SWP/CVP pumping facilities; 2) a "No Diversion" period in which ELV Project diversions (including diversions for the SBA Contractors) could be reduced or eliminated during periods when fish are most sensitive to diversion operations; and 3) the use of multiple ELV Project Delta intake locations to improve flexibility to respond to Delta fisheries needs.

Given the importance of the SWP supplies and the South Bay Aqueduct (SBA) in delivering SWP supplies to ACWD, and given that the ELV Project would introduce water from a new source (i.e. the expanded Los Vaqueros Reservoir) into the SBA and Alameda Creek Watershed, ACWD's concerns are primarily relate to potential impacts that the project may have on these existing sources of supply. Comments on the Draft EIR/EIS are provided below:

1. Source of supply for "Delta Supply Restoration" water: The Draft EIR/EIS quantifies the potential supply reliability benefits of providing water labeled as "Delta Supply Restoration" water. However, no description of the source of this water is provided in the Draft EIR/EIS. It is not clear if the source of this water is through transfers, purchases, Delta excess flows, or another source. It is also not clear whether this water will be obtained under CCWD's water rights, SWP water rights, CVP water rights, or another source. Because the description of the source of the reliability water is overly vague, and because of the lack of information regarding this water source, reviewers are unable to determine 1) how realistic it will be to actually acquire this water supply (and provide the water supply benefits as described in the Draft EIR/EIS), and 2) the potential environmental impacts of acquiring this supply, including potential impacts on SWP reliability and water supplies. The EIR/EIS should provide a complete description of the source (or sources) of this supply, and evaluate potential impacts, if any, of diverting this additional amount of water from the Delta. 1
2. Delivery of State Water Project Supplies and South Bay Aqueduct Operations: ACWD currently coordinates with the Department of Water Resources (DWR) for the delivery (timing and quantity) of the District's SWP supplies. These SWP supplies may be delivered directly to the District service area (via the South Bay Aqueduct), stored in San Luis Reservoir, or delivered to Semitropic Groundwater Banking Program for storage. In addition, in certain years, ACWD may recover water stored at Semitropic through exchanges with SWP supplies that otherwise would have been delivered to Kern County or southern California. Similarly, in certain years ACWD may recover water stored in San Luis Reservoir through exchanges with SWP supplies that otherwise would have been delivered to SWP Contractors downstream of San Luis Reservoir. In 2

addition, ACWD may periodically participate in a drought water bank, or other purchase of non-SWP supplies. Under current conditions, ACWD will coordinate with the DWR to convey this purchase water through the SWP facilities to the ACWD service area.

The Draft EIR/EIS does not adequately evaluate potential impacts, if any, that the ELV Project may have on these deliveries (as described above) and associated SWP operations that are critical for the management of ACWD's SWP supplies. At a minimum, EIR/EIS should evaluate the potential impacts on these deliveries (as compared with existing conditions), including timing, delivery rates and capacity constraints, environmental or institutional constraints, pumping and/or energy costs, facility requirements, and operations and maintenance requirements. The evaluation should include any potential effects that the Project may have on the daily, monthly and annual delivery capacities.

2 Cont.

3. Del Valle Reservoir: The Del Valle Reservoir is part of the State Water Project and operates as a regulatory reservoir for the operation of the South Bay Aqueduct. During some periods of the year water from the SBA is stored in Del Valle Reservoir for later release back into the SBA. In addition, Del Valle also provides storage for ACWD and Zone 7 for local supplies. The Draft EIR/EIS does not provide an evaluation of potential impacts, if any, on Del Valle Reservoir. The EIR/EIS should address potential impacts that the ELV Project may have on existing and planned SWP operations at Del Valle Reservoir, as well as any potential effects of the Project on ACWD's and Zone 7's use of the reservoir for storage of local runoff from the Del Valle watershed.

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4. Water quality and treatment: The EIR/EIS should evaluate potential impacts, if any, to water quality in the South Bay Aqueduct as a result of the Project. Constituents to be evaluated should include: bromide, TOC, TDS, turbidity, pH, dissolved oxygen, taste and odor, algae, alkalinity, and temperature. This evaluation should include seasonal changes, as well as changes under a wide range of hydrologic conditions (i.e. critical, dry, below normal, above normal and wet conditions). The EIR/EIS should evaluate the effects that the changed SBA water quality may have on our ability to treat water from the SBA at each of our water treatment plants. Any potential changes in treated water quality, production capacity, and/or treatment costs as a result of the Project should be evaluated. Both ACWD and Zone 7 have conducted preliminary assessments of the Project in terms of impacts to treatment costs at their treatment plants. These assessments were previously transmitted to CCWD and should be considered in the EIR/EIS evaluation.

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5. Aquatic species and habitat: Currently, water from the SBA is introduced into the Alameda Creek Watershed from a variety of mechanisms, including SBA releases to Del Valle Reservoir and releases into Alameda Creek above Niles Canyon (via the Vallecitos Turnout) for ACWD's groundwater percolation program. Given that the ELV Project would introduce a new source of supply into the SBA, the EIR/EIS should evaluate potential impacts, if any, that this new source may have on habitat and aquatic

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Ms. Naillon and Mr. Moore
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species in local watersheds. This evaluation should include the potential introduction of invasive and/or predatory species that currently are not found in the Alameda Creek Watershed.

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5 Cont.

Thank you again for the opportunity to comment on the Draft EIR/EIS for the Los Vaqueros Reservoir Expansion Project. We appreciate the effort that ELV Project staff has taken to coordinate with ACWD, and look forward to continue working with CCWD and the USBR on this project.

Sincerely,

A handwritten signature in blue ink that reads "Paul Piraino" with a circled "PM" at the end.

Paul Piraino
General Manager

cc: Jill Duerig, Zone 7 Water Agency
Sharon Judkins, Santa Clara Valley Water District



----- Forwarded Message

From: Los Vaqueros <lvstudies@hotmail.com>

Date: Tue, 21 Apr 2009 15:14:21 -0700

To: Andrea Nocito <a.nocito@circlepoint.com>

Conversation: Comments - CALFED Los Vaqueros Reservoir Expansion Studies Website

Subject: FW: Comments - CALFED Los Vaqueros Reservoir Expansion Studies Website

> From: jcunn@cd.cccounty.us

> To: LVStudies@hotmail.com

> Subject: Comments - CALFED Los Vaqueros Reservoir Expansion Studies Website

> Date: Tue, 21 Apr 2009 18:13:55 -0400

> SENDER'S NAME: John Cunningham

> SENDER'S EMAIL: jcunn@cd.cccounty.us

> SENDER'S ADDRESS: 651 Pine Street Martinez CA 94553

> SENDER'S PHONE #: (925) 335-1243

> COMMENTS:

> Ms. Naillon, Mr. Moore:

>

> Thank you for the opportunity to comment on the subject project.

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> Recreation

> The EIR indicates a number of recreational facilities will be inundated as a result of the project which significantly reduces/degrades recreational opportunities. The EIR goes on to state that these facilities will be relocated and/or replaced as a part of the project. However, the significant impact of the loss of recreational opportunities and the suggested/summarized mitigation measure (Pg. 4.15-9 "All existing recreation facilities that would be affected by the project would either be relocated or replaced with a new facility in the watershed") is not documented in the Summary of Impacts (Pg. 4.15-8). The impact to facilities should be fully disclosed in the Summary of Impacts and the mitigation measure should be listed, in detail, as well in order to facilitate a complete review of the impacts of the project. Considering the information found in section 4.2 related to growth inducing effects the project might remove an obstacle to growth by improving the reliability of water supply..."), recreational facilities should be replaced at a greater than 1:1 rate.

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> Transportation/Circulation

> There is conflicting information regarding the use of fill or excavated soil (Pg. 4.9-9 indicates 25% of excavated soil would leave the site. Pg. 4.9-13 indicates onsite use or distribution of excavated material would occur at or near the project site. Please clarify this discrepancy. If soil is to be transported offsite, details on the final destination, route of the trucks and number of trucks must be disclosed in order to fully disclose the impact of the project.

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> The EIR indicates that construction related traffic would be distributed to the various access points to the project site. This should not be assumed. A geographic distribution of trips should be added to the temporal distribution described in Mitigation Measure 4.9.1b in order to ensure that the construction related traffic does not overwhelm the rural roadways in the project vicinity.

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> Sincerely,

>

> - John

> _____

> John Cunningham

> Senior Transportation Planner

> Department of Conservation and Development

> 651 Pine St, 4th Floor - North Wing

> Martinez, CA 94553

> (925) 335-1243

> jcunn@cd.cccounty.us

>

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

From: Los Vaqueros [<mailto:lvstudies@hotmail.com>]

Sent: Tue 4/21/2009 5:07 PM

To: Andrea Nocito

Subject: FW: Contra Costa County Flood Control comments on the Los Vaqueros Reservoir Expansion Project

Subject: Contra Costa County Flood Control comments on the Los Vaqueros Reservoir Expansion Project

Date: Tue, 21 Apr 2009 17:00:33 -0700

From: jhern@pw.cccounty.us

To: gconn@pw.cccounty.us; lvstudies@hotmail.com

CC: wmoore@mp.usbr.gov; rlier@pw.cccounty.us; tjens@pw.cccounty.us; trie@pw.cccounty.us

Ms. Naillon,

I have attached the Flood Control District comments on the proposed Los Vaqueros Reservoir Expansion Project. You should also receive a hard copy of our comments through regular mail by April 24, 2009.

We appreciate the opportunity to review plans involving Flood Control District drainage facilities and welcome continued coordination. If you have any questions please contact me via e-mail at jhern@pw.cccounty.us or phone at (925) 313-2304; alternatively, you can reach Teri Rie at trie@pw.cccounty.us or (925) 313-2363.

Truly yours,

Jorge Hernandez
Staff Engineer



cid:image001.jpg@01C868A1.23734780 <http://gfx1.hotmail.com/mail/w3/ltr/i_safe.gif>

255 Glacier Drive

Martinez, CA 94553-4897

Phone: (925) 313-2304

Fax: (925) 313-2333

A Division of the Public Works Department



April 21, 2009



Marguerite Naillon
Contra Costa Water District (CCWD)
P.O. Box H2O
Concord, CA 94524

Our File: 97-109

RE: Los Vaqueros Reservoir Expansion DEIS/DEIR

Dear Ms. Naillon:

We have reviewed the Draft Environmental Impact Statement / Environmental Impact Report (DEIR) for CCWD's Los Vaqueros Reservoir Expansion Project, which we received on February 24, 2009. The project is located southwest of the town of Byron and east of the Morgan Territory Regional Park.

The Contra Costa County Flood Control & Water Conservation District's (FC District's) main concern regarding this project is its impacts on Kellogg Creek and increased flood risk to the communities of Byron and Discovery Bay. Specifically, the DEIR does not adequately address the increases in storm runoff being directed into Kellogg Creek during construction of the project, during an emergency drawdown, and during a storm event when the reservoir is at capacity. It also does not address recent State legislation requiring the provision of 200-year level of flood protection for Delta communities. Prior to publishing the Final Environmental Impact Report (EIR), CCWD needs to address how mitigation will be provided to the satisfaction of the FC District and the downstream communities. We submit the following comments for your consideration:

Chapter ES.5 Issues of Known Controversy and Issues to be Resolved

Executive Summary (page ES-31)

1. This section of the DEIR should include a discussion regarding the inadequate flood capacity of Kellogg Creek and the requests from the nearby communities of Byron and Discovery Bay for CCWD to explore alternatives to lessen the risk of flooding to their residents.

Chapter 2.1 Existing Los Vaqueros Reservoir

Project Background (page 2-1)

2. This section of the DEIR states that the existing reservoir provides flood control benefits on Kellogg Creek, but the benefits are not quantified. Does the reservoir provide protection for a 10, 50, or 100-year storm event? What level of flood protection is provided when the reservoir is at capacity?

Chapter 3.5.1 Los Vaqueros Reservoir Expansion / Dam Modification

Appurtenant Facilities — Inlet / Outlet Works (pages 3-49 and 3-50)

3. This section of the DEIR states that the potential emergency drawdown flows directed into Kellogg Creek will increase, as a result of this project, from 1,140-cubic-feet-per-second (cfs) to 1,500-cfs for at least a ten day period. The EIR should state that this flow will exceed the capacity of Kellogg Creek and lead to area-wide flooding, which is a potentially significant impact.

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Chapter 3.7 Permits and Approvals Needed for Alternatives

State and Local Decision Processes and Local Permits (pages 3-91 and 3-93)

4. The DEIR discusses construction of a temporary bridge across Kellogg Creek to access a borrow site along Walnut Boulevard as well as construction of conveyance pipelines across Kellogg Creek, Brushy Creek, and many other unnamed drainage facilities. These activities require a permit under the County's 1010 Drainage Ordinance. The need for this permit should be discussed in Section 3.7.1 and listed on Table 3-8.

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Chapter 4.5.1 Affected Environment

Regulatory Setting — FC District (page 4.5-6)

5. This section states that the FC District or "...FCWCD, is empowered to control flooding and storm water..." This should be revised to more accurately state that the FC District works with local communities to provide flood protection and stormwater management for their residents.
6. This section should also state that the proposed reservoir and transfer facility expansions are located within Drainage Area 109 (DA 109), for which a drainage fee is due in accordance with Flood Control Ordinance Number 94-75. The ordinance finds that new developments, with the associated increases in impervious surface, can have adverse effects on regional drainage systems, requiring those systems to be upgraded and maintained. The ordinance requires the collection of fees based on square footage of new created impervious area to address these effects. By ordinance, all building permits issued in this area are subject to the provisions of the drainage fee ordinance. Effective February 16, 1995, the current fee in this drainage area is \$0.35 per square foot of newly created impervious surface. The expanded reservoir water surface will effectively create an impervious surface, and the new transfer facility will create a new impervious surface area. Prior to construction of these facilities, the drainage area fee for these new impervious surfaces should be collected. Additionally, our records indicate that drainage area fees were not collected for the previously constructed Interpretive Center and adjacent parking lot below the dam. These fees should be paid to the FC District with this project.

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The FC District will consider waiving the drainage area fee for the reservoir water surface, provided the project includes improvements and operational criteria that mitigate the downstream flood impacts.

6 Cont.

Environmental Setting — Hydrology — Kellogg Creek Watershed (page 4.5-8)

7. This section of the DEIR should note that Kellogg Creek currently does not have adequate capacity to convey the 100-year design storm at locations downstream of the project and that a significant number of properties are subject to flooding.
8. The DEIR states that “with the attenuating effect of the existing dam, the 100-year peak runoff in lower Kellogg Creek would be about 150-cfs.” Where along Kellogg Creek does this runoff quantity occur? At what stage in the reservoir storage does this attenuation occur? Please submit hydraulic studies that show this information to the FC District for review.

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Environmental Setting — Hydrology — Flood Potential (page 4.5-9)

9. This section mentions the Letter of Map Revision (LOMR) submitted to FEMA as a result of the construction of the original Reservoir, but does not mention the effects on the floodplain during the 4-year construction period of the expansion project, during which water will not be stored in the dam. Because of the existing Kellogg Creek capacity issues, at least 100-year level of flood protection should be provided during construction of the expansion project.

Chapter 4.5.3 Impacts and Mitigation Measures

Impact 4.5.5: Project Alternatives 1, 2, and 3 could place structures within a 100-year flood hazard area as mapped on a federal Flood Insurance Rate Map, which could impede or redirect flood flows. (page 4.5-29).

10. The DEIR does not address the impact on the downstream floodplain during construction of the project. The floodplain was revised as a result of the original Reservoir and a LOMR submitted to FEMA. As currently proposed, storm runoff within the reservoir watershed will not be detained by the dam, but will be bypassed around the project site during the 4-year construction period. Not detaining the storm runoff during construction will negate the benefits provided by the original dam, as detailed in the LOMR. As previously stated, Kellogg Creek does not have the capacity to handle the additional runoff and not detaining the storm runoff would lead to downstream flooding. Flood protection for at least a 100-year storm event should be provided during construction of the expansion project. Mitigation measures should include preparing a hydraulic plan, to the satisfaction of the FC District, which demonstrates how flood protection will be provided during construction of the project.

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11. This section states that “even at full operating capacity, the existing reservoir acts to decrease the magnitude of the 100-year peak flow event in Kellogg Creek below the dam by having the capacity to contain flood flow and controlling the release of water downstream,” but due to recent State legislation, this facility needs to be constructed and operated such that it can provide at least 200-year level of flood protection for all downstream communities. Because of the existing Kellogg Creek capacity issues, the expanded reservoir should always provide enough freeboard to not only decrease, but entirely mitigate the impacts of the 200-year peak flow storm event. The Reservoir’s Operations Plan should optimize storage while providing necessary flood protection. At the very least, a drainage study needs to be conducted to determine the amount of storage volume in the reservoir will be necessary to mitigate the 200-year storm event. This may require improvements to Kellogg Creek such that no homes or other improvements are impacted.

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Due to the vast existing, and future, community downstream of this project, this expanded reservoir should be operated jointly as a water-storage facility and as a flood control facility with the future in mind. The CCWD should provide a detailed analysis of the drainage facilities within the downstream communities and the capacity of Kellogg Creek so the flood risk can be better evaluated prior to publishing the Final EIR. The FC District and community desire to work with CCWD to potentially obtain a LOMR from FEMA and remove as much of the community as possible from the floodplain. The FC District should review any drainage studies prepared for this project for adequacy on behalf of the nearby communities.

Impact 4.5.6: The project alternatives would not substantially increase the exposure of people and/or structures to risks associated with inundation by dam or levee failure. (pages 4.5-33 and 4.5-34).

12. This section of the DEIR mentions that a revised inundation map will be submitted to the California Office of Emergency Services and that the County of Contra Costa has prepared an emergency evacuation plan that reflects the inundation scenario associated with the existing reservoir. A copy of the revised inundation map should also be submitted to the FC District for review. Additionally, with the proposed expansion more than doubling the existing reservoir capacity, the emergency evacuation plan should be reevaluated. The Final EIR must include coordinating with the Office of Emergency Services in evaluating and revising the emergency evacuation plan as a mitigation measure.

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13. With regard to the facility's emergency drawdown (or evacuation), this section of the DEIR states that "the discharge rate to Kellogg Creek increases to 1,500-cfs under the additional 88-feet of reservoir head and that shallow flooding would occur along sections of Kellogg Creek during the emergency release." This is not adequate, because the extent of flooding caused by the emergency release has not been quantified and evaluated to determine what the impact will be. Since the release time period is at least ten days, the impacts are potentially significant. A hydraulic study with an inundation map that determines the extent of flooding along Kellogg Creek during drawdowns needs to be submitted to the FC District for review. Appropriate mitigation measures should be proposed after review of the study in conjunction with input from the FC District and nearby communities. Improvements should be made by the CCWD to Kellogg Creek such that all emergency releases are contained within the creek and no structures or roadways are impacted. The impacts associated with any creek improvements should also be included in the Final EIR, along with proposed mitigation measures.

11

Additional Comments

14. Raising the reservoir water surface will impact wetland, floodplain, and riparian habitat. As part of the proposed mitigation for this project, the FC District recommends that CCWD create wetland, floodplain, and riparian corridor habitat areas along Kellogg Creek. This mitigation work could include flood capacity enhancements in Kellogg Creek providing CCWD mitigation for both flooding and habitat and perhaps even a more overall cost-effective mitigation. Any proposed mitigation should be in alignment with the East County Habitat Conservation Plan. The FC District and community need to be included in the development of any mitigation alternatives.

12

15. The addition of the Los Vaqueros Reservoir into the Kellogg Creek Watershed has impacted the hydro-geomorphic characteristics of Kellogg Creek downstream of the dam, affecting sediment transport, erosion, vegetation, and wildlife habitat. Although this was constructed some time ago and was evaluated in the original EIR, the requirements and scientific capabilities to evaluate the impacts of the facility upon the watershed dynamics have increased. This project should be required to measure and evaluate the impacts of the existing and proposed facility to determine if the creek system is balanced, healthy, and naturally sustainable. One of the areas of investigation should be to evaluate the hydro-geomorphology of Kellogg Creek downstream of the expanded facility — especially in regards to potential sediment generation from the now sediment deficient section of stream downstream of the dam. What would be the potential erosion created by the now "sediment-starved" section of stream? How would this sediment transport downstream? Where would it likely settle? What affects

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Marguerite Naillon
April 21, 2009
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would the increased sediment downstream have upon flood protection for downstream communities? For any potentially significant impacts, CCWD should provide appropriate mitigation measures to ensure proper creek characteristics and function. The FC District should be provided the opportunity to review and provide comments on the hydro-geomorphic studies and proposed mitigation measures prior to publishing the Final EIR.

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13 Cont.

We appreciate the opportunity to comment on the DEIS/DEIR and welcome continued coordination. If you should have any questions, please contact Jorge Hernandez at (925) 313-2304 or via e-mail at jhern@pw.cccounty.us; alternately, you can contact Teri Rie at (925) 313-2363 or trie@pw.cccounty.us.

Sincerely,



Tim Jensen
Senior Civil Engineer
Contra Costa County Flood Control
& Water Conservation District

TJ:JH:cw

G:\FldCt\CurDev\CITIES\Byron\97-109\Los Vaqueros Reservoir Expansion\DEIS-DEIR FCD Comments 4-21-2009.doc

c: Supervisor Mary Piepho , District 3
Julia R. Bueren, Chief Engineer
R. Mitch Avalon, Deputy Chief Engineer
Greg Connaughton, Flood Control
Paul Detjens, Flood Control
Teri E. Rie, Flood Control
Rich Lierly, Flood Control, Watershed Program
Roberta Goulart, Department of Conservation and Development
Louis Moore
Bureau of Reclamation
2800 Cottage Way, MP-700
Sacramento, CA 95825
Attn: Los Vaqueros Reservoir Expansion Project DEIS/EIR

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

From: Los Vaqueros [<mailto:lvstudies@hotmail.com>]
Sent: Tue 4/21/2009 4:47 PM
To: Andrea Nocito
Subject: FW: Contra Costa County comments on the Los Vaqueros Reservoir Expansion Project

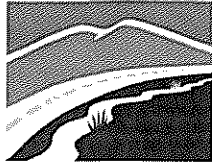
Subject: Contra Costa County comments on the Los Vaqueros Reservoir Expansion Project
Date: Tue, 21 Apr 2009 16:29:46 -0700
From: gconn@pw.cccounty.us
To: lvstudies@hotmail.com
CC: wmoore@mp.usbr.gov; rlier@pw.cccounty.us; jhern@pw.cccounty.us



Marguerite Naillon - Find attached comment letter from Contra Costa County regarding your Draft Environmental Impact Report for the Los Vaqueros Reservoir Expansion Project. Please contact me or Rich Lierly at (925) 313-2348 if you have any questions regarding our comments.

Greg

FCD Logo010807 <http://gfx1.hotmail.com/mail/w3/ltr/i_safe.gif>
Greg Connaughton PE
Supervising Civil Engineer
Manager Flood Control Division
Public Works Department
255 Glacier Drive
Martinez, CA 94553
Tele (925) 313-2271
Fax (925) 313-2333



Contra Costa County
Public Works
D e p a r t m e n t

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

April 21, 2009

Marguerite Naillon
Contra Costa Water District (CCWD)
P.O. Box H2O
Concord, CA 94524



RE: Los Vaqueros Reservoir Expansion DEIS/DEIR

Dear Ms. Naillon:

We have reviewed the Draft Environmental Impact Statement / Environmental Impact Report (DEIR) for CCWD's Los Vaqueros Reservoir Expansion Project (LVREP), which we received on February 24, 2009. The project is located southwest of the town of Byron and east of the Morgan Territory Regional Park.

This letter summarizes the concerns of Contra Costa County (County), identified by its Public Works Department and Department of Conservation and Development, regarding inadequate analysis and proposed mitigation for the impacts of the LVREP. We believe the DEIR must address impacts of the project in the following areas:

1) Kellogg Creek Channel

The capacity of the Kellogg Creek channel must be analyzed along its entire length to determine its adequacy to convey discharges from the LVREP under normal operating conditions, during periods of emergency release and during construction. The risk of flooding and its threat to life and property and potential to create other economic and habitat loss must be determined.

1

The chronic hydro-morphological effects of changed flow regimes in Kellogg Creek resulting from the LVREP must also be assessed, including: potential for channel down-cutting and lateral movement due to sediment starvation and erosion caused by the increased frequency of low-flow events and proliferation of vegetation (due to higher base flows).

2

2) Kellogg Creek Floodplain

The EIR should consider mitigation for the impacts of increased flooding in the Kellogg Creek floodplain. The Kellogg Creek floodplain must be analyzed to determine the extent and depths of flooding due to releases from the LVREP under normal, emergency, and during construction conditions. New LIDAR based topographic information, available from the County, will facilitate this required analysis.

3

3) Habitat Impacts

The EIR should identify mitigation for habitat lost due to raising the reservoir water surface elevation. The change in water-surface elevation will impact new habitat areas as well as habitat created or restored to mitigate the original Los Vaqueros reservoir project. Proposed mitigation measures must address both types of loss. Although the LVREP is not included within the East County Habitat Conservation Plan (ECHCP), all proposed mitigation for the project should be consistent with the ECHCP. All project mitigation should be accomplished within the County (for example by constructing mitigation work within Kellogg Creek downstream of the LVREP) and not through the use of a mitigation bank outside the County.

4

4) Water for Contra Costa County

The EIR should discuss the priority rights of the ratepayers of the Contra Costa Water District (CCWD) and the interests of the citizens of the County to water stored in the Los Vaqueros Reservoir. The State of California is interested in increasing the flexibility for water management in and around the Delta. The LVREP may be an element in the State's water management plan. The EIR should set forth a clear explanation of the potential contractual requirements of the State affecting the use of water stored in the LVREP by the County. The EIR should identify means to ensure the water volume stored by the original Los Vaqueros Reservoir project remains available to the CCWD ratepayers. In addition, the EIR should discuss measures to establish priority use of the increased water volume stored in the LVREP locally in the County during an emergency or period of drought, and to avoid the contractual requirement to export water outside the County during times of critical need.

5

5) Local Recreational Access

The EIR should discuss mitigation for recreational opportunities lost due to the LVREP and the potential to enhance access and recreational opportunities for the public with expansion of the reservoir. The EIR should also identify new access to recreational opportunities convenient to the citizens of Contra Costa County to be provided by the LVREP.

6

The County's concerns regarding the LVREP are discussed in more detail below:

Chapter ES.5 Issues of Known Controversy and Issues to be Resolved

Executive Summary (page ES-31)

This section of the DEIR should discuss the inadequate flood capacity of Kellogg Creek and the need of the communities of Byron and Discovery Bay for flood risk reduction.

7

Chapter 2.1 Existing Los Vaqueros Reservoir

Project Background (page 2-1)

This section of the DEIR should quantify the flood control benefits provided by the existing reservoir and identify the extent of the benefited area. The level of flood protection provided by the reservoir should be characterized as a 10, 50, 100-year, or greater recurrence storm event, and the means used to provide this level of flood protection should be identified. For example: What level of flood protection is provided when the reservoir is at capacity?

8

Chapter 3.5.1 Los Vaqueros Reservoir Expansion / Dam Modification

Appurtenant Facilities — Inlet / Outlet Works (pages 3-49 and 3-50)

This section of the DEIR states that the potential emergency drawdown flows directed into Kellogg Creek will increase, as a result of this project, from 1,140-cubic-feet-per-second (cfs) to 1,500-cfs for at least a ten-day period. The EIR should state that this flow will exceed the capacity of Kellogg Creek and discuss the potential significant impact of localized or general flooding events.

9

Chapter 3.7 Permits and Approvals Needed for Alternatives

State and Local Decision Processes and Local Permits (pages 3-91 and 3-93)

The DEIR discusses construction of a temporary bridge across Kellogg Creek to access a borrow site along Walnut Boulevard as well as construction of conveyance pipelines across Kellogg Creek, Brushy Creek, and many other unnamed drainage facilities. These activities require a permit under the County's 1010 Drainage Ordinance. The need for this permit should be discussed in Section 3.7.1 and listed on the Table 3-8.

10

Chapter 4.5.1 Affected Environment

Environmental Setting — Hydrology — Kellogg Creek Watershed (page 4.5-8)

This section of the DEIR should note that Kellogg Creek currently does not have adequate capacity to convey the 100-year design storm at locations downstream of the project and the number and locations of properties potentially subject to flooding should be identified.

11

The DEIR states that “with the attenuating effect of the existing dam, the 100-year peak runoff in lower Kellogg Creek would be about 150-cfs.” The EIR should identify the runoff volumes at various critical points along Kellogg Creek during a 100-year peak runoff and discuss the operational conditions of the reservoir resulting in these runoff volumes.

11 Cont.

Environmental Setting — Hydrology — Flood Potential (page 4.5-9)

This section mentions the Letter of Map Revision (LOMR) submitted to FEMA as a result of the construction of the original Reservoir, but does not mention the effects on the floodplain during the 4-year construction period of the expansion project, during which water will not be stored in the dam. Because of the existing Kellogg Creek capacity issues, at least 100-year level of flood protection should be provided during construction of the expansion project.

12

Chapter 4.5.3 Impacts and Mitigation Measures

Impact 4.5.5: Project Alternatives 1, 2, and 3 could place structures within a 100-year flood hazard area as mapped on a federal Flood Insurance Rate Map, which could impede or redirect flood flows. (page 4.5-29).

This section of the DEIR should mention the mitigation measures that will be implemented during the construction of the expansion project, during which storm runoff within the watershed will be bypassed around the project site. As previously stated, at least 100-year level of flood protection should be provided during construction of the expansion project.

13

The DEIR states that “even at full operating capacity, the existing reservoir acts to decrease the magnitude of the 100-year peak flow event in Kellogg Creek below the dam by having the capacity to contain flood flow and controlling the release of water downstream.” However, the DEIR does not state that the reservoir is actually operated to provide capacity to capture and store, and thus fully mitigate, the runoff volume from the 100-year peak-flow storm event. Because of the existing Kellogg Creek capacity issues, and in light of recent State legislation, LVREP should be constructed and operated such that it can provide at least 200-year level of flood protection for all downstream communities. The DEIR should discuss the possible need to construct improvements to Kellogg Creek downstream of the LVREP to achieve mitigation of flood hazards in the flood plain due to a 200-year recurrence storm.

Impact 4.5.6: The project alternatives would not substantially increase the exposure of people and/or structures to risks associated with inundation by dam or levee failure. (pages 4.5-33 and 4.5-34).

14

This section of the DEIR should state that a revised inundation map will be submitted to the California Office of Emergency Services and to the County of Contra Costa. The DEIR should discuss the need for revisions to the emergency evacuation plan prepared by the County to reflect the inundation scenario associated with the LVREP and should identify how the revised emergency evacuation plan will be prepared. We suggest CCWD coordinate with the County Office of Emergency Services in evaluating and revising the emergency evacuation plan.

14 Cont.

With regard to the facility's emergency drawdown (or evacuation), this section of the DEIR states that "the discharge rate to Kellogg Creek increases to 1,500-cfs under the additional 88-feet of reservoir head and that shallow flooding would occur along sections of Kellogg Creek during the emergency release." The extent of flooding caused by the emergency release should be determined and appropriately mitigated. Since the release time period is at least ten days, the impacts are potentially significant. A hydraulic study with an inundation map that determines the extent of flooding along Kellogg Creek during drawdowns should be submitted to the FC District for review. Appropriate mitigation measures should be proposed after review of the study in conjunction with input from the FC District and nearby communities. Improvements should be made by the CCWD to Kellogg Creek such that all emergency releases are contained within the creek and no structures or roadways are impacted. Impacts associated with creek improvements should be included in the final EIR, along with proposed mitigation measures.

15

Raising the reservoir water surface will impact wetland, floodplain, and riparian habitat. As part of the proposed mitigation for this project, the County recommends that CCWD create wetland, floodplain, and riparian corridor habitat areas along Kellogg Creek. This mitigation work could include flood-capacity enhancements in Kellogg Creek providing CCWD multiple-mitigation benefits for both flooding and habitat restoration and may be more cost-effective mitigation. The FC District and community should be included in the development of any mitigation alternatives.

16

Marguerite Naillon
April 21, 2009
Page 6 of 6

We appreciate the opportunity to comment on the DEIS/DEIR and welcome continued coordination. If you should have any questions, please contact Rich Lierly at (925) 313-2348 or via e-mail at rlie@pw.cccounty.us; alternately, you can contact Greg Connaughton at (925) 313-2271 or gconn@pw.cccounty.us.

Sincerely,



for Julia R. Bueren
Public Works Director
Contra Costa County

JRB:GC:cw

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c: Supervisor Mary Piepho, District 3
R. Mitch Avalon, Deputy Public Works Director
Greg Connaughton, Flood Control
Paul Detjens, Flood Control
Tim Jensen, Flood Control
Teri E. Rie, Flood Control
Rich Lierly, Flood Control, Watershed Program
Roberta Goulart, Department of Conservation and Development
Louis Moore
Bureau of Reclamation
2800 Cottage Way, MP-700
Sacramento, CA 95825
Attn: Los Vaqueros Reservoir Expansion Project DEIS/EIR



LOS VAQUEROS RESERVOIR EXPANSION PROJECT
DRAFT ENVIRONMENTAL IMPACT STATEMENT/
ENVIRONMENTAL IMPACT REPORT (DRAFT EIS/EIR)
PUBLIC HEARINGS



SPEAKER CARD

CONCORD - MARCH 31, 2009

Name: Ann Farrell

Affiliation: CCCSO

Address: 5019 Emhoff Place
Martinez CA

Phone: 925 | 229-7302

E-mail: afarwell@centralca.org

Please submit your speaker card to the registration desk or meeting facilitator. The hearing officer will use the cards to invite participants to provide verbal comments during the public hearing.

1



LOS VAQUEROS RESERVOIR EXPANSION PROJECT
DRAFT ENVIRONMENTAL IMPACT STATEMENT/
ENVIRONMENTAL IMPACT REPORT (DRAFT EIS/EIR)
PUBLIC HEARINGS

COMMENT CARD

Comments may be submitted today or mailed to:

Marguerite Naillon
Contra Costa Water District
P.O. Box H2O
Concord, CA 94524
Attn: Los Vaqueros Reservoir Expansion Project DEIS/EIR
Fax: (925) 686-2187
lvstudies@hotmail.com

OR

Louis Moore
Bureau of Reclamation
2800 Cottage Way, MP-700
Sacramento, CA 95825
Attn: Los Vaqueros Reservoir Expansion Project DEIS/EIR
Fax: (916) 978-5094
wmoore@mp.usbr.gov

**Please submit comments by 5:00 p.m. on Tuesday, April 21, 2009.*

Name: Ann E Farrell
Affiliation: Central Contra Costa Sanitary District
Address: 509 Imhoff Place, Martinez CA
Phone: 925/229-7302
E-mail: afarrell@centralconco.ca.us

Comments:

COMMENTS FOR LOS VAQUEROS RESERVOIR EXPANSION
PUBLIC HEARING
3-31-09 Concord, CA

I am Ann Farrell, Director of Engineering for Central Contra Costa Sanitary District. We treat the wastewater for the central County portion of the Contra Costa Water District Service Area. Our mission is to protect the public health and the environment by collecting and treating wastewater, promoting pollution prevention, and recycling high quality water.

I am here tonight to speak about the highly treated recycled water from our treatment facility and the role it could play in increasing the yield of any Los Vaqueros Reservoir Expansion Project. We currently discharge 40 million gallons per day of treated wastewater to the Suisun Bay – a tidal estuary that forms the entrance to the Delta. This is enough water to serve about 250,000 people or 100,000 homes.

In the early 1970's facilities were constructed to supply recycled wastewater from our treatment facility in Martinez @ the 4/680 intersection to the nearby Shell and Tesoro refineries also in Martinez. Those facilities, although unused, still exist and could supply the refineries with up to 20 million gallons per day of our effluent, with some additional treatment. This would free up 20 million gallons of fresh water - enough to serve the entire City of Concord, including the proposed development at the Concord Naval Weapons Station or to provide significant environmental benefits by leaving the water in the Delta. A flyer describing this project will be submitted with my testimony.

For the last 15 years, CCCSD has been actively lobbying CCWD to serve recycled water to the refineries and free up potable water supplies for other uses, such as water supply reliability and environmental water. CCWD has maintained that the financial cost to their rate payers was too great, due to the lost revenues from the refineries.

When we at CCCSD first learned of the proposal to expand Los Vaqueros and the concept of inviting other partners, including the U.S. Bureau of Reclamation and some South Bay water users, such as Santa Clara Valley Water District into the process, we thought this would be the perfect opportunity to incorporate the refinery recycled water project as a component of the Los Vaqueros Reservoir Expansion, as it would have



similar benefits. The annual yield of 22 thousand acre feet per year of raw water freed up by the refinery recycled water project could be used to fill Los Vaqueros Reservoir to reduce diversions from the Delta, could be transferred to other project participants or could be released upstream for environmental enhancement. The participation of outside partners provided the opportunity to obtain outside funding to offset CCWD's revenue loss. We submitted a letter to CCWD and CALFED in August 2003 requesting that recycled water be included in the Los Vaqueros Expansion Studies. Copies are provided for your information.

Now, more than five years later, we are greatly disappointed to find that recycled water has been dismissed in the Environmental Documents. There are few potential recycled water projects in the State of California with the potential to generate a yield of 22 thousand acre feet per year on a continuous basis. The Los Vaqueros Expansion Alternatives themselves claim benefits of a maximum of 3 thousand acre feet per year in a 6-year drought for CCWD Water Supply Reliability. A recycled water component to supply the Shell and Tesoro refineries with recycled water would increase the yield of any Expansion alternative by 22 thousand acre feet per year each and every year. If this yield were used to benefit CCWD Water Supply Reliability, it would have more than seven times the benefit of a Los Vaqueros Reservoir Expansion. Alternatively, the additional yield could be used to supplement the Environmental Water Management benefits of the Reservoir Expansion.

In summary, water is a valuable resource and we must use it wisely. As a public agency with a mission to protect the public health and the environment, we must respectfully request that the Los Vaqueros Reservoir Expansion environmental documentation incorporate the supply of recycled water to the Shell and Tesoro refineries in Martinez as a component of each Expansion alternative.



FAX: (925) 676-7211

CHARLES W. BATTS
General Manager

KENTON L. ALM
Counsel for the District
(510) 808-2000

JOYCE E. MURPHY
Secretary of the District

August 21, 2003

Mr. Joseph Campbell
President, Board of Directors
Contra Costa Water District
P.O. Box H20
1331 Concord Avenue
Concord, CA 94524

Dear Mr. Campbell:

INCLUSION OF RECYCLED WATER IN LOS VAQUEROS EXPANSION STUDIES

Thank you for providing the Central Contra Costa Sanitary District (CCCSD) with a copy of the CALFED's Los Vaqueros expansion informational brochure. As a District, we understand the importance of providing a safe, reliable and high quality water supply for your ratepayers while protecting the Delta. However, we believe that CCWD needs to look at recycled water as an important resource available to help address these problems, and we would like to encourage you to make recycled water an integral part of your water supply master planning efforts for the Los Vaqueros expansion.

CCCSD has the long-term potential to supply up to 44,000 AF/yr of drought proof recycled water to our community. If fully utilized, this supply could free up an equivalent amount of Delta water to meet potable water demands. Unfortunately, only a small fraction (600 AF/yr) of our capacity is currently being utilized on a seasonal basis for landscape irrigation. Our initial studies have identified over 30,000 AF/yr of demand within our service area including about 20,000 AF/yr at the refineries for cooling tower use. Much of the infrastructure is already in place to supply recycled water to the refineries, which have expressed an interest in using recycled water if it could be made available at a price competitive with their current canal (raw) water supply. In order for this to occur, the cooperation of CCWD would be needed to reduce the proposed duplication of services charges and other burdensome costs.

BOARD OF DIRECTORS

JAMES A. NEJEDLY, President • GERALD R. LUCEY, President Pro Tem • PARKE L. BONEYSTEELE • BARBARA D. HOCKETT • MARIO M. MENESINI



The success of our current recycled water projects is due, in large part, to the cooperative agreements reached between our two agencies, such as the Zone 1 Landscape Irrigation Agreement. We would like to invite you and your staff to work with us to explore options to reduce the cost barriers to make recycled water a viable option for the refineries and lead the way for an expansion of water recycling in our community. Thank you for your consideration.

Sincerely, ^{Joe -}
If you need any more information just let
me know. Thanks.
James A. Nejedly

James A. Nejedly
President, Board of Directors
Central Contra Costa Sanitary District

JN:DB:jf

cc: Mr. Patrick Wright, Director, California Bay-Delta Authority

BOARD OF DIRECTORS

JAMES A. NEJEDLY, President • GERALD R. LUCEY, President Pro Tem • PARKE L. BONEYSTEEL • BARBARA D. HOCKETT • MARIO M. MENESINI

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8-25-03 JS 8-25-03 J.F.



Central Contra Costa Sanitary District

5019 Imhoff Place, Martinez, Ca 94553

(925) 228-9500 • www.centrcsan.org

FAX: (925) 228-4624

CHARLES W. BATTS
General Manager

KENTON L. ALM
Counsel for the District
(510) 808-2000

JOYCE E. MURPHY
Secretary of the District

August 21, 2003

Mr. Patrick Wright
Director
California Bay-Delta Authority
650 Capitol Mall, 5th Floor
Sacramento, CA 95814

Dear Mr. Wright:

INCLUSION OF RECYCLED WATER IN LOS VAQUEROS EXPANSION STUDIES

The Central Contra Costa Sanitary District (CCCSD) supports the significant work that CALFED has done to address water resource and environmental issues in the Delta. We agree that increased water recycling should be part of the comprehensive solution for improving the Bay Delta system. As a recycled water supplier with substantial untapped capacity, we are very interested in seeing recycled water be included in your water supply master planning efforts, particularly as they relate to the Los Vaqueros expansion. I am attaching a copy of our letter to the Contra Costa Water District (CCWD) outlining our recycled water capacity and the large potential demands for recycled water that we have identified within our service area.

We appreciate CALFED's continued support of recycled water and request that recycled water be made an integral part of your Los Vaqueros expansion studies.

Sincerely,

Don Berger
Recycled Water Program Manager
Central Contra Costa Sanitary District

DB:jf

Enclosure



Martinez Refinery Recycled Water Project



Project area shown in map above and in detail map at right.



Benefits of Martinez Refinery Project:

- Creates about 22,500 AF/yr of new water supply for California — enough to supply about 50,000 families
- Creates and supports 4,200 new jobs from construction to operation
- Reduces burden on Delta ecosystem
- Improves water supply reliability
- Reduces wastewater discharges to the Delta

Existing Facilities:

- 5 miles of distribution pipelines to the refineries
- 6 million gallons of storage tanks
- 30 million gallon reservoir

Proposed Facilities:

- Recycled water treatment facilities, including filtration, ammonia removal and demineralization

Estimated Construction Cost:

- Up to \$150 million

Desired Funding:

- \$37.5 million Federal grants
- \$37.5 million State grants
- \$75 million local funds

Contact us
If you have questions about the Martinez Refinery Recycled Water Project, contact Don Berger at 925.229.7259

Background

California is experiencing a severe drought with below-average rainfall, low snowmelt runoff and court-ordered restrictions on Delta water pumping. Recycled water projects using urban wastewater are some of the most reliable and drought-tolerant water supplies available. Water recycling is mandated by several California codes and laws and is an integral part of the Central Contra Costa Sanitary District's (CCCSD) mission. Currently, CCCSD has a very successful landscape irrigation program and is always pursuing new recycled water opportunities such as supplying the new development at the Concord Naval Weapons Station or supplying the existing refineries.

Proposed Project Description

If implemented, the proposed Martinez Refinery Recycled Water Project would create 22,500 AF/yr of new water supply for California by using a steady, drought-proof supply of wastewater from CCCSD and treating it to produce a high-quality recycled water for use in cooling towers and for boiler feedwater at the Shell and Tesoro refineries in Martinez. The pipelines and storage tanks to deliver recycled water to the refineries are already in place. However, in order to produce the recycled water, new treatment facilities must be constructed at an estimated cost of up to \$150M. CCCSD is seeking federal and state funding assistance and project partners to help make this project a reality and to meet California's urgent need for water, while providing new jobs in construction and operations to stimulate the economy.

California is in a Drought

California is facing the most significant water crisis in its history. After experiencing two years of drought and the driest spring in recorded history in 2008, water reserves are extremely low.

Drought conditions in the Colorado River Basin, combined with a Sierra snowpack that is now dangerously unreliable due to global climate change, are leaving many communities throughout California facing mandatory restrictions on water use and/or rising water bills. If the drought continues, the results could be catastrophic to our economy.

In June 2008, the Governor issued Executive Order S-06-08 declaring a statewide drought, which directed his state agencies and departments to take immediate action to address the serious drought conditions and water delivery reductions that exist in California.

In October 2008, the Department of Water Resources announced the initial allocation of only 15 percent for water delivery to the State Water Project (SWP) contractors in 2009 – the second lowest allocation level in the history of the SWP.



The Sacramento-San Joaquin Delta is Overdrawn

With the Sacramento-San Joaquin Delta ecosystem near collapse, court-ordered restrictions on water deliveries from the Delta have reduced supplies from the state's two largest water systems by twenty to thirty percent.

A new survey from the California Department of Fish and Game finds Delta smelt are hovering at the brink of extinction. The department's fall 2008 population survey of fish species in the Sacramento-San Joaquin Delta concluded in December 2008 and found the smelt at its lowest point in 42 years of record-keeping and two nonnative fish, the

American shad and threadfin shad, also at record lows. While there are many factors affecting the Delta, recent studies indicate that the biggest impact on declining fish species is the overdrafting of water from the Delta.

The State Has Issued Mandates to Use Recycled Water

The State of California, through its Water Code, has strongly encouraged the use of recycled water. The following references are included in the California Water Code:

- Section 13510 states that the people of the state have a primary interest in the development of facilities to reuse wastewater to supplement existing surface and underground water supplies and to assist in meeting the future water requirements of the State.
- Section 13511 states that a substantial portion of the future water requirements of this state may be economically met by beneficial use of reclaimed water. Use of recycled water constitutes the development of "new basic water supplies".
- Section 13512 declares it is the Intention of the Legislature that the State undertake all possible steps to encourage development of water reuse facilities so that reclaimed water may be made available to help meet the growing water demands of the State.
- Section 13550 states that the use of potable domestic water for non-potable uses, including, but not limited to, cemeteries, golf courses, parks, highway landscaped areas, and industrial and irrigation uses, is a waste or an unreasonable use of the water, if reclaimed water of adequate quality is available at reasonable cost.
- Section 13551 states that a person or public agency shall not use water from any source of quality suitable for potable domestic use for non-potable uses, including cemeteries, golf courses, parks, highway landscaped areas, and industrial and irrigation uses, if suitable reclaimed water is available as provided in Section 13550.



Recycling High-Quality Water is CCCSD's Mission

In response to the mandates by the State of California and as part of Central Contra Costa Sanitary District's (CCCSD) mission to protect public health and the environment, CCCSD is committed to recycling high-quality water in order to enhance the regional water supply and to decrease the demand on the Sacramento-San Joaquin Delta.

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LOS VAQUEROS RESERVOIR EXPANSION
PUBLIC HEARING ON DRAFT EIS/EIR

Heald College Conference Center
5130 Commercial Circle, Main Conference Room
Concord, California

Tuesday, March 31, 2009

REPORTED BY: DEBORAH FUQUA, CSR #12948

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A P P E A R A N C E S

Pete Lucero - Public Affairs Officer
Bureau of Reclamation Mid-Pacific
Region

Sharon McHale - Project Manager
Bureau of Reclamation

Marguerite Naillon - Project Manager
Contra Costa Water District

PUBLIC OUTREACH:

Charles Gardiner - CirclePoint Project Manager

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I N D E X

| SPEAKER | PAGE NO. |
|-------------------|----------|
| Anne Farrell..... | 7 |
| Bruce Ohlson..... | 11 |

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8 when your 30 minutes are up.

9 And again, if you wish to provide comments but
10 have not submitted a speaker card, please go to the
11 registration table immediately. And with that, I think
12 we're ready to start.

13 First two speakers we have is Ms. Ann Farrell
14 and Mr. Bruce Ohlson.

15 [REDACTED]
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20 environmental benefits by leaving that water in the
21 Delta. A flyer describing this project will be
22 submitted with my testimony.

23 For the last 15 years, Central Contra Costa
24 Sanitary District has been actively lobbying the Contra
25 Water District to serve recycled water to the

1 refineries and free up potable water supplies for other

2 uses such as water supply reliability and environmental
3 water. CCWD has maintained that the financial cost to
4 their rate payers was too great due to the lost
5 revenues from refineries.

6 So when we at CCCSD first learned of the
7 proposal to expand Los Vaqueros and the concept of
8 inviting other partners in, including the Bureau of
9 Reclamation and some other South Bay water users, such
10 as Santa Clara Valley Water District, we thought this
11 would be the perfect opportunity to incorporate the
12 refinery recycled water project as a component of the
13 Los Vaqueros Reservoir Expansion, as it would have
14 similar benefits. The annual yield of 22,000 acre feet
15 per year of raw water freed up by the refinery project
16 could be used to fill Los Vaqueros Reservoir and reduce
17 the diversion from the Delta; it could be transferred
18 to other project participants; or it could be released
19 upstream for environmental enhancement.

20 The participation of the outside partners
21 provided the opportunity to obtain outside funding to
22 offset Contra Costa Water District's revenue loss. We
23 submitted a letter to Contra Costa Water District and
24 CALFED in August 2003 requesting that recycled water be
25 included in the Los Vaqueros Expansion studies. I will

1 provide copies for your information.

2 Now, more than five years later, we are
3 greatly disappointed to find that recycled water has
4 been dismissed in the environmental documents. There
5 are few potential recycled water projects in the State
6 of California with the potential for generating yield
7 of 22,000 acre feet per year on a continuous
8 year-in-and-year-out basis.

9 The Los Vaqueros Expansion Alternatives
10 themselves, in reading the EIR, claim benefits of a
11 maximum of 3,000 acre feet per year during a six-year
12 drought for Contra Costa Water District water supply
13 reliability.

14 A recycled water component to supply the
15 refineries would increase the yield in the expansion
16 alternatives by 22,000 acre feet per year. If this
17 yield were used to benefit Contra Costa water supply
18 reliability, it would have more than seven times the
19 benefit of the Los Vaqueros Reservoir Expansion.
20 Alternatively, this additional yield could be used to
21 supplement the environmental water management benefits
22 of the Reservoir Expansion.

23 In summary, water is a valuable resource and
24 we must use it wisely. As a public agency with a
25 mission to protect the public health and the

1 environment, we must respectfully request that the Los
2 Vaqueros Reservoir Expansion environmental
3 documentation incorporates the supply of recycled water
4 to the Shell and Tesoro refineries in Martinez as a
5 component of each and every Expansion alternative.

6 Thank you.

7 PETE LUCERO: Thank you, Ms. Farrell.

8 Mr. Ohlson, please step up. Thank you.

9 BRUCE OHLSON: Good evening, Hearing Director and
10 Project Managers. My name is Bruce Ohlson. I'm a
11 citizen of Pittsburg. I'm a member of the board of
12 directors of the East Bay Bicycle Coalition, and I'm on
13 the advocacy committee of the Delta Pedalers Bicycle
14 Club. I also want to disclose that I'm on the Planning
15 Commission for the City of Pittsburg, but tonight I'm
16 speaking for the bicyclists.

17 We respectfully request and suggest that it
18 would be eminently reasonable to be able to bicycle on
19 a trail from the north paved public access to the south
20 paved public access. That would be a very small
21 mitigation to include. It wouldn't cost a whole lot.

22 I'm here tonight requesting this because the



Central Contra Costa Sanitary District

5019 Imhoff Place, Martinez, CA 94553-4392

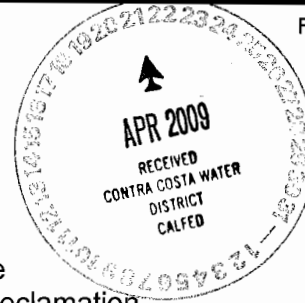
(925) 228-9500 • www.centernalsan.org

FAX: (925) 676-7211

April 21, 2009

Ms. Marguerite Naillon
Contra Costa Water District
P.O. Box H20
Concord, CA 94524

Mr. Louis Moore
US Bureau of Reclamation
2800 Cottage Way, MP-700
Sacramento, CA 95825



JAMES M. KELLY
General Manager

KENTON L. ALM
Counsel for the District
(510) 808-2000

ELAINE R. BOEHME
Secretary of the District

Dear Ms. Naillon and Mr. Moore:

Comments on the Los Vaqueros Reservoir Expansion Project DEIS/EIR

The Central Contra Costa Sanitary District (CCCSD) appreciates the opportunity to comment on the Draft Environmental Impact Statement/Environmental Impact Report (EIS/R) for the Los Vaqueros Reservoir Expansion Project (LVRE). The Project as proposed has many attributes that we support. It will provide needed water supply reliability and allow for improved environmental water management. In addition, it brings regional and state-wide partners to the table and creates opportunities to transfer any supplemental water created to these partners. For these reasons, the project creates benefits for our common rate payers and for the region and the State.

However, as you are aware, CCCSD believes recycling of treated wastewater and the Martinez Refinery Recycled Water Project (Refinery Project) should have been included and analyzed as part of the LVRE project and would significantly increase the benefits created. In fact, our estimates show adding recycled water to LVRE Alternative 1, Expansion to 275 TAF, could increase CCWD Water Supply Reliability Benefits from the project by 1100%. By adding recycled water to LVRE Alternative 4, Expansion to 160 TAF, water available for Environmental Water Management could be increased by up to 1650% over the stand alone project. In letters submitted August 21, 2003, we provided the CALFED Bay-Delta Authority and Contra Costa Water District (CCWD), respectively, with information expressing our position regarding the LVRE and our request for the inclusion of recycling of treated wastewater in the environmental review process. CCCSD also submitted verbal testimony at the LVRE public hearing held on March 31, 2009 in Concord, California. Copies of these letters and public testimony are attached for your review.

Background of the Central Contra Costa Sanitary District and the Martinez Refinery Recycled Water Project

Water recycling is an integral part of CCCSD's mission. CCCSD currently discharges an average of 44,000 acre feet per year (AFY) or 40 million gallons per day (mgd) of secondary treated wastewater to the Suisun Bay. If this amount of recycled water were used to create an offset of potable water, the offset would result in enough potable water to serve 100,000 single

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family residences. This water could also be used to provide additional water supply reliability for existing uses or to enhance the Delta environment.

Currently, CCCSD has a modest recycled water program that supplies high-quality, tertiary-treated recycled water primarily for landscape irrigation purposes. Due to the substantial amount of additional recycled water that could be made available, CCCSD has been working for many years to expand use of recycled water to include supplies for industrial uses with consistent year-round demand. The table below illustrates the amount of recycled water that could be produced by CCCSD.

| Treated CCCSD Effluent Available for Recycling | | | |
|---|------------|------------|------------|
| | AFY | MGD | CFS |
| Current Annual Average Treated Wastewater Discharge | 44,000 | 40 | 62 |
| Average Dry Weather Treated Wastewater Flow Available ¹ | 40,000 | 36 | 56 |
| Average Daily Existing Recycled Water Use ² | 7,000 | 6 | 16 |
| Remaining Recycled Water Available for Use | 33,000 | 30 | 46 |
| Potential Recycled Water Demand Identified for Martinez Refineries | 22,000 | 20 | 31 |
| Remaining Recycled Water Available for Potable or Environmental Use | 11,000 | 10 | 16 |

¹In dry summer months

²In hottest summer month with highest recycled water demand

In the early 1970s, a pipeline and storage tanks were constructed with public dollars to enable the supply of recycled wastewater from CCCSD's treatment facility in Martinez to the nearby Shell and Tesoro refineries, also in Martinez. More than 30 years later, the benefits of those facilities remain largely unrealized because the facilities have hardly been used. Currently, CCCSD is seeking \$100 – 150 million dollars in federal, state, and local funds to realize this opportunity. CCWD is the water purveyor in north-central Contra Costa County and shares ownership of a portion of the pipelines to the refineries. In light of these facts, CCCSD has actively engaged in discussions with CCWD for the past 15 years in an effort to implement this long-planned Refinery Project. We share the common goals of providing good quality, affordable water to our customers while reducing the burden on the fragile Delta ecosystem. Providing refineries and other users with recycled water frees up potable water supplies to meet environmental or other demands as well as improving the reliability of water supplies. CCCSD firmly believes that the Refinery Project and recycled water in general should be a component of the LVRE for the reasons stated below.

Recycling CCCSD's Treated Effluent Would Enhance Meeting LVRE Objectives

We believe that the Refinery Project, and recycling in general, meets the primary and secondary objectives of the project:



- **Develop water supplies for environmental water management that support fish protection, habitat management, and other environmental water needs.**

The LVRE project purpose and need statement indicates that, during dry periods, the U.S. Department of the Interior, Bureau of Reclamation's (Reclamation) Central Valley Project (CVP) has difficulty meeting its environmental water requirements required by the Central Valley Project Improvement Act and meeting its contractual water supply obligations. Our Refinery Project could free up 22,000 acre-feet per year (AFY) of fresh water that could be used for environmental enhancement by leaving it in the Delta to augment Delta outflows to meet flow requirements necessary to protect declining fish species. Additional water recycling projects could free up another 11,000 AFY of fresh water.

- **Increase water supply reliability for water providers within the San Francisco Bay Area, to help meet municipal and industrial water demands during drought periods and emergencies or to address shortages due to regulatory and environmental restrictions.**

The benefits derived from CCCSD's proposed Refinery Project and other similar projects are multifold. The Refinery Project alone would create up to an additional 22,000 AFY of new water supply for industrial users currently serviced by CCWD. This new supply is drought-resistant and would provide a more reliable source of water for industrial demands. This would free up a significant amount of water that Reclamation, CCWD and the South Bay project participants could use to: (a) store in Los Vaqueros Reservoir; (b) reduce diversions from the Delta; or (c) meet municipal water demands during drought, emergencies or other times of shortage. If industries were served 22,000 AFY by the Refinery Project water in lieu of CCWD potable water, CCWD would have enough potable water to meet the demands of 50,000 families or alternatively, more fresh water could be released upstream in the Delta for environmental enhancement.

Acknowledging the importance of recycled water use in its service area, CCWD specifically included recycled water in its year 2005 Draft Urban Water Management Plan (UWMP). Table 5-2 of the UWMP lists "Potential Uses of Recycled Water" wherein there are 35,900 AFY identified as being available from CCCSD (9,000 AFY for urban irrigation and 26,900 AFY for oil refinery process use). However, the UWMP goes on to estimate actual and projected future use of recycled water as only 12,000 AFY by the year 2030 – more than 20 years from now.

The CCWD UWMP anticipates that a multi-year drought would result in mandatory water supply reductions and that the second and third years of a multi-year drought would result in year 2030 supply deficiencies of 17% and 18%, respectfully. In addition, the plan calls for purchasing supplemental water from others which puts farmers at an economic disadvantage in the competition for scarce resources and could lead to land being taken out of production. Unfortunately some of this land has been planted in fruit trees and grape vines and cannot simply be taken out of production like land planted in rice or cotton. This can result in significant economic hardship to the impacted businesses and communities. Greater development and reliance upon recycled water could alleviate this possible demand reduction response to anticipated multi-year droughts. The use of recycled water in the CCWD service area would also free up water that could be transferred to the South Bay Water Agencies, who are potential project participants.

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In short, CCCSD maintains that the Refinery Project and all potential recycled water projects create *new* water supply that translates into increased water supply reliability and flexibility to meet demands and increased environmental benefits resulting from a reduction in fresh water diversion from the Delta.

■ **Improve the quality of water deliveries to municipal and industrial customers in the San Francisco Bay Area.**

The Refinery Project would result in improved water quality for industrial customers because its supply of water is steady and reliable and the quality of the water is predictable. As stated in the background of the need for the project, Delta water currently supplied to municipal and industrial users is subject to seasonal variations (and often degraded water supply) with elevated salinity, total dissolved solids, bromides and other constituents. This variation requires industries to alter their operations or provide additional water treatment to ensure the quality is acceptable for use in their cooling tower operations. The Refinery Project could help address these problems for these industrial users. The CCWD UWMP acknowledges that recycled water projects could supply highly-treated recycled wastewater to selected industrial customers for process and cooling purposes.

As a general comment, the stated objective is to improve water quality for industrial customers; however, the background of the need for the project focuses solely on the need for improved *drinking* water quality for San Francisco Bay Area municipal customers. The need for improved water quality for industrial uses is not clearly stated or addressed.

Recycled Water Inadequately Considered in Alternatives Analysis

According to CEQ NEPA Regulations (40 C.F.R. 1502.14), the alternatives section of a Draft EIS is required to rigorously explore and objectively evaluate all reasonable alternatives. CCCSD's readily available supply of high-quality recycled water and the Refinery Project in particular were not adequately considered as an alternative to increased storage or as a component that would require less storage and result in fewer environmental effects or result in an increase in yield for the same amount of storage.

The EIS/R summarily dismisses the consideration of recycled water programs in its alternatives analysis stating in Table B-1 that "recycled water programs are being actively pursued by other CALFED agencies and by individual agencies in the Bay Area." Table B-1 also states that the potential to address LVRE project objectives is limited by acceptable uses of recycled water, yet no specific examples are given.

It is true that Bay Area agencies are pursuing recycled water programs, but there are few that have the potential to deliver the yield of 22,000 AFY as the CCCSD Refinery Project. In addition, the spirit and intent of the CALFED Water Supply Reliability Program are to look at actions synergistically to achieve the overall goal. In point of fact, Reclamation is one of the implementing agencies for the CALFED Water Use Efficiency (WUE) Program – one of five elements of the CALFED Water Supply Reliability Program. WUE Program actions, including recycled water actions, were considered in the CALFED Water Supply Reliability Program. The actions of all five program elements were to be implemented in concert to achieve CALFED's overall goal of water supply reliability.



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As a CALFED WUE implementing agency, the role of Reclamation is to “support local agencies implementing WUE actions at the local level through assistance programs and in overcoming implementation constraints.” Given its CALFED role as a WUE implementing agency, and its role as federal lead on the LVRE, Reclamation has a responsibility to more rigorously consider recycling actions as part of the LVRE project.

In addition, through the LVRE project or other avenues, Reclamation could play a key role in overcoming CCCSD’s Recycled Water Program implementation constraints and assist in coordinating efforts between CCWD and CCCSD to find acceptable, creative and mutually-beneficial solutions to address CCWD’s potential loss of revenue.

The Alternatives Development further explains that

... initial concepts related to water use efficiency, such as additional water conservation and recycled water use, were not carried forward beyond Step 1. In general, substantial programs are already in place at each Bay Area water agency to improve water use efficiency. Additional efforts in these concepts would not contribute to the two primary objectives defined for the project: environmental water management and water supply reliability. Further reducing Bay Area water agency demand for Delta water would result in a very small decrease in Delta diversions and the associated environmental water benefit. Additional water conservation without storage to hold water for dry years would provide little benefit in dry years and reduce the effectiveness of drought management (rationing) programs that most Bay Area water agencies would rely on to maintain deliveries through extended drought periods.

Again, we believe that the Refinery Project, and recycled water in general, meet the LVRE project objectives. Moreover, the statement regarding further reduction of demand resulting in a very small decrease in Delta diversions is not correct when you consider the 22,000 AFY yield the Refinery Project would produce. In our discussion of the Benefits of the Refinery Project, below, you will see the significant percentage of increase in yield it would create for any of the project alternatives. Furthermore, this statement would appear to conflict with the CALFED Record of Decision, which viewed “investment in recycling as a cost-effective way to better balance supply and demand in the near-term, especially compared to surface storage and major conveyance improvements that were estimated to take at least 5–10 years to complete.” The recycling actions in the CALFED ROD are intended to “address the growing mismatch between water supply demand caused by rapidly growing urban populations and static supplies.”

Table B-6, Summary Comparison of Initial Plans, compares the ability of an initial plan to meet the federal Principles and Guidelines criteria of completeness, effectiveness, efficiency and acceptability without providing any detail on estimated costs of each initial plan. Determinations of low, moderate or high are made to provide comparison of an initial plan’s ability to meet efficiency criteria. These determinations often indicate that the cost per unit of output is high or low compared to other plans. However, there is no information in the table outlining these estimated costs. To enable the public and responsible state and local agencies to fully understand how the LVRE project alternatives were developed and to compare these alternatives with other potential alternatives projects with similar benefits, such as recycling, the Alternatives Development should include the cost estimates upon which these determinations were made.



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Benefits of the Refinery Project and Recycled Water

Significant Additional Yield

The CCCSD Refinery Project is one of the few potential recycled water projects in the state of California that could generate such a significant yield on a continuous annual basis. Including this project as a component of the LVRE project would result in significantly higher yields. Alternative 1 has the higher expanded capacity of 275 thousand acre feet (TAF), and Alternative 4 has the lower expanded capacity of 160 TAF. The following two tables demonstrate the range of increase the Refinery Project could produce in additional yield and percentage of increase for Alternatives 1 and 4. To provide a further point of comparison, the table notes the additional yield that could be achieved if all of CCCSD's available recycled water was used. The benefits of the additional yield in a 6-year drought situation are significant with an up to 1,100% increase in CCWD Water Reliability yield if recycled water is added to LVRE Alternative 1 and an up to 1,650% increase in Environmental Water Management yield if recycled water is added to LVRE Alternative 4.

| LVRE Alternative 1 – 275 TAF Expanded Storage with South Bay Connection Summary of Benefits in 6-Year Drought —With Added Benefits of Recycled Water | | | |
|---|--|---|---|
| Operations | Average Annual Yield (Table ES-2) | With Additional Annual 22 TAF Yield from Refinery Project (% increase) | With Additional Annual 33 TAF Yield from recycling all available CCCSD effluent (% increase) |
| Environmental Water Management | 135 TAF/yr | 157TAF/yr (16%) | 168 TAF/yr (24%) |
| South Bay Water Agencies Water Supply Reliability | 30 TAF/yr | 52 TAF/yr (73%) | 63 TAF/yr (110%) |
| CCWD Water Supply Reliability | 3 TAF/yr | 25 TAF/yr (733%) | 36 TAF/yr (1,100%) |

| LVRE Alternative 4 – 160 TAF Reservoir Expansion with No South Bay Connection Summary of Benefits in 6-year Drought —With Added Benefits of Recycled Water | | | |
|---|--|---|---|
| Operations | Annual Average TAF Yield (Table ES-4) | With Additional Annual 22 TAF Yield from Refinery Project (% increase) | With Additional Annual 33 TAF Yield from recycling all available CCCSD effluent (% increase) |
| Environmental Water Management | 2 TAF/yr | 24 TAF/yr (1100%) | 35 TAF/yr (1650%) |
| Water Supply Reliability | 10 TAF/yr | 32 TAF/yr (220%) | 43 TAF/yr (330%) |

No Significant Increase in Environmental Impacts

Alternative 1, which represents the largest expansion and has the greatest extent of associated facilities, includes an expansion of the reservoir from 1,500 acres to 2,500 acres, raising the dam, constructing an additional intake facility and expanding pipelines and transfer facilities. The impacts of this alternative include those on biological resources, cultural resources and



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some significant and unavoidable impacts on habitat for the San Joaquin kit fox, with accompanying considerable mitigation costs.

Comparatively, the pipeline and storage tanks for the Refinery Project are already in place. Construction of additional recycled water treatment facilities would have no significant impacts as it would be constructed on the already disturbed site of the CCCSD wastewater treatment facilities. The construction of the Refinery Project in combination with Alternatives 1, 2, 3 or 4 would result in no significant increase in environmental impacts from those expected from a stand alone LVRE Project.

Making the Best Collective Use of Tax Dollars

In addition to the benefit of increased yield with no significant increase in environmental impacts, the Refinery Project makes the best collective use of already expended public dollars and future proposed tax dollars. Given the current economic climate in the state of California and the world economy, the public expects reasonable returns on their public investments and more responsible, thoughtful spending of current and future tax dollars.

LVRE Project Impacts on Net Delta Outflow Greater than from Recycling all CCCSD's Effluent

As discussed in the LVRE environmental documentation, seasonal variations in Delta outflow play an important role in determining the reproductive success and survival of many estuarine species, including salmon, striped bass, delta smelt and others. Those flows from February through June are especially important.

The Delta Outflow Analysis for LVRE summarized in Tables 4.3-11 and 4.3-12 in average years notes the most significant impact in the month of May. With an outflow of 22,275 cfs in 2005 and 22,122 cfs in 2030 under Severe Fishery Restrictions, the LVRE reduces outflow by 1.5% in 2005 and 1.6% in 2030. Recycling all 46 cfs of CCCSD available treated effluent reduces Delta Outflow by less than 0.2% in May 2005 and 2030, significantly less impact than the LVRE on Delta Outflow.

The same Delta Outflow Analysis summary also notes a significant average year impact in the month of November. With an outflow of 9,743 cfs in 2005 and 9,389 cfs in 2030 under Severe Fishery Restrictions, the LVRE reduces outflow by 1.1% in 2005 and 1.5% in 2030. Recycling of 46 cfs of CCCSD available treated effluent reduces Delta Outflow by only 0.5% in November 2005 and 2030, again, significantly less impact than the LVRE on Delta Outflow.

While CCWD has consistently maintained that recycling CCCSD effluent has a negative impact on the Delta by reducing Delta Outflow, the environmental documentation for LVRE shows Delta Outflow reductions as high as 1.6% in average years and claims they are less than significant. If these levels of Delta Outflow reduction are less than significant for LVRE, then recycling CCCSD treated effluent would also have less than significant impacts on Delta Outflow.

Conclusion

The LVRE Project will provide needed water supply reliability and allow for improved environmental water management. In addition, it brings regional and state-wide partners to the



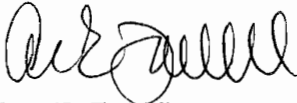
Contra Costa Water District and US Bureau of Reclamation
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table and creates opportunities for more efficient and environmentally responsible use of our scarce water resources. For these reasons, we believe the project creates benefits for our common ratepayers, the region and the State as a whole.

However, CCCSD believes that making the Refinery Project and recycled water integral components of the LVRE project would greatly enhance its benefits to water supply reliability and to the Delta ecosystem. Reclamation and CCWD should more rigorously analyze the Martinez Refinery Project and recycled water as a potential component of the LVRE project. The benefits of recycled water include significant additional yield with no significant increase in environmental impacts and the best collective use of public dollars.

CCCSD recognizes that with any water supply project in California there are hurdles to implementation. However, our state is facing economic, environmental and water supply issues on an almost unprecedented scale. We feel that we are mandated as public agencies to work cooperatively in an environmentally and economically sensible manner to the benefit of the people and environment of California.

Sincerely,



Ann E. Farrell
Director of Engineering

AEF/mvp

Attachments

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Cont.

COMMENTS FOR LOS VAQUEROS RESERVOIR EXPANSION
PUBLIC HEARING
3-31-09 Concord, CA

I am Ann Farrell, Director of Engineering for Central Contra Costa Sanitary District. We treat the wastewater for the central County portion of the Contra Costa Water District Service Area. Our mission is to protect the public health and the environment by collecting and treating wastewater, promoting pollution prevention, and recycling high quality water.

I am here tonight to speak about the highly treated recycled water from our treatment facility and the role it could play in increasing the yield of any Los Vaqueros Reservoir Expansion Project. We currently discharge 40 million gallons per day of treated wastewater to the Suisun Bay – a tidal estuary that forms the entrance to the Delta. This is enough water to serve about 250,000 people or 100,000 homes.

In the early 1970's facilities were constructed to supply recycled wastewater from our treatment facility in Martinez @ the 4/680 intersection to the nearby Shell and Tesoro refineries also in Martinez. Those facilities, although unused, still exist and could supply the refineries with up to 20 million gallons per day of our effluent, with some additional treatment. This would free up 20 million gallons of fresh water - enough to serve the entire City of Concord, including the proposed development at the Concord Naval Weapons Station or to provide significant environmental benefits by leaving the water in the Delta. A flyer describing this project will be submitted with my testimony.

For the last 15 years, CCCSD has been actively lobbying CCWD to serve recycled water to the refineries and free up potable water supplies for other uses, such as water supply reliability and environmental water. CCWD has maintained that the financial cost to their rate payers was too great, due to the lost revenues from the refineries.

When we at CCCSD first learned of the proposal to expand Los Vaqueros and the concept of inviting other partners, including the U.S. Bureau of Reclamation and some South Bay water users, such as Santa Clara Valley Water District into the process, we thought this would be the perfect opportunity to incorporate the refinery recycled water project as a component of the Los Vaqueros Reservoir Expansion, as it would have

similar benefits. The annual yield of 22 thousand acre feet per year of raw water freed up by the refinery recycled water project could be used to fill Los Vaqueros Reservoir to reduce diversions from the Delta, could be transferred to other project participants or could be released upstream for environmental enhancement. The participation of outside partners provided the opportunity to obtain outside funding to offset CCWD's revenue loss. We submitted a letter to CCWD and CALFED in August 2003 requesting that recycled water be included in the Los Vaqueros Expansion Studies. Copies are provided for your information.

Now, more than five years later, we are greatly disappointed to find that recycled water has been dismissed in the Environmental Documents. There are few potential recycled water projects in the State of California with the potential to generate a yield of 22 thousand acre feet per year on a continuous basis. The Los Vaqueros Expansion Alternatives themselves claim benefits of a maximum of 3 thousand acre feet per year in a 6-year drought for CCWD Water Supply Reliability. A recycled water component to supply the Shell and Tesoro refineries with recycled water would increase the yield of any Expansion alternative by 22 thousand acre feet per year each and every year. If this yield were used to benefit CCWD Water Supply Reliability, it would have more than seven times the benefit of a Los Vaqueros Reservoir Expansion. Alternatively, the additional yield could be used to supplement the Environmental Water Management benefits of the Reservoir Expansion.

In summary, water is a valuable resource and we must use it wisely. As a public agency with a mission to protect the public health and the environment, we must respectfully request that the Los Vaqueros Reservoir Expansion environmental documentation incorporate the supply of recycled water to the Shell and Tesoro refineries in Martinez as a component of each Expansion alternative.



Central Contra Costa Sanitary District

5019 Imhoff Place, Martinez, Ca 94553

(925) 228-9500 • www.centrsan.org

FAX: (925) 676-7211

CHARLES W. BATTS
General Manager

KENTON L. ALAM
Counsel for the District
(510) 808-2000

JOYCE E. MURPHY
Secretary of the District

August 21, 2003

Mr. Joseph Campbell
President, Board of Directors
Contra Costa Water District
P.O. Box H20
1331 Concord Avenue
Concord, CA 94524

Dear Mr. Campbell:

INCLUSION OF RECYCLED WATER IN LOS VAQUEROS EXPANSION STUDIES

Thank you for providing the Central Contra Costa Sanitary District (CCCSD) with a copy of the CALFED's Los Vaqueros expansion informational brochure. As a District, we understand the importance of providing a safe, reliable and high quality water supply for your ratepayers while protecting the Delta. However, we believe that CCWD needs to look at recycled water as an important resource available to help address these problems, and we would like to encourage you to make recycled water an integral part of your water supply master planning efforts for the Los Vaqueros expansion.

CCCSD has the long-term potential to supply up to 44,000 AF/yr of drought proof recycled water to our community. If fully utilized, this supply could free up an equivalent amount of Delta water to meet potable water demands. Unfortunately, only a small fraction (600 AF/yr) of our capacity is currently being utilized on a seasonal basis for landscape irrigation. Our initial studies have identified over 30,000 AF/yr of demand within our service area including about 20,000 AF/yr at the refineries for cooling tower use. Much of the infrastructure is already in place to supply recycled water to the refineries, which have expressed an interest in using recycled water if it could be made available at a price competitive with their current canal (raw) water supply. In order for this to occur, the cooperation of CCWD would be needed to reduce the proposed duplication of services charges and other burdensome costs.

BOARD OF DIRECTORS

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The success of our current recycled water projects is due, in large part, to the cooperative agreements reached between our two agencies, such as the Zone 1 Landscape Irrigation Agreement. We would like to invite you and your staff to work with us to explore options to reduce the cost barriers to make recycled water a viable option for the refineries and lead the way for an expansion of water recycling in our community. Thank you for your consideration.

Sincerely,

Joe -

If you need any more information just let me know. Thanks.

James A. Nejedly

James A. Nejedly
President, Board of Directors
Central Contra Costa Sanitary District

JN:DB:jf

cc: Mr. Patrick Wright, Director, California Bay-Delta Authority

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8-25-03 *JE* *8-25-03* *J.E.*

Central Contra Costa Sanitary District

5019 Imhoff Place, Martinez, Ca 94553

(925) 228-9500 • www.centrsan.org

FAX: (925) 228-4624

CHARLES W. BATTS
General Manager

KENTON L. ALM
Counsel for the District
(510) 808-2000

JOYCE E. MURPHY
Secretary of the District

August 21, 2003

Mr. Patrick Wright
Director
California Bay-Delta Authority
650 Capitol Mall, 5th Floor
Sacramento, CA 95814

Dear Mr. Wright:

INCLUSION OF RECYCLED WATER IN LOS VAQUEROS EXPANSION STUDIES

The Central Contra Costa Sanitary District (CCCSD) supports the significant work that CALFED has done to address water resource and environmental issues in the Delta. We agree that increased water recycling should be part of the comprehensive solution for improving the Bay Delta system. As a recycled water supplier with substantial untapped capacity, we are very interested in seeing recycled water be included in your water supply master planning efforts, particularly as they relate to the Los Vaqueros expansion. I am attaching a copy of our letter to the Contra Costa Water District (CCWD) outlining our recycled water capacity and the large potential demands for recycled water that we have identified within our service area

We appreciate CALFED's continued support of recycled water and request that recycled water be made an integral part of your Los Vaqueros expansion studies.

Sincerely,

A handwritten signature in black ink that reads "Don Berger".

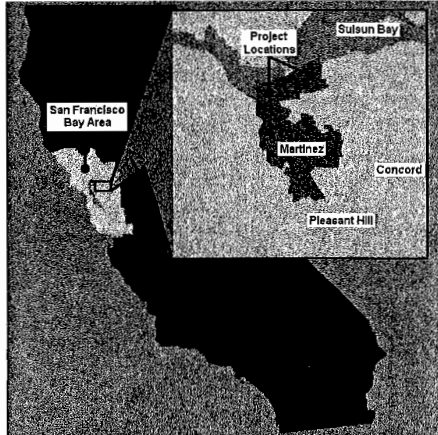
Don Berger
Recycled Water Program Manager
Central Contra Costa Sanitary District

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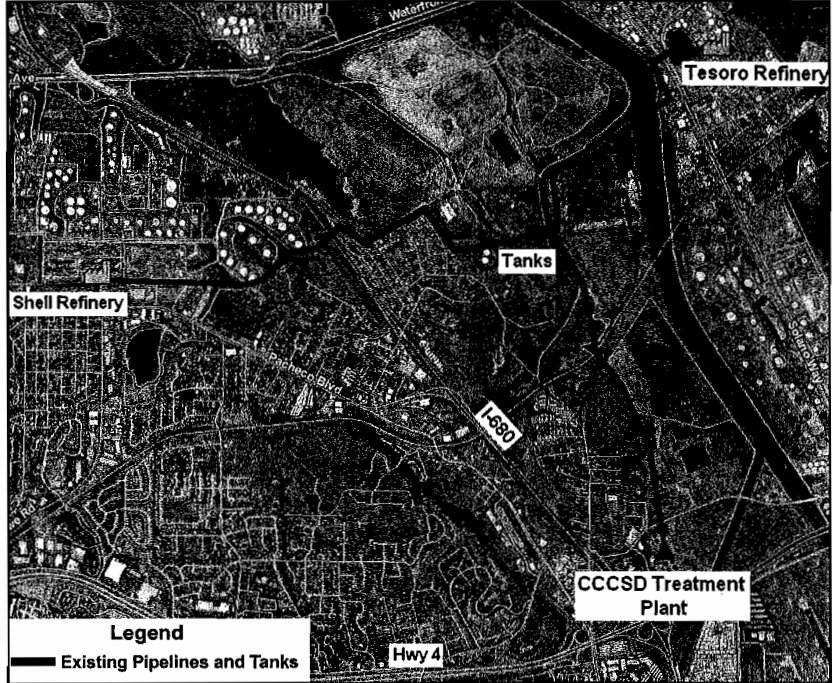
Enclosure



Martinez Refinery Recycled Water Project



Project area shown in map above and in detail map at right.



Benefits of Martinez Refinery Project:

- Creates about 22,500 AF/yr of new water supply for California — enough to supply about 50,000 families
- Creates and supports 4,200 new jobs from construction to operation
- Reduces burden on Delta ecosystem
- Improves water supply reliability
- Reduces wastewater discharges to the Delta

Existing Facilities:

- 5 miles of distribution pipelines to the refineries
- 6 million gallons of storage tanks
- 30 million gallon reservoir

Proposed Facilities:

- Recycled water treatment facilities, including filtration, ammonia removal and demineralization

Estimated Construction Cost:

- Up to \$150 million

Desired Funding:

- \$37.5 million Federal grants
- \$37.5 million State grants
- \$75 million local funds

Contact us

If you have questions about the Martinez Refinery Recycled Water Project, contact Don Bender at 925.228.7259.

Background

California is experiencing a severe drought with below-average rainfall, low snowmelt runoff and court-ordered restrictions on Delta water pumping. Recycled water projects using urban wastewater are some of the most reliable and drought-tolerant water supplies available. Water recycling is mandated by several California codes and laws and is an integral part of the Central Contra Costa Sanitary District's (CCCSD) mission. Currently, CCCSD has a very successful landscape irrigation program and is always pursuing new recycled water opportunities such as supplying the new development at the Concord Naval Weapons Station or supplying the existing refineries.

Proposed Project Description

If implemented, the proposed Martinez Refinery Recycled Water Project would create 22,500 AF/yr of new water supply for California by using a steady, drought-proof supply of wastewater from CCCSD and treating it to produce a high-quality recycled water for use in cooling towers and for boiler feedwater at the Shell and Tesoro refineries in Martinez. The pipelines and storage tanks to deliver recycled water to the refineries are already in place. However, in order to produce the recycled water, new treatment facilities must be constructed at an estimated cost of up to \$150M. CCCSD is seeking federal and state funding assistance and project partners to help make this project a reality and to meet California's urgent need for water, while providing new jobs in construction and operations to stimulate the economy.



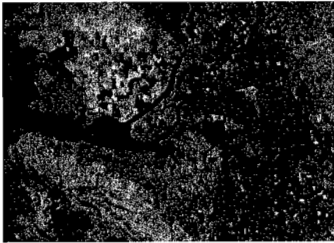
California is in a Drought

California is facing the most significant water crisis in its history. After experiencing two years of drought and the driest spring in recorded history in 2008, water reserves are extremely low.

Drought conditions in the Colorado River Basin, combined with a Sierra snowpack that is now dangerously unreliable due to global climate change, are leaving many communities throughout California facing mandatory restrictions on water use and/or rising water bills. If the drought continues, the results could be catastrophic to our economy.

In June 2008, the Governor issued Executive Order S-06-08 declaring a statewide drought, which directed his state agencies and departments to take immediate action to address the serious drought conditions and water delivery reductions that exist in California.

In October 2008, the Department of Water Resources announced the initial allocation of only 15 percent for water delivery to the State Water Project (SWP) contractors in 2009 – the second lowest allocation level in the history of the SWP.



The Sacramento-San Joaquin Delta is Overdrawn

With the Sacramento-San Joaquin Delta ecosystem near collapse, court-ordered restrictions on water deliveries from the Delta have reduced supplies from the state's two largest water systems by twenty to thirty percent.

A new survey from the California Department of Fish and Game finds Delta smelt are hovering at the brink of extinction. The department's fall 2008 population survey of fish species in the Sacramento-San Joaquin Delta concluded in December 2008 and found the smelt at its lowest point in 42 years of record-keeping and two nonnative fish, the

American shad and threadfin shad, also at record lows. While there are many factors affecting the Delta, recent studies indicate that the biggest impact on declining fish species is the overdrafting of water from the Delta.

The State Has Issued Mandates to Use Recycled Water

The State of California, through its Water Code, has strongly encouraged the use of recycled water. The following references are included in the California Water Code:



- Section 13510 states that the people of the state have a primary interest in the development of facilities to reuse wastewater to supplement existing surface and underground water supplies and to assist in meeting the future water requirements of the State.
- Section 13511 states that a substantial portion of the future water requirements of this state may be economically met by beneficial use of reclaimed water. Use of recycled water constitutes the development of "new basic water supplies".
- Section 13512 declares it is the Intention of the Legislature that the State undertake all possible steps to encourage development of water reuse facilities so that reclaimed water may be made available to help meet the growing water demands of the State.
- Section 13550 states that the use of potable domestic water for non-potable uses, including, but not limited to, cemeteries, golf courses, parks, highway landscaped areas, and industrial and irrigation uses, is a waste or an unreasonable use of the water, if reclaimed water of adequate quality is available at reasonable cost.
- Section 13551 states that a person or public agency shall not use water from any source of quality suitable for potable domestic use for non potable uses, including cemeteries, golf courses, parks, highway landscaped areas, and industrial and irrigation uses, if suitable reclaimed water is available as provided in Section 13550.

Recycling High-Quality Water is CCCSD's Mission

In response to the mandates by the State of California and as part of Central Contra Costa Sanitary District's (CCCSD) mission to protect public health and the environment, CCCSD is committed to recycling high-quality water in order to enhance the regional water supply and to decrease the demand on the Sacramento-San Joaquin Delta.



On 5/19/2009, the email below was submitted to Mr. Glaser from Anne Farrell, with a copy of the letter previously submitted to Ms. Naillon and Mr. Moore on 4/21/2009. The emails have been attached to the original letter as an attachment for record-keeping. ---AET, ESA, 05/26/2009

>>> Mona Jefferies-Soniea 5/19/2009 5:03 PM >>>

It appears it is time for us to obtain the comments and responses for DLVE EIS/R. How is the comment identified below being addressed?

Thank you

Mona Jefferies-Soniea
Chief, Delta and Conveyance Branch
Division of Planning, Mid Pacific Region Bureau of Reclamation 2800 Cottage Way
Sacramento, CA 95825

mjefferiessoniea@mp.usbr.gov

Phone: (916).978-5068

"The single biggest problem in communication is the illusion that it has taken place."

George Bernard Shaw (playwrite and Nobel Prize winner)

>>> Ann Farrell 05/19 3:09 PM >>>

Dear Mr. Glaser,

I am the Director of Engineering at Central Contra Costa Sanitary District in Martinez, CA. We treat the wastewater for the Central County area, including Walnut Creek and Concord, and our elected Board is very interested in increasing the amount of water we recycle, particularly given the current drought situation. There are facilities already in place to transport recycled water from our treatment facility to two local refineries, Shell and Tesoro. The total potential demand of these two facilities is 20 mgd, which is currently being supplied by Contra Costa Water District (CCWD) as raw water. Supplying these two refineries with recycled water were two of the highest ranked projects in the San Francisco Bay Area Regional Water Recycling Program (BARWRP), which was partially funded by the Bureau of Reclamation.

Unfortunately, local institutional issues have stood in the way of implementing this project since the mid 70's, when the transport and storage facilities were originally constructed. During the scoping for the Los Vaqueros Expansion EIR/EIS we urged CCWD and the Bureau of Reclamation to incorporate recycled water as an element of the Expansion project. When the draft document was released, we learned that recycled water had been dismissed with no consideration. We subsequently sent the attached comment letter to Louis Moore at the Bureau and also testified at the Public Hearing in Martinez. My concern is that our

proposal, to include recycled water and particularly supplying the two Martinez refineries as a component of the Los Vaqueros Expansion, will once again be summarily dismissed with no serious consideration of the potential benefits. I wanted to make you aware of this issue and request a brief meeting to present our thoughts and answer any questions you might have. I will give you a few days to review the attached letter and touch base with your staff, and then call to set up an appointment.

Thanks in advance for your consideration.

Sincerely,

Ann Farrell
Director of Engineering
Central Contra Costa Sanitary District
5019 Imhoff Place
Martinez, CA 94553
925/229-7302

04/21/2009 14:36 FAX 925 756 1961

001/011

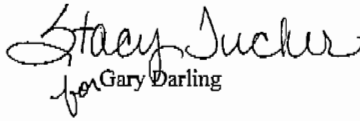


Delta Diablo Sanitation District

OFFICE AND TREATMENT PLANT: 2500 PITTSBURG-ANTIOCH HIGHWAY, ANTIOCH, CA 94509-1373
TELEPHONE: (925) 756-1900 ADMIN. FAX: (925) 756-1961 TECH SVCS. FAX: (925) 756-1960 MAINT. FAX: (925) 756-1963

FAX: (925) 756-1961 – ADMINISTRATION

FAX TRANSMITTAL

| | |
|--|---|
| FAX NO: (925) 686-2187 | DATE: April 21, 2009 |
| TO: Ms. Marguerite Naillon, Special Projects Manager Contra Costa Water District | FROM:  |

Total Number of Pages (including this cover page): 11

SUBJECT: Los Vaqueros Reservoir Expansion Project DEIS/EIR

MESSAGE: Please see the attached comments.

cc: District File No. CORP.15.11-CORRES-XXX

CORP.15.21-CORRES-XXX

Chron File



04/21/2009 14:36 FAX 925 756 1961

002/011



Delta Diablo Sanitation District

OFFICE AND TREATMENT PLANT: 2500 PITTSBURG-ANTIOCH HIGHWAY, ANTIOCH, CA 94509-1373
TEL: (925) 756-1900 ADMIN. FAX: (925) 756-1961 MAINT. FAX: (925) 756-1963 OPER. FAX: (925) 756-1962 TECH. SVCS. FAX: (925) 756-1960
April 21, 2009 www.ddsd.org

Ms. Marguerite Naillon
Bureau of Reclamation
2800 Cottage Way, MP-700
Sacramento, CA 95825



Mr. Louis Moore
Contra Costa Water District
P. O. Box H20
Concord, CA 94524

Attention: Los Vaqueros Reservoir Expansion Project DEIS/EIR

SUBJECT: COMMENTS TO DRAFT ENVIRONMENTAL IMPACT STATEMENT /
ENVIRONMENTAL IMPACT REPORT, LOS VAQUEROS RESERVOIR EXPANSION
PROJECT

Dear Ms. Naillon and Mr. Moore:

The Delta Diablo Sanitation District (DDSD) appreciates the opportunity to provide comments on the Draft Environmental Impact Report for the Los Vaqueros Expansion Project. DDSD serves approximately 200,000 customers that are also customers of the Contra Costa Water District (CCWD). The District supports all efforts that CCWD is taking to develop a diverse water supply portfolio for CCWD's customers as well as other Bay Area residents.

DDSD has been active in leading the Bay Area Recycled Water Coalition (BARWC) as well as generating technical papers in support of the development of a brackish desalination project in the western Delta. DDSD's interest is to have those activities properly acknowledged as a part of the environmental review process and incorporated into the decision making process to expand the Los Vaqueros Reservoir.

DDSD is in the process of a \$16M Recycled Water Expansion Project. The project will serve recycled water to two golf courses and seven city parks. The project has secured both a State and Federal partnership that combined, will pay for half of the capital costs of construction. The Federal partnership was successful only because DDSD joined with other Bay Area agencies to form the BARWC. The BARWC currently has 11 agencies participating that have identified recycled water projects that could be constructed within the next few years and could produce over 88,000 acre-feet of new, highly reliable water supply to the Bay Area (see Attachment 1, the BARWC letter to USBR Mid-Pacific Regional Director Don Glaser dated March 3, 2009). The projects offer immediate drought relief, are locally supported by significant local funds, and lessen the Bay Area's impacts on the Delta.

Comment 1: Page B-11; Waste Use Efficiency: Implementing additional wastewater reclamation is deleted. The potential to address the project objectives is rated "low" because it "could (only) provide localized water supply reliability benefits, limited by acceptable uses of recycled water." Given the information cited above (i.e., potential for Bay Area agencies to develop more than 88,000 acre-feet in the near term), please reassess the ranking of this concept to address project objectives.

DDSD has completed two technical papers with outside consultants on the feasibility of developing a brackish desalination water supply project within its service area. Both studies have been shared with the water agencies involved in the Bay Area Regional Desalination Project referenced in draft environmental document, as well with USBR Mid-Pacific Region staff. The studies conclude that a brackish

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Ms. Marguerite Naillon and Mr. Louis Moore

April 21, 2009

COMMENTS TO DRAFT ENVIRONMENTAL IMPACT STATEMENT / ENVIRONMENTAL
IMPACT REPORT, LOS VAQUEROS RESERVOIR EXPANSION PROJECT

Page 2

desalination water supply located in the western Delta is not fatally flawed and warrants further development (see Attachment 2, letter dated May 30, 2008 to the scoping effort for the Bay Delta Conservation Plan).

These conclusions of the studies completed by DDSD (as well as the URS studies completed by the Regional Desalination partners) are not consistent with the logic used to screen out a regional desalination project in the Los vaqueros Expansion draft Environmental Impact Report/Statement (EIR/S), either in combination with existing or future storage, or as a stand-alone project. For example, on Page B-27, in reference to a regional desalination facility: "This plan was not carried forward as a final alternative because it did not contribute substantially to one of the primary project objectives, providing Bay Area water supply reliability and had less environmental water management benefits. The plan was also the least consistent with the CCWD Board principles and with the water management objectives set forth in the CALFED Record of Decision (ROD). The plan was found to have the least potential for local agency participation."

The technical reports completed by DDSD and the Regional Desalination Project partners give evidence that a regional desalination project located in the western Delta could:

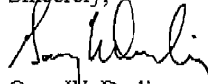
- a) Provide environmental water management benefits and a very high level of reliability.
- b) Provide a very economic solution for many Bay Area agencies because the system would be on demand, fish friendly, and bottled water quality.

Comment 2: The statement that a regional desalination project is not consistent with the water management objectives set forth in the CALFED ROD needs to be clarified.

Comment 3: Please incorporate the information provided in the DDSD studies and the studies completed by the Regional Desalination Project.

If there are any questions or need for clarification, please do not hesitate to contact me at (925) 756-1920.

Sincerely,


Gary W. Darling
General Manager

GWD:st

Attachments

cc: DDSD Board of Directors
CORP.15.11-CORRES-XXX
CORP.15.21-CORRES-XXX
Chron File

04/21/2009 14:36 FAX 925 756 1961

004/011

ATTACHMENT 1



March 3, 2009

Mr. Donald Glaser, Director
United States Bureau of Reclamation
Mid-Pacific Region
2800 Cottage Way
Sacramento, CA 95825-1898

SUBJECT: AMERICAN RECOVERY AND REINVESTMENT ACT, TITLE XVI FUNDING

Dear Mr. Glaser:

On behalf of the San Francisco Bay Area Recycled Water Coalition (BARWC), I'm writing to respectfully request \$80.95 million in funding from the American Recovery and Reinvestment Act (ARRA) for our recycled water projects. This requested amount is a 25% share of the total estimated project costs and includes \$42.85M for authorized projects, of which \$11.58M is included in the House passed FY09 Omnibus Appropriations Bill (HR1105), and \$38.08M for projects seeking authorization. This information is detailed on the first page of the attached project table.

The BARWC is a group of 11 public agencies committed to developing recycled water as a resource for the San Francisco Bay Area. BARWC members have been seeking a Federal Title XVI partnership for many projects over the past four years, and have been investing significant time and money into completing the requirements of Title XVI and NEPA.

BARWC is fortunate to have the solid backing of the entire Bay Area congressional delegation and in particular the leadership in the House of Representatives provided by Congressman Miller. Our regional approach to support each other's projects and collectively advocate as a coalition has also led to support from Senators Feinstein and Boxer. Our projects offer immediate drought relief; are locally supported by significant local funds; are non-controversial; and lessen the Bay Area's impacts on the Delta. As you can see by the attachment, BARWC recycled water projects have the potential to develop over 88,000 acre-feet of new, highly reliable water supply to replace potable water use. Also included in the attachment is a document that highlights the benefits of Federal investment in BARWC projects.

The ARRA directs a minimum of \$126 million for water recycling projects through the Bureau of Reclamation's (Reclamation) Title XVI Program. BARWC has projects that immediately fit the intent of Congress and the President, as well as several other projects that can be expedited with the help of Reclamation. Funding these projects will allow Reclamation to meet both the intent and letter of the law, as these projects can meet the following: be obligated/executed quickly; result in high, immediate employment; have little schedule risk; be executed by contract or direct hire of temporary labor; and provide a useful service that does not require additional funding. This is also true when ARRA funds are used to reimburse the Federal share of projects already constructed or currently under construction, since these funds can be immediately distributed and will allow the agencies to reinvest in new projects to further stimulate the economy and expand water supply.

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Mr. Donald Glaser, Director

March 3, 2009

AMERICAN RECOVERY AND REINVESTMENT ACT, TITLE XVI FUNDING

Page 2

BARWC has nine projects and programs that are currently authorized with an estimated total cost of \$302M and a Federal share of \$42.85M. These projects will produce over 34,000 acre-feet of water supply. Some of the projects have had to start construction or lose their State grant funding. Some run the risk of either not starting construction or completing construction given the recent changes to our economy. The local cost shares are coming from cities that are analyzing budget cuts needed to remain solvent. BARWC projects are dependent on the Federal partnership to share the capital costs for the projects. Once the projects are built and the capital component is paid, the recycle water supply becomes a very cost effective and highly reliable supply that helps to attract new businesses or enhance urban landscapes. Funding from the ARRA would help guarantee delivery of these shovel ready projects, and reimbursement of the Federal share to constructed projects will allow the agencies to reinvest in new projects.

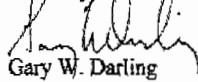
BARWC has submitted legislation to Congress to authorize six new Bay Area recycled water projects, with a total estimated cost of \$128M and 25% Federal share of \$38.1M. The projects meet the requirements of ARRA provided that Reclamation devotes the resources for expedited Feasibility Determinations, and accelerates NEPA completion.

Finally, BARWC members have identified 11 additional projects that could be completed within the timeframe of the ARRA and provide economic stimulus (see page 2 of the attached table). Constructing these projects can result in over 45,000 acre-feet/year of new, highly reliable water, at an estimated total cost of \$442M (\$110.5 for 25% share). These projects demonstrate the significant unfunded need in the Bay Area and the water yield that could be developed with funding through the ARRA.

The BARWC members have appreciated meeting with you and discovering that you are an advocate of recycled water projects. You realize the importance of developing new water supplies and working with local agencies that are willing to invest in recycled water projects. We look forward to working very closely with you during this exciting and unprecedented period when Congress and the President have established a "window of opportunity" for us to meet our common goals.

While we are meeting monthly with your staff to forward the BARWC projects, we would also like to meet with you to go over the details of our project schedules and how to maximize this opportunity. In the mean time, please do not hesitate to contact me at (925) 756-1920 to discuss further.

Sincerely,



Gary W. Darling
General Manager
Delta Diablo Sanitation District

GWD/JS:bjm

Attachment

cc: BARWC Member Agencies
P.90024
Chron

**San Francisco Bay Area Recycled Water Coalition
Title XVI Projects by Authorization**

| PROJECT | ESTIMATED TOTAL COST ¹ | NONFEDERAL | 25% FEDERAL SHARE | Construction Status or Bid-Ready Date ¹ | | | | | | JOBS SUPPORTED (2007 FHWA est. 27,800 jobs/\$1 Billion) | GEQA / NEPA Status | NEW ANNUAL YIELD (acre-ft/yr) |
|--|--------------------------------------|----------------------|----------------------|--|----------------|-----------------|-----------------|-------------|-----------|---|---------------------------------|--|
| | | | | Underway in 90 days | 90-120 days | 120-180 days | 180-365 days | 365 days | 1-2 years | | | |
| <i>Authorized in Public Law 102-575</i> | | | | | | | | | | | | |
| South Bay (San Jose) Ph. 1 | \$140,000,000 | \$105,000,000* | \$8,000,000 | Construction Complete | | | | | | 3,892 | Complete | 20,000 |
| San Jose - S. Bay Extensions | \$28,000,000 | \$21,000,000 | \$7,000,000 | | | | ✓ | | | 778 | Complete/TBD | 2,600 |
| <i>Authorized in Public Law 110-229</i> | | | | | | | | | | | | |
| Palo Alto/ Mountain View | \$21,000,000 | \$16,000,000 | \$5,000,000 | ✓ | | | | | | 584 | Complete | 1,480 |
| Pittsburg Recycled Water | \$5,400,000 | \$3,650,000 | \$1,750,000 | ✓ | | | | | | 150 | Complete | 615 |
| Antioch Recycled Water | \$12,500,000 | \$10,250,000 | \$2,250,000 | | ✓ | | | | | 348 | Complete | 530 |
| Redwood City - Phase I Seaport | \$4,600,000 | \$3,500,000 | \$1,100,000 | Construction Complete | | | | | | 128 | Complete | 245 |
| North Coast County | \$9,900,000 | \$7,400,000 | \$2,500,000 | | ✓ | | | | | 275 | Complete/TBD | 170 |
| South Santa Clara County | \$28,000,000 | \$21,000,000 | \$7,000,000 | | | ✓ | | | | 778 | TBD | 1,790 |
| South Bay Advanced Treatment - Phase 2 | \$53,000,000 | \$44,750,000 | \$8,250,000 | | | | | ✓ | | 1,473 | Est. Summer 2009 / TBD | 6,720 |
| Total Authorized | \$302,400,000 | \$232,650,000 | \$42,850,000 | | | | | | | 8,406 | | 34,150 |
| <i>Seeking Authorization</i> | | | | | | | | | | | | |
| CCCSD - Concord Recycled Water Project | \$7,200,000 | \$5,400,000 | \$1,800,000 | | | | | ✓ | | 200 | Ph. 1 complete/ TBD (late 2009) | 255 |
| Petaluma Phases 2A, 2B, 3 | \$24,000,000 | \$18,000,000 | \$6,000,000 | | | ✓ | | | | 667 | Complete/TBD | 1,610 |
| Central Dublin RW Distribution & Retrofit | \$4,600,000 | \$3,450,000 | \$1,150,000 | | | | | | ✓ | 128 | 2009/TBD 2009 | 215 |
| Central Redwood City RWP | \$32,000,000 | \$24,000,000 | \$8,000,000 | | | | | | ✓ | 890 | Complete / TBD | 1,075 |
| Palo Alto RW Pipeline | \$33,000,000 | \$24,750,000 | \$8,250,000 | | | | | | ✓ | 917 | 2009/TBD | 1,000 |
| Ironhouse Sanitary District - Antioch Recycled Water | \$28,000,000 | \$21,000,000 | \$7,000,000 | | | | | | ✓ | 778 | Complete / TBD | 3,920 |
| Antioch Recycled Water (authorization amendment) | | | \$875,000 | | | | | | | | | |
| South Bay Advanced Treatment-Phase 2 (authorization amendment) | | | \$5,000,000 | | | | | | | | | |
| Total Seeking Authorization | \$128,800,000 | \$96,600,000 | \$38,075,000 | | | | | | | 3,580 | | 8,075 |
| TITLE XVI TOTAL | \$431,200,000 | \$329,150,000 | \$80,925,000 | | | | | | | 11,986 | | 42,225 |

* Partial Federal funding in prior years

¹ Refers to construction underway or estimated days to bid ready based on start day of January 20, 2009

**San Francisco Bay Area Recycled Water Coalition
Economic Stimulus Projects**

04/21/2009 14:37 FAX 925 756 1961

| PROJECT | LEAD AGENCY | ESTIMATED TOTAL COST | 25% Share | Construction Status or Bid Ready Date ¹ | | | | | | NUMBER OF JOBS SUPPORTED ² | CEQA STATUS | NEW ANNUAL YIELD (acre-ft/yr) |
|--|-----------------------------|----------------------|----------------------|--|------------|----------------------|--------------|----------------------|----------|---------------------------------------|----------------------------|-------------------------------|
| | | | | Underway to 60 days | 60-90 days | 90-120 days | 120-180 days | 180-365 days | 1+ years | | | |
| Palo Alto RWQCP, Phase 3 Expansion | City of Palo Alto | \$41,000,000 | \$10,250,000 | ✓ | | | | | | 1,140 | Complete | 9,000 |
| Redwood City Seaport Bid Packages 5A & 8 | City of Redwood City | \$1,920,000 | \$480,000 | | ✓ | | | | | 53 | Complete | 51 |
| DSRSD RW Distribution System Expansion | DSRSD | \$34,350,000 | \$8,587,500 | | | | | ✓ | | 955 | Est. 2009 | 2,315 |
| Petaluma Pump Stations | City of Petaluma | \$1,780,000 | \$445,000 | ✓ | | | | | | 49 | NA | |
| Petaluma Phases 4 & 5 | City of Petaluma | \$23,550,000 | \$5,887,500 | | | | | ✓ | | 734 | CEQA complete | 1,670 |
| ISD Advanced Treatment & Water Recycling Facility | Ironhouse Sanitary District | \$71,900,000 | \$17,975,000 | ✓ | | | | | | | CEQA + Complete | 4,800 |
| South Bay (San Jose) Phase 2 - Santa Clara and Milpitas Extensions | City of San Jose | \$20,000,000 | \$5,000,000 | | ✓ | | | | | 558 | Programmatic NEPA complete | 1,500 |
| Pleasant Hill RW Project | CCCSD | \$6,000,000 | \$1,500,000 | | | | | ✓ | | 167 | Est. 12/2009 | 250 |
| East County Industrial Recycled Water Facility - Pittsburg Project | DDSD & CCCSD | \$53,500,000 | \$13,375,000 | | | | | | ✓ | 1,487 | Est. 12/2009 | 3,700 |
| Recycled Water Multi-function Pipeline | SCVWD & San Jose | \$36,000,000 | \$9,500,000 | | | | | | ✓ | 1,056 | Est. 12/2009 | 0 |
| Martinez Refinery RW Project, Phases 1 & 2 | CCCSD | \$150,000,000 | \$37,500,000 | | | | | | ✓ | 4,170 | Est. 12/2009 | 22,500 |
| ECONOMIC STIMULUS PROJECT TOTAL | | \$442,000,000 | \$110,500,000 | | | \$136,600,000 | | \$305,400,000 | | 10,367 | | 45,786 |
| GRAND TOTAL | | \$873,200,000 | \$217,425,000 | | | | | | | 22,353 | | 88,011 |

¹ Refers to construction underway or estimated days to bid ready based on start day of January 20, 2009

² 2007 Federal Highway Administration estimate of 27,800 jobs per \$1 billion in Federal funds.

DDSD = Delta Diablo Sanitation District
 DSRSD = Dublin San Ramon Services District
 CCCSD = Central Contra Costa Sanitation District
 SCVWD = Santa Clara Valley Water District

0007/011

04/21/2009 14:38 FAX 925 756 1961

008/011

Constructing the San Francisco Bay Area Recycled Water Coalition Projects is the Green Path to Economic Stimulus

Water is an increasingly limited resource that is essential to California, one of the top 10 largest economies in the world. The State can only remain competitive and a strong contributor to the United States economy with investment in new water supply.

The *Bay Area Recycled Water Coalition* represents a green solution to water supply issues. Coalition projects include over \$800 million worth of recycled water projects. Of these, over \$180 million worth of new projects will be ready to go to construction within 90 days¹. Constructing *Bay Area Recycled Water Coalition* projects will provide the following benefits:

- **Support over 22,300 jobs².**

Constructing these recycled water projects supports and provides new direct and indirect jobs including engineering, construction, manufacturing, operation & maintenance, retail and service providers.

- **Create New Long-Term Sustainable Water Supplies.**

Completion of these projects will deliver over 88,000 acre-feet per year of sustainable yield, offsetting potable supplies.

- **Increase Economic Development and Green Projects.**

New recycled water supplies enable the business community to grow and attract businesses seeking LEED certification.

- **Conserve Energy and Help meet Carbon Reduction Goals.**

Recycled water is a resource available now in substantial quantities. Use of recycled water provides significant energy and carbon benefits over the creation of new sources or importing water.

- **Preserve Overdrawn Sacramento River and Delta System Supplies.**

The projects extend water availability for Federal water contracts particularly during dry periods, and support Federal Bay Delta Conservation Plan (BDCP) and Central Valley Project Improvement Act (CVPIA) objectives.

- **Improve Water Quality.**

Use of recycled water reduces the volume of treated wastewater discharged to sensitive or impaired surface waters.

¹ Starting from late January 2009.

² 2007 FHWA estimate that \$1 billion in Federal funds supports 27,800 jobs, "Employment Impact of Highway Infrastructure Investment".

04/21/2009 14:38 FAX 925 756 1961

009/011

ATTACHMENT 2



Delta Diablo Sanitation District

OFFICE AND TREATMENT PLANT: 2500 PITTSBURG-ANTIOCH HIGHWAY, ANTIOCH, CA 94509-1373
TEL: (925) 756-1900 ADMIN. FAX: (925) 756-1951 MAINT. FAX: (925) 756-1963 OPER. FAX: (925) 756-1962 TECH. SVCS. FAX: (925) 756-1960
www.ddsdl.org

May 30, 2008 (corrected date)

Via Facsimile No. (916) 651-9563

Ms. Delores Brown
Office of Environmental Compliance
Department of Water Resources
P.O. Box 942836
Sacramento, CA 94236

Via Facsimile No. (916) 978-5528

Ms. Patti Idlof
Bureau of Reclamation
2800 Cottage Way, MP-150
Sacramento, CA 95825

**SUBJECT: COMMENTS ON NOTICE OF PREPARATION AND NOTICE OF INTENT FOR
THE BAY DELTA CONSERVATION PLAN ENVIRONMENTAL IMPACT
REPORT/ENVIRONMENTAL IMPACT STATEMENT**

Dear Ms. Brown and Ms. Idlof:

The Delta Diablo Sanitation District (DDSD) submits this letter in response to the March 17, 2008 Notice of Preparation and Notice of Intent to prepare an Environmental Impact Report (EIR)/Environmental Impact Statement (EIS) for the Bay Delta Conservation Plan (BDGP).

DDSD is located at the western edge of the statutory Delta and provides sewage treatment services to a population of approximately 200,000, as well as provides recycled water service to two major power plants that have a capacity to serve over 1 million homes. DDSD's Strategic Plan gives priority to the development of long term sustainable resource development projects that further the District's commitment to progressive environmental stewardship. To that end, the District has taken a leadership role in securing a federal partnership for seven new recycle water projects in the Bay Area. The recent authorization signed by the President includes two projects in the District's service area that will deliver recycled water to two golf courses and seven city parks. In addition, the District is taking a lead role in the development of a biosolids to energy project that is envisioned to provide an alternative biosolids disposal option that will process biosolids into a green renewable energy supply for the Bay Area.

DDSD recognizes that there likely is not one individual solution that will adequately address the environmental challenges that the Delta faces. All solutions should be explored, including re-operations; decreasing water supply obligations through conservation, water transfers, and recycling;

04/21/2009 14:38 FAX 925 756 1961

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Ms. Delores Brown and Ms. Patti Idlof

May 30, 2008

COMMENTS ON NOTICE OF PREPARATION AND NOTICE OF INTENT FOR THE BAY
DELTA CONSERVATION PLAN ENVIRONMENTAL IMPACT REPORT/ENVIRONMENTAL
IMPACT STATEMENT

Page 2

increased storage; engineered solutions to redirect flows, etc. One solution that should be included in the planning and environmental review of the BDCP is the development of a new water supply from the western part of the Delta. Such a water supply could help relieve the Delta of its water supply obligations, as well as allow precious upstream reservoir releases to flow through the Delta prior to diversion.

Over the past three years, the District has completed feasibility level studies on locating a new fish friendly, high quality water supply project within the DDSD service area. The project would divert water out of one or more of the existing water supply intakes owned by others within the District's service area, and utilize advanced treatment to convert the brackish water from the western part of the Delta into a high quality water supply for urban or agricultural purposes. The District is located within an industrial corridor and has several publicly owned assets that could be utilized in the development of a new water supply project, including land and outfall capacity. The studies are in the process of being shared with the local water agencies. DDSD understands that at least one of the agencies, Dublin San Ramon Services District (DSRS), has sent a scoping letter in with a request to include a western Delta brackish water supply in BDCP planning and environmental review process. This letter outlines the conclusions of the studies completed to date, and invites further exploration of a new water supply project that could provide direct relief of the Delta water supply obligations shared by the state and federal projects.

The feasibility level studies the District has completed include a fisheries study and a technical feasibility study that includes cost estimates (copies are available upon request). The studies provide the following conclusions:

- 1) Location of a brackish desalination plant in the western portion of the Delta costs only a third in terms of energy and dollar costs compared to developing a desalination project in the San Francisco Bay or the Pacific Ocean. The main reason this is true is because the salinity fluctuations are a third or less than the other two water sources (i.e., the TDS in the western Delta ranges from 500 mg/l to 14,000 mg/l, while the Bay and Ocean TDS are 30,000 mg/l). Depending on the partners investing in the project, the cost to construct and operate a project varies from approximately \$500/ acre-foot to \$900/ acre-foot.
- 2) The water from a brackish water desalination facility can be treated to any level desired, from bottled water quality for human consumption to a very much improved low salinity water supply for agricultural purposes. Generating and utilizing a high quality, low salinity water source helps to decrease the salinity levels in outfalls and/or runoff.
- 3) A new intake in the western part of the Delta can be operated in a fish friendly way by installing state-of-the-art fish screens, and avoiding pumping periods when protected aquatic species cannot be adequately screened (i.e., during the egg and larvae stage).
- 4) Brine disposal is feasible in the western portion of the Delta by exporting the brine further to the west where salinity levels raise dramatically as the Delta empties into the Bay (i.e., a desalination project does not add mass, but does increase concentration).

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011/011

Ms. Delores Brown and Ms. Patti Idlof
May 30, 2008

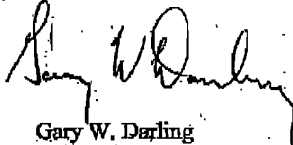
COMMENTS ON NOTICE OF PREPARATION AND NOTICE OF INTENT FOR THE BAY
DELTA CONSERVATION PLAN ENVIRONMENTAL IMPACT REPORT/ENVIRONMENTAL
IMPACT STATEMENT

Page 3

- 5) A brackish desalination project is scalable in the western portion of the Delta and could be considered as a supplemental water supply for the Bay Area, or a water supply component for other water users of the State and Federal water projects. Preliminary capital cost estimates (completed in 2006) indicate that a five million gallon per day (MGD) project could be constructed for approximately \$25 million, a 50 MGD project for \$250 million, up to a million acre-foot/year project for \$3.5 billion. A major benefit of a brackish desalination project in the western Delta is that it is drought proof, and requires no new storage.
- 6) While Bay or ocean desalination projects are considered energy intensive, brackish desalination projects use much less energy. For example, the energy required to treat brackish waters in the western Delta, plus the pumping required to deliver the water to Southern California is less than an ocean desalination and delivery project located in Southern California.
- 7) A brackish desalination project located in the western portion of the Delta is in close proximity to major water conveyance facilities owned by Bay Area water utilities (approximately one mile), and could be used to deliver water to over five million Bay Area residents. In addition, the western Delta water supply is located approximately 20 miles from the state and federal pumping facilities.

Thank you for this opportunity to comment on the BCDP EIR/EIS process. DDSD will continue to monitor the process and encourages a local, state, and/or federal partnership to develop a new water supply from the western Delta. Please do not hesitate to call me at (925) 756-1920.

Sincerely,



Gary W. Darling
General Manager

GWD:dj

cc: DDSD Board of Directors
Bert Michalczyk, Dublin San Ramon Services District
Jill Duerig, Zone 7
Terry Erlewine, State Water Contractors
William Rohwer, Mid Pacific Region, USBR
District File No. RWF.CORRES-9
Chron File

**DUBLIN
SAN RAMON
SERVICES
DISTRICT**



7051 Dublin Boulevard
Dublin, California 94568
Phone: 925 828 0515
FAX: 925 829 1180
www.dsrdsd.com

May 5, 2009

Ms. Marguerite Naillon
Bureau of Reclamation
2800 Cottage Way, MP-700
Sacramento, CA 95825

Mr. Louis Moore
Contra Costa Water District
P.O. Box H20
Concord, CA 94524

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Subject: Comments on Draft Environmental Impact Statement / Environmental Impact Report, Los Vaqueros Reservoir Expansion Project

Dear Ms. Naillon and Mr. Moore:

The Dublin San Ramon Services District (DSRSD) thanks the Contra Costa Water District for the opportunity to review and comment on its Draft Environmental Impact Statement/Environmental Impact Report (DEIS/EIR) for the proposed Los Vaqueros Reservoir Expansion Project. DSRSD believes the project being defined by the DEIS/EIR may have significant potential benefits to the Tri-Valley area of Contra Costa and Alameda counties. DSRSD could be affected by this project because it is a potable water retailer for the Alameda County Flood Control and Water Conservation District, Zone 7 (Zone 7). This entity is specifically mentioned as benefiting from the project by receiving water from the expanded reservoir and facilities. DSRSD supports this effort that CCWD is taking to develop a more flexible water supply portfolio for all the potable water customers in the Bay Area. Below are specific comments relating to this project and the effect on area residents and DSRSD's customers.

Comment 1: As pointed out in Table 6-2 in Chapter 6 – Summary of Impacts, this project will help provide a more reliable potable water supply for domestic users in the area of Contra Costa and Alameda counties. While the total water that Zone 7 can pump out of the Delta will remain approximately the same over any given year, this project may improve the reliability of the Zone 7 supply by allowing pumping at times that would not be allowed from the current intake. For that reason, DSRSD supports selection of an alternative with the potential for a connection to the South Bay Aqueduct.



Comment 2: Page B-11, Water Use Efficiency - Implementing additional wastewater reclamation is deleted. The potential to address the project objective is rated "low." DSRSD has been instrumental in creating an inter-agency project with EBMUD to manufacture and



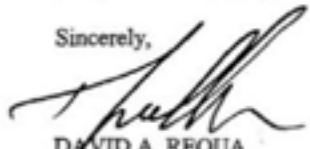
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Dublin San Ramon Services District is a Public Entity

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| Classification | ENV 600 |
| Project | 214 |
| Control No. | 09027640 |
| Folder I.D. | 1083608 |
| Date Input & Initials | 5-2-09 ME |

distribute recycled water to customers for large-scale landscape irrigation named DERWA. In 2008 DERWA provided 2,483 acre-feet of recycled water for irrigation, saving that volume of potable water for domestic use in the area and reducing the demand on the Delta. DSRSD believes it is important for the DEIS/EIR to demonstrate that water agencies in this region are utilizing every technique available for the intelligent management of water supplies. This fact should make the interconnection to the South Bay Aqueduct more acceptable to the public.

↑
2
Cont.

Sincerely,



DAVID A. REQUA
Assistant General Manager/District Engineer

DAR/SK/st

----- Forwarded Message

From: Los Vaqueros <lvstudies@hotmail.com>
Date: Tue, 21 Apr 2009 15:51:06 -0700
To: Andrea Nocito <a.nocito@circlepoint.com>
Conversation: Comments: LVE Project Draft EIS/EIR
Subject: FW: Comments: LVE Project Draft EIS/EIR

Subject: Comments: LVE Project Draft EIS/EIR
Date: Tue, 21 Apr 2009 15:47:49 -0700
From: dcollier@ebmud.com
To: lvstudies@hotmail.com

Hello Marguerite,

EBMUD appreciates the opportunity to provide comments on the Draft EIS/EIR for the Los Vaqueros Expansion (LVE) Project. The comments are attached for your review and the hard copy was mailed today via US Postal Service.

Thank you,

Dorothy E. Collier

Executive Assistant II

Water and Natural Resources Administration

East Bay Municipal Utility District

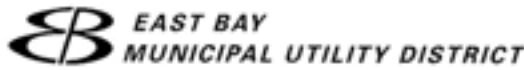
(510) 287-0548 Office

(510) 287-0541 Fax

dcollier@ebmud.com

MS #901





ALEXANDER R. COATE
DIRECTOR OF WATER AND NATURAL RESOURCES
(510) 287-1663
acoate@ebmud.com

RICHARD G. SYKES
MANAGER OF NATURAL RESOURCES
(510) 287-1629
rsykes@ebmud.com

April 21, 2009

Ms. Marguerite Naillon
Contra Costa Water District
P.O. Box H2O
Concord, CA 94524

SUBJECT: Los Vaqueros Reservoir Expansion Project Draft EIS/EIR

Dear Ms. Naillon:

The East Bay Municipal Utility District (EBMUD) appreciates the opportunity to provide the following comments on the Draft EIS/EIR for the Los Vaqueros Expansion (LVE) Project.

Comment 1: The emergency storage benefits of LVE are not necessarily available to EBMUD.

In multiple locations, the Draft EIS/EIR refers to emergency storage water that may be available "through existing interties between water agencies" during shortages caused by natural disasters or other emergencies. There are operational, regulatory and environmental constraints that can preclude the ability to move water to water agencies including EBMUD during shortages or emergencies. At the very least, the Draft EIS/EIR should acknowledge that, under extreme Delta emergency scenarios when EBMUD is unable to access its Mokelumne River supplies for an extended period, CCWD and EBMUD would have significant operational, regulatory and environmental issues to resolve before EBMUD could receive any water from the LVE project. EBMUD relies primarily on its terminal storage reservoirs for emergency supplies that furnish water to all of its existing treatment plants. If an emergency required additional supplies, some of the factors that would be considered include: the location of the emergency (EBMUD-wide vs. localized), the ability of existing treatment plants to treat alternative emergency supplies, the availability of emergency supplies (i.e. the San Francisco Public Utility Commission system vs. the Contra Costa Water District system), and hydraulic capacities within various parts of the transmission, treatment and distribution system. Given the numerous factors to be considered based on the nature of the emergency, EBMUD is not currently able to quantify any emergency supply benefit from the LVE project.

1

Comment 2: Comprehensive cost estimates, while not required, would be helpful.

Although CEQA and NEPA *per se* do not require development of cost estimates for the planning, design, construction, and impact mitigation of a project, it would be helpful if CCWD could publish cost estimates contemporaneously for the LVE project so that the costs of each project alternative can be understood in parallel with the benefits described, including costs to re-pay CCWD's initial investments for the project (i.e. watershed lands, infrastructure relocations, etc.) that would be utilized for an expanded reservoir.

2

Ms. Marguerite Naillon
Contra Costa Water District
April 21, 2009
Page 2

Comment 3: The reason for eliminating desalination as an alternative should be clarified.

Desalination with storage (emphasis added) is listed on page 3-11, as one of the alternatives not carried forward due to environmental issues related to energy use and disposal of brine. The reasons given on page 3-11, unless placed in proper context and clarified could be interpreted as a reason not to consider desalination in general. Desalination projects throughout the U.S. have been successfully implemented and more context should be provided to distinguish the "with storage" option from other applications. Potential desalination projects serving CCWD and other Bay Area utilities are currently under study that are not directly associated with storage. In fact CCWD and EBMUD, along with other Bay Area water agencies, are currently funding a regional desalination pilot test located in CCWD's system. A fuller discussion of the broader technical potential should note that advancements are being made in desalination to address issues cited in the DEIR/EIS. For example, recently developed ultra-efficient energy recovery devices reduce the energy footprint of a desalination project. Moreover, innovative approaches of brine discharge through engineering solutions such as collocation with wastewater discharge facilities may produce a beneficial situation for brine discharge in the seawater environment.

3

Comment 4: Early agreement with EBMUD is needed for water supply backup during construction.

Mitigation Measure 4.12.1b states that CCWD will phase construction to minimize the potential for water supply emergencies and complete formal arrangements with EBMUD for water supply backup prior to draining Los Vaqueros Reservoir and initiating construction. We would like to emphasize that discussions with EBMUD about potential backup supplies should begin at the earliest opportunity. The May 22, 2007 agreement between CCWD and EBMUD for Ownership and Long Term Operation and Maintenance of the CCWD/EBMUD Interconnection Facility Project covers the use of the intertie through which backup water supplies would be provided to CCWD during LVE construction. In accordance with this agreement, EBMUD must first determine if it has sufficient water to meet CCWD's request without impacting EBMUD's customers or its system reliability. Following this determination, EBMUD and CCWD must enter into a written agreement specifically addressing the backup water supply. CCWD, the requesting party, must complete all necessary environmental documentation and permitting for the backup water supply.

4

We look forward to ongoing coordination as further stages unfold in development of this project.

Sincerely,



Alexander R. Coate
Director of Water & Natural Resources

cc: Dennis Diemer, East Bay Municipal Utility District
Pat O'Brien, East Bay Regional Parks District

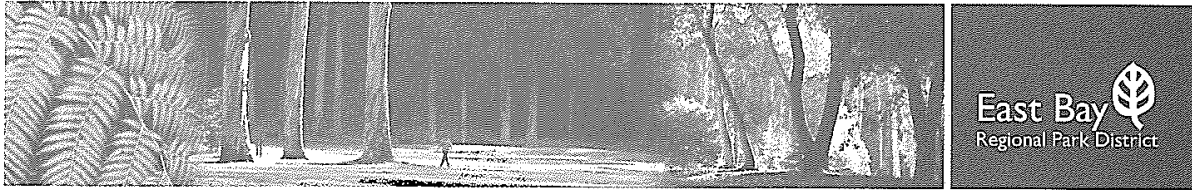
From: Rosie Bock [mailto:RBock@ebparks.org]
Sent: Tuesday, April 21, 2009 2:18 PM
To: Marguerite Naillon
Cc: Pat O'Brien; Bob Doyle; Allen Pulido; Yolande Barial; Brad Olson
Subject: Los Vaqueros Reservoir Exp. Project DEIS/EIR Comments

Dear Ms. Naillon –

Per Mr. Brad Olson's request, I am sending you an electronic copy of his letter regarding the Comments on Los Vaqueros Reservoir Expansion Project DEIS/EIR. The hard copy of this letter dated April 21, 2009 will be mailed to you today. If you have any questions regarding the contents of the letter, please contact Brad Olson by phone at 510/544-2622 or via email at bolson@ebparks.org. If you have any difficulties opening the attachment, please contact me by phone at 510/544-2600 or via reply to this email.

Yours truly,
Roselynn Bock, Secretary
Interagency Planning & Land Acquisition Division





2950 PERALTA OAKS COURT P.O. BOX 5381 OAKLAND CALIFORNIA 94605-0381 T. | 888 EBPARKS F. 510 569 4319 TDD. 510 633 0460 WWW.EBPARKS.ORG

April 21, 2009



Marguerite Naillon
Contra Costa Water District
P.O. Box H20
Concord, CA 94524

Subject: Comments on Los Vaqueros Reservoir Expansion Project DEIS/EIR

Dear Ms. Naillon,

The East Bay Regional Park District believes that the Los Vaqueros Reservoir Expansion Project DEIS/EIR is inadequate for a number of reasons described in our comment letter. Of particular interest to the District are unidentified and/or unmitigated impacts to 1.) Natural resources at Byron Vernal Pools Regional Preserve; 2.) Natural and cultural resources at Vasco Caves Regional Preserve; 3.) the planned Morgan Territory to Brushy Peak Regional Trail; 4.) Public recreation in the Los Vaqueros Watershed; 5.) Wildlife movement corridors in the project area; 6.) East Contra Costa County Habitat Conservation Plan; and 7.) Numerous unmitigated cumulative impacts to natural and cultural resources, and trails and recreation.

1

As you are aware we had requested an extension on the public comment period; however, we were not granted an extension. We retained assistance in preparing our comments by the April 21, 2009, close of comments. Under separate cover the Park District will be submitting detail comments by the firm of Shute, Mihaly and Weinberger.

2

We hope to be able to meet with Water District staff to discuss our comment letter and to identify suitable mitigation measures for impacts to the above listed areas of concern. Please call me at (510) 544-2622 should you have questions or wish to arrange for a meeting.

3

Sincerely,

Brad Olson
Environmental Programs Manager

cc. Board of Directors
Pat O'Brien, General Manager
Bob Doyle, Asst. General Manager

Board of Directors

| | | | | | | | |
|-------------------------------------|---------------------------------------|-----------------------------------|--------------------------------------|------------------------|-------------------------|-----------------------|--------------------------------|
| Ayn Wieskamp President Ward 5 | Ted Radke Vice-President Ward 7 | Doug Siden Treasurer Ward 4 | Nancy Skinner Secretary Ward 1 | Beverly Lane Ward 6 | Carol Severin Ward 3 | John Sutter Ward 2 | Pat O'Brien General Manager |
|-------------------------------------|---------------------------------------|-----------------------------------|--------------------------------------|------------------------|-------------------------|-----------------------|--------------------------------|