



January 24, 2014

John Swiecki, AICP  
 Community Development Director  
 City of Brisbane  
 50 Park Place  
 Brisbane, CA 94005

Via e-mail: eir@ci.brisbane.ca.us

RE: San Francisco Public Utilities Commission's Comments on  
 City of Brisbane's Baylands Project Draft Environmental Impact Report

Dear Mr. Swiecki:

Thank you for the opportunity to comment on the City of Brisbane's Baylands Project Draft Environmental Impact Report (EIR). After reviewing the document San Francisco Public Utilities Commission (SFPUC) is submitting the following comments related to real estate, wastewater, and water supply.

Real Estate

Following are SFPUC comments related to Real Estate.

**Comment RE-1**

This project has a very large area. In order for SFPUC's Real Estate Division to provide more specific comments to the proposed project, a preliminary title report with copies of underlying exceptions is required for the SFPUC to determine whether or not the project will impact upon SFPUC utilities, easements and property. In absence of the title report and the detailed exceptions to title, the SFPUC Real Estate Division does not have any comments at this time, but is also not waiving any of its rights or interests in the subject property that the title report and the exceptions may reveal. In addition, the SFPUC does not waive any rights that may exist by law.

Wastewater

Following are SFPUC comments related to Wastewater.

**Comment WW-1**

Page 4O-11 states "The established protocol between the BSD and the SFPUC for any new development that would generate wastewater in excess of 0.200 mgd is for the BSD to notify staff at the SFPUC to confirm available capacity." Since all project scenarios would generate wastewater in excess of 0.200 mgd, the BSD needs to contact the SFPUC to confirm available capacity. The project sponsor and the City of Brisbane should be aware that if a development project alternative is selected which would discharge wastewater into the City and County of San Francisco sewer system, then the development area is subject to compliance with applicable San Francisco Public Works Code requirements (such as Article 4.1: Industrial Waste and Article 4.2: Sewer System

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 Commissioner

**Harlan L. Kelly, Jr.**  
 General Manager



Management). Also, as per the terms of the existing Joint Exercise of Powers Agreement, the project sponsor would be responsible for payment of applicable capacity charges.

#### **Comment WW-2**

In the SFPUC's comment letter on the NOP dated January 14, 2011, we requested that the EIR evaluate impacts of additional wastewater and stormwater flows on our sewer system. The EIR discusses the treatment capacity of the Southeast Pollution Control Plant in relation to the project's additional dry weather sanitary flows, but does not discuss potential impacts on SFPUC's collection system, including impacts from stormwater flows from the portion of the project site that drains into the SFPUC's sewer system (DEIR Page 4O-18), which may result in flooding and combined sewer overflow discharge events, and compliance issues with the SFPUC's NPDES permit. To determine whether the project would affect our collection capacity, hydraulic modeling would need to be performed in conformance with SFPUC standards. Please contact Kent Eickman, SFPUC Wastewater Enterprise, at (415) 298-9071 regarding hydraulic modeling and other requirements.

#### **Comment WW-3**

The DEIR does not discuss potential impacts from construction activities to the SFPUC's infrastructure. Potential impacts of construction activities, including vibration effects (from activities such as pile driving, compaction, and excavation) on SFPUC infrastructure within the project's area of influence should be analyzed. If additional analysis identifies any potential impacts on SFPUC infrastructure, we recommend that the mitigation measures be developed in coordination with SFPUC and include preparation and implementation of a vibration monitoring plan and a pre- and post-project condition assessment of SFPUC infrastructure. These plans should identify affected infrastructure, protection measures, and methods to video, inspect, and test this infrastructure to ensure that it has been adequately protected during construction.

#### **Comment WW-4**

The DEIR describes a recycled water facility that would remove most of the liquid waste, but does not discuss potential impact of the recycled water facility on SFPUC's wastewater collection system, especially with respect to impacts on hydraulics. In addition to fully describing all the impacts of this facility, development of the recycled water facility would require consultation and approval from the SFPUC as it would have a direct impact on our sewer system.

#### Water Supply

Following are SFPUC comments related to water supply.

The main concern from the SFPUC's Water Enterprise is that an EIR be prepared, circulated and certified at some time that adequately describes the project's proposed water supply and associated potential environmental effects and recommends feasible measures to avoid or reduce those potential adverse effects. The SFPUC would expect to rely upon such an EIR to adequately describe its role in implementing the project's proposed water supply, including changes in SFPUC diversions, storage or other operations, and address environmental effects from a proposed water supply transfer in order to enter an agreement or agreements to implement the water supply. The SFPUC would

require an EIR that includes environmental analyses that are sufficient to prepare CEQA findings related to entering into such water supply agreements.

It is unclear if this Draft EIR is intended to provide project level evaluation of the proposed off-site water supply component of the project. The Draft EIR states in several places that the evaluation of environmental effects of importation of water supply was conducted at a program level (pages 1-5, 1-7, 1-8, 2-3, 3-1). Page 3-77 states "This EIR evaluates at a program level the environmental effects of implementation of the Project Site development components described below and previously presented in Table 3-1" This statement is followed by a series of bullets including "Importation of water supply to the Baylands and the City, which is proposed for each of the Concept Plan scenarios." However, regarding the water supply transfer by OID, MID and SFPUC, it also states (page 3-78) "The approval of these actions would rely upon the analysis presented in this EIR, provided that the information related to such actions that is analyzed herein is sufficient and remains current." Page 3-37 states "Following certification of this EIR, implementation of the proposed water transfer/supply agreement will require approvals of final Water Supply and Conveyance Agreements between Brisbane and OID, between Brisbane and the Modesto Irrigation District (MID), and Brisbane and SFPUC for individual portions of the proposed water transfer. There are no known issues other than certification of this EIR to address the environmental impacts of the water transfers that will implement the agreements that require resolution."

For the SFPUC to rely on this EIR to enter into water supply agreements the potential environmental impacts related to the water supply transfer, storage, delivery, and operations would need to be evaluated at a project level. Environmental effects of the water supply transfer, particularly the proposal to increase diversions from the Tuolumne River between O'Shaughnessy Dam and Don Pedro Reservoir, must be analyzed at a project level and should describe potential specific impacts for the following topics; stream flow and reservoir water levels, geomorphology, surface water quality, surface water supplies, groundwater, fisheries, terrestrial biological resources, recreational and visual resources, and energy resources.

If the analysis in this Draft EIR is intended to provide a project level analysis to allow agencies to rely on it to perform actions of entering into water supply agreements the following items should be addressed:

#### **Comment WS-1**

The Draft EIR's project description of the proposed water supply transfer is insufficient. It is too general, not allowing specific project level impact analysis. The project description combines all water supply transfer agreements, conveyance agreements, and wheeling/conveyance agreements into one bullet in Chapter 3 (page 3-2). The project description (Chapter 3) and Section 4.O, Utilities, Service Systems, and Water Supply do not provide sufficient information on how the OID/Brisbane water transfer would be operated and what its impacts would be.

Each required agreement should be listed separately. A full description of each agreement should be provided including actions that are required for each agreement to be implemented and a complete operational description.

The City of Brisbane has not begun to work with the SFPUC on how the water supply component will be implemented, much less agreements related to the proposed water supply. The SFPUC assumes a separate agreement between the SFPUC, Modesto Irrigation District, and Turlock Irrigation District would be required to account for adjustments to San Francisco's water bank account. A separate agreement between MID and TID may be required to account for their respective shares of storage in Don Pedro Reservoir as affected by the OID transfer. Finally, a separate agreement between the City of Brisbane and the SFPUC would be required for advancement of water supply or storage of water in the SFPUC's local reservoirs during those times when Hetch Hetchy Aqueduct capacity is unavailable due to being fully used to deliver water to existing customers or to meet operational needs, maintenance of the Regional Water System, or outages in emergency shutdowns.

#### **Comment WS-2**

This Draft EIR identified some impacts related to the water supply program resulting in increased diversions from the Tuolumne River and decreased flows between O'Shaughnessy Dam and Don Pedro Reservoir; however, potential impacts in all topic areas related to providing water through the water transfer are not adequately addressed as described below.

An adequate EIR for the SFPUC's purposes must perform a project level analysis of the proposed increase in diversion from the Tuolumne River of 2.14 mgd. Significance criteria should be established to analyze potential impacts that may result on the Tuolumne River from operation of the proposed water agreement. Potential impacts related to the increase in diversions from the Tuolumne River and mitigation measures to reduce impacts must be identified. Potential impacts from the proposed water supply must be described for the following topics; stream flow and reservoir water levels, geomorphology, surface water quality, surface water supplies, groundwater, fisheries, terrestrial biological resources, recreational and visual resources, and energy resources.

#### **Comment WS-3**

It appears that this EIR is relying on the SFPUC to use SFPUC system water stored in Hetch Hetchy Reservoir to implement controlled releases to mitigate for the increased diversion of water from the Tuolumne River resulting from the OID-Brisbane water transfer. This method of mitigation is unacceptable to the SFPUC.

Mitigation Measure 4.01b repeats a mitigation measure identified in the SFPUC's Final Programmatic EIR on the Water System Improvement Program (WSIP). Under the project level evaluation of water supply conducted in the SFPUC's WSIP PEIR it was determined that the increase in diversions from the Tuolumne River of 2 mgd from the SFPUC's WSIP resulted in potential impacts on alluvial features that support meadow and riparian habitat. To mitigate for the impact of increase diversions from the Tuolumne River from implementation of SFPUC's WSIP, the SFPUC adopted a mitigation measure to implement controlled releases to recharge groundwater in streamside meadows and other alluvial deposits. The SFPUC is actively developing this mitigation measure based on current diversions from the Tuolumne River. The SFPUC is developing the flow release plan in coordination with U. S. Fish and Wildlife Service, National Parks Service, and National Forest Service. The flow plan that is being developed does not account for increased diversions from the

Tuolumne River described as the “OID-Brisbane water transfer” in the Draft EIR.

This EIR should not rely on the SFPUC’s implementation of the WSIP PEIR mitigation measure of managing releases from Hetch Hetchy Reservoir to mitigate effects on Tuolumne River resources from the OID-Brisbane water transfer. The SFPUC is implementing managed releases from Hetch Hetchy Reservoir to mitigate for the SFPUC’s increase in diversion of 2 mgd.<sup>1</sup> This EIR should identify mitigation measures to mitigate for impacts resulting from this project’s proposed increase in diversion from the Tuolumne River of 2.14 mgd.

A mitigation measure that does not rely on the SFPUC or SFPUC system water should be identified to reduce the impacts caused by the reduction in flow in the Tuolumne River that results from implementing the OID-Brisbane water supply transfer. If no feasible mitigation exists to reduce impacts to a level of less than significant, the impact determination should be significant and unavoidable.

**Comment WS-4**

The Term Sheet with Oakdale Irrigation District and City of Brisbane for the water supply transfer (Appendix L) includes alternative arrangements between OID and Brisbane that utilize the CCSF system, the State Water Project and/or Central Valley facilities, or through another means of transfer. All of these water supply alternatives should be analyzed in this EIR. The actions identified in the Term Sheet associated with the water transfer should be analyzed in this EIR.

Page 5-1 describes that the CEQA Guidelines require that “An EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives.” As mentioned above, the OID-Brisbane Term Sheet includes alternatives for transmission of water supply from the OID-Brisbane transfer. The alternatives include transmission of water supply using the State Water Project and/or Central Valley facilities. These should be considered feasible alternatives because the OID-Brisbane Term Sheet states that delivery may be made pursuant to an alternative agreement with CCSF, the State Water Project and/or Central Valley facilities.

Please provide an analysis of using the State Water Project and/or Central Valley facilities for transmission of water supply from the OID-Brisbane transfer. Use of these other systems for water supply transmission would eliminate impacts to the upper Tuolumne River due to the fact that the proposed transfer would not result in a reduction of flow on the Tuolumne River between O’Shaughnessy Dam and Don Pedro Reservoir.

**Comment WS-5**

With regard to water supply, several places in the EIR state that no new facilities would be built; however, there are statements such as approvals required for water supply infrastructure improvements (page 2-4), mitigation

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<sup>1</sup> The SFPUC’s adopted WSIP includes a 2 mgd transfer from MID and/or TID and the WSIP mitigation measures address all impacts associated with the program including this transfer.

measure 4.O-1a which requires that water storage facilities are constructed and connected to the project site's water delivery system (page 4.O-38) and the Project would require the construction of new or expanded local water storage and conveyance infrastructure (page 4.O-47).

The EIR should identify facility improvements and new facilities that would be required for reliable water supply. Impacts related to facility improvements and new water supply facilities should be identified in this EIR.

**Comment WS-6**

Page 4.O-44 states that at times the SFPUC system is operating at full capacity and may not have the capacity to deliver the water transfer to the City of Brisbane. How the water supply transfer would be operated during these times should be described in the project description.

The SFPUC uses the San Joaquin Pipeline (SJPL) as the metric for determining capacity of the SFPUC's Regional Water System and illustrating diversions from the Tuolumne River (WSIP Program EIR, Appendix O3, page O3-12). There are three occurrences when the SJPL would not have supplemental capacity to allow for transmission of the proposed water supply component of this project; 1) SJPL is operated at full capacity to meet customer demand and local reservoir replenishment (See WSIP Program EIR pages 2-23, 3-28 and 29, 3-46, and 5.1-10 regarding local reservoir replenishment), 2) SJPL capacity is reduced due to maintenance (See WSIP Program EIR pages 2-27 and 3-45 through 3-48 regarding WSIP maintenance), and 3) emergencies.

The operations of the OID-Brisbane water transfer should be described in greater detail and take into account times when the SFPUC's Regional Water System is operating at full capacity and at reduced capacity due to maintenance. The water transfer component should be described in greater detail and potential environmental impacts associated with the water transfer component of the project should be identified in the EIR.

In addition to providing a more detailed description of the water supply component of the project, answers for the following questions should be provided. Do you have an estimate of the amount storage that would be required, either in one of SFPUC's reservoirs or in a storage facility developed by this project, when the SFPUC system is operating at full capacity or will be shut down for maintenance? Would the sizing of the storage facility account for times of emergency or water quality events that may result in being unable to implement the transfer? Would the new storage facility be sized to meet fire protection needs and peak day demand? Would the storage facility be used for dry year or drought supply? What are the sizing requirements for the new storage facility? To meet project water needs during all times, including times of drought, emergency, or peaking would storage in one of SFPUC's reservoirs be required?

For the SFPUC to use this EIR to enter into agreements with the City of Brisbane on water supply this EIR should describe the proposed water supply operations and identify any direct, indirect and secondary effects of providing a new water supply, including impacts associated with construction of new storage tanks, other facility improvements or new facilities, and any other storage or conveyance requirements.

**Comment WS-7**

Page 4.O-34, Table 4.O-8 identifies projected water demands for the project. The projected City of Brisbane water demand is 2.671 mgd in 2015 for concept plan DSP-V(D). The summer demand for concept plan DSP(D) is 2.6118 mgd in 2015. The water demands for these concept plans are greater than the proposed transfer. Please identify the water supply source to meet the demands for these concept plans.

Table 4.O-8 also shows that projected water demands for most of the concept plans that include the Sierra Point Development would be higher than the proposed water transfer. Please identify the water supply source to meet the demand for these concept plans and Sierra Point Development.

**Comment WS-8**

This EIR addresses drought water supply in section 4.O Utilities, Service Systems, and Water Supply. Pages 4.O-35 and 36 identify that 100 percent of the water transfer of 2.143 mgd would take place in all years including every year of a three year drought. Table 4.O-9 identifies the reduction in deliveries of SFPUC system water to wholesale customers during droughts that result in rationing for the wholesale customer.

The SFPUC uses an 8.5 year design drought to plan water supply delivery reliability. The SFPUC uses the same design drought to identify potential impacts resulting from water system operations, such as changes in diversions from rivers or reservoir water levels. This EIR should identify potential impacts associated with drought year water deliveries and transfers using, at minimum, the longest drought on record.

Potential impacts on the Tuolumne River from the transfer of 100 percent of the 2.143 mgd during multiyear droughts resulting in increased diversions from the Tuolumne River should be analyzed for all topic areas identified in Comment 2 above, and feasible mitigation measures proposed for any identified adverse impacts.

**Comment WS-9**

Page 3-67, Project Description, describes that the water transfer agreement is considered an independent component of the Project Site development and provides for an approval scenario where the City of Brisbane can approve the water supply transfer without approving any of the development scenarios included in this EIR.

Please identify potential impacts associated with approval of the water supply component of the project without approval of any of the development scenarios.

Please provide a growth inducement analysis including potential direct, indirect, and secondary impacts related to growth inducement for the independent water supply component of the project described in the Project Description.

**Comment WS-10**

Pages 6-46 and 47 include a cumulative analysis of water supply; however, it is unclear how the analysis was conducted, including what was assumed for baseline conditions and what cumulative projects were considered. The

cumulative analysis for the proposed water transfer resulting in additional diversion from the Tuolumne River should assume that the SFPUC WSIP is completed and in place; therefore assuming the Regional Water System is delivering 265 mgd annual average and the SFPUC's 2 mgd transfer with MID/TID is a reasonably foreseeable project.

Page 4.O-40 acknowledges that implementing the OID-Brisbane transfer results in a reduction in flow on the Tuolumne River between O'Shaughnessy Dam and Don Pedro Reservoir. Page 6-47 also acknowledges that transfers that would make use of the SFPUC's system could result in flow effects on the Tuolumne River.

This EIR should identify the flow effects on the Tuolumne River if the proposed OID-Brisbane water transfer agreement was to go forward. The effects on the Tuolumne River flow should be described at a project level and should identify mitigation measures to reduce potential impacts and a cumulative analysis which takes into consideration reasonably foreseeable projects should be conducted. Project level and cumulative potential impacts in topic areas listed in Comment 2 should be addressed and mitigation measures should be identified for those impacts. The analysis should include a description of potential impacts that may occur during a multiyear drought. Please conduct the analysis assuming the longest drought on record.

#### **Comment WS-11**

The project includes construction and operation of an onsite recycled water plant, which would provide tertiary treatment of wastewater for recycled water re-use within the Project Site. Will the recycled water be used for other non-potable uses in addition to irrigation? Please provide a brief description of how the recycled water plant would be operated. Please provide estimates of irrigation requirements for each development scenario.

The recycled water plant may not be constructed until year 15 of the 20 year build out (page 3-64). Would water from the proposed water supply agreement be used for irrigation or other non-potable water use during the first 15 years of development? Please break down the water supply needs of each development scenario and describe how the water supply demands will be met. For example identify the irrigation needs under each development scenario and describe if the irrigation needs will be met with water from the proposed water supply transfer or with recycled water.

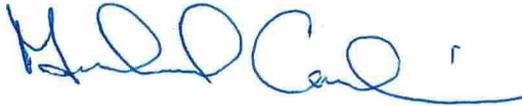
#### **Comment WS-12**

As mentioned in the comments above, the analysis of the proposed water supply agreement should identify potential impacts at a project level that may result from increased diversion of water from the Tuolumne River between O'Shaughnessy Dam and Don Pedro Reservoir. The following sections of the EIR should be revised to include a project level analysis of potential impacts of the water supply agreement; 4.A Aesthetics and Visual Resources, 4.C Biological Resources, 4.E Geology, Soils, and Seismicity, 4.H Surface Water Hydrology and Water Quality, 4.M Recreational Resources, 4.O Utilities, Service Systems, and Water Supply, and 4.P Energy Resources. A cumulative analysis for each of these topic areas should also be conducted. Project level and cumulative analyses should identify potential impacts of operating the water supply transfer during normal years and multiyear droughts.

When conducting the analysis please consider comments related to baseline assumptions and development of mitigation measures to address impacts caused by this project's water supply agreement, comments related to drought year water supply, and comments related to the cumulative analysis.

Thank you for the opportunity to review and comment on the City of Brisbane's Baylands Project Draft EIR. If you have any questions on SFPUC comments please contact Kelley Capone at 415-934-5715 or [kcapone@sfwater.org](mailto:kcapone@sfwater.org).

Sincerely,

A handwritten signature in blue ink, appearing to read "Michael Carlin". The signature is fluid and cursive, with a long horizontal stroke at the end.

Michael Carlin  
Deputy General Manager  
San Francisco Public Utilities Commission

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