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January 19, 2000

Brad Wetstone, CPUC
c/o Aspen Environmental Group
30423 Carwood Street, Suite 215
Agoura Hills, CA 91301

By FAX to 818-597-8001

Re: Bolsa Chica Waterline and Wastewater Project
Draft Supplemental EIR
CPUC Application Numbers 98-11-003 and 98-11-015

Dear Mr. Wetstone,

Here are my comments on the above referenced Draft Supplemental EIR:

1. The public notice for this Draft SEIR review is deficient, as evidenced by the failure of many people to be present at the public information meeting at the Huntington Beach library Jan 6, 2000. Only approximately 9 people were there from the general public, 1 from the City of Huntington Beach, none from the other cities which would be affected by this project. The review period for this Draft EIR should be extended and further notice given to the involved cities. Have the mayors and City Council members from the involved cities been notified? After all, it is a street in their city which will be torn up and permanent hardscape damage to the street will occur, as well as threats to public safety and emergency access during construction of the project.

17-1

2. The Draft SEIR fails to note the permanent nature of the hardscape damage to the street. Digging a trench and patching it up involves unstated irregularities, dips, and rough surface to the asphalt, making travel harder on car's suspensions, etc. Such effects of the project should be stated, and mitigations such as resurfacing and restriping the entire street should be required as well as cost estimates of doing same.

17-2

3. The Draft SEIR does not analyze the potential for the storm drains to be directed into the sanitary sewage system for treatment, a method to reduce the urban runoff into the Bolsa Chica Wetlands and Warner Ave. Pond. This probability is mentioned in the January 19, 2000 Register newspaper (see enclosed), as well as in a series of letters enclosed, including: Orange County Sanitation District Steering Committee Agenda Report, 12/15/99, Scott Baugh letter to Don McIntyre, October 29, 1999, Orange County Sanitation District letter to Ed Mountford, November 30, 1999, Orange County Sanitation District letter to Scott Baugh December 2, 1999, Orange

17-3

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County Sanitation District letter to Greg Heiertz December 9, 1999. The environmental effects of this proposal should be addressed in the Draft SEIR, including its feasibility, practicality, costs, etc. How does this effect the wastewater system as proposed in the Draft SEIR? Has the sanitation district agreed to it? What is the cost? What will happen to first flush storm flows and winter storm flows? Will these waters be retained and treated on-site? 17-3

4. Since this is a Supplement to the 1996 Recirculated Draft Environmental Impact Report for Bolsa Chica Local Coastal Program, other new developments involving the Bolsa Chica should be reviewed. Specifically, the proposed outfall pipes that are now being proposed need environmental review. These outfall pipes were not included in the 1996 report, and the environmental effects were not analyzed. They should be included in the Draft SEIR. 17-4

5. In addition, the existence of the vernal pool on the Mesa needs to be included in the Draft SEIR, as the reservoir is intended to be placed in the pool site. This would be a violation of section 30233 and 30240 of the California Coastal Act. 17-5

6. Also, the 5 pocket wetlands on the Bolsa Chica mesa were not in the 1996 Recirculated EIR, but are being considered by the Coastal Commission, and these should be in the SDEIR. 17-6

7. The recent release of the Coastal Commission staff recommendation to not allow development on the lower bench of the Bolsa Chica Mesa should be reviewed for its ramifications to the proposed water pipeline project. See attached news articles from the Los Angeles Times and the Orange County Register dated January 14, 2000. The numbers of housing units may be reduced, and how will this affect the pipeline project? 17-7

8. The Draft SEIR says nothing about the status of the aquifer from which the water will be drawn, the rate of withdrawal of water from the aquifer, the rate of recharge of the aquifer, the possible threat posed by MTBE contamination of the aquifer, and the increasing siltation of the aquifer, effectively reducing the size of the aquifer. What about the aquifer being withdrawn faster than it is recharged? Will the SCWC company be able to serve its existing customers, if this pipeline is built, given the aquifer's diminishing water supply? How long can this company continue to supply this water if the aquifer continues to be depleted faster than it is recharged? Where will the water come from, and how does it affect the ratepayers? 17-8

9. Has this project received the blessings from OCWD and MWD? Have these agencies been notified? 17-9

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10. Have the fire departments, police, and mayors and council-members from all the cities been notified? Emergency response times, traffic delays, noise, air quality, etc, will affect all the people of these cities, not just those within 300 feet of the road. | 17-10

11. How will the upcoming Coastal Commission hearings on the Bolsa Chica LCP affect this proposal? This matter should be postponed until after the hearings, the drainage and wastewater situation clarified, the numbers of housing units clarified, and better public and city notice be given. | 17-11

Thank you for the opportunity to comment.

Sincerely,



Jan D. Vandersloot, M.D.

Attachments

Please note that this letter had a number of attachments that could not be reproduced here. The attachments are:

- Orange County Register news article, 1-19-2000, "Parallels in 2 Fights Vs. Developers" (2 pages)
- Orange County Sanitation District Steering Committee Agenda Report on Dry Weather Urban Runoff (4 pages)
- Orange County Sanitation District correspondence on Urban Runoff Diversions (3 pages)
- Orange County Sanitation District correspondence to Hearthside Homes on Dry Weather Runoff (2 pages)
- Orange County Sanitation District correspondence to Irvine Ranch Water District on Dry Weather Runoff (3 pages)
- Correspondence from Scott R. Baugh, California Legislature to Orange County Sanitation District, October 29, 1999 (2 pages)
- LA Times news article, 1-14-2000, "Bolsa Project Slashed Again?" (2 pages)
- Orange County Register new article, "Limit Set on Land Near Fault", 1-14-1999 (1 page)

RESPONSES TO JAN D. VANDERSLOOT, M.D.**Letter Dated January 19, 2000**

- 17-1 The efforts to notify and enable the public to comment, which were extensive, are described in Section A.7. It is not clear that the attendance at the public information meeting on January 6 indicates lack of adequate notice. The attendance at the July scoping meetings, which were widely advertised and which involved direct notification to more than 500 agencies, organizations, and property owners, were similarly poorly attended. Inadvertent omissions of any interested individuals from the notification list are regretted. All cities affected by the proposal were directly notified by mail.
- 17-2 A contractor is required to follow construction methods that meet the standards for each affected public agency. The final stage of the pipeline construction project will need to include paving techniques that are approved by the affected local agency.
- 17-3 Stormwater drainage systems are not part of the Proposed Project. Treatment of stormwater flows has not been proposed as part of the pending applications before the CPUC. This issue applies to the proposed construction of homes on Bolsa Chica Mesa, which is not under the jurisdiction of the CPUC. The potential for treatment of stormwater flows is not an issue associated with the Proposed Project and, therefore, is not an appropriate topic for the SEIR.
- 17-4 There is no reason for the Draft SEIR to examine any issues associated with future development on Bolsa Chica Mesa other than those pertaining to the proposed water transmission line. In general terms, the scope of the project evaluated in the Draft SEIR is based on the applications filed with the CPUC by Southern California Water Company and is limited by the jurisdictional authority of the CPUC. The CPUC utilized input received during the Notice of Preparation period to determine the appropriate scope of issues to be analyzed in the SEIR, but limited the issues to those relevant to the Proposed Project, which primarily consists of the construction of a water transmission line.
- The matters referred to in the comment are therefore outside the scope of the SEIR. Concerns related to other issues associated with future residential development on Bolsa Chica Mesa should be directed to the Coastal Commission and the County of Orange. The CPUC has no authority over the outfall pipes described in the comment. The need for supplemental environmental analysis of the outfall pipes or any other component of the proposed development on Bolsa Chica Mesa will need to be determined by the Lead Agency for the development project (the Coastal Commission or Orange County).
- 17-5 The proposed reservoir was part of the project previously analyzed and addressed in the *1996 Bolsa Chica Local Coastal Program EIR*. The location of the reservoir has not changed since it was subject of environmental analysis in the previous EIR. To the extent there is new information about sensitive resources at the reservoir site, the CPUC believes this information should be evaluated by the Coastal Commission as part of its pending deliberations regarding the disposition of future development on Bolsa Chica Mesa. Any potential changes to the location of the reservoir will need to be evaluated by the Coastal Commission in the context of larger environmental and planning issues pertaining to the land use plan for Bolsa Chica Mesa.
- 17-6 This issue pertains to the status of the residential development proposal for Bolsa Chica Mesa, not to the Proposed Project before the CPUC. As indicated in the comment, the issue of pocket

wetlands on the proposed development site is appropriate for consideration by the Coastal Commission, but is not a relevant issue for the SEIR.

- 17-7 There has been no formal decision made by the Coastal Commission regarding changes to the land use plan for the LCP as it pertains to the Bolsa Chica Mesa development site. It is not appropriate for the SEIR to speculate on the outcome of future actions by the Coastal Commission. Please see the response to Comment 8-1.

The CPUC is legislatively obliged to act expeditiously on the applications before it. Possible decisions of the Coastal Commission, which may or may not have implications for Southern California Water Company's Proposed Project, do not in any way affect the obligations of the CPUC.

- 17-8 The proposed production well on the Bolsa Chica Planned Community site is not a part of the Proposed Project. The CPUC is not involved in issuing any approvals associated with the well. SCWC, like the other groundwater producers in Orange County, must comply with drinking water quality standards (including MTBE) and is faced with higher water rates if they exceed thresholds set by Orange County Water District.

- 17-9 All relevant public agencies have been notified.

- 17-10 The agencies responsible for police and fire services in the project were contacted regarding the Proposed Project, and all affected cities were also notified. Mitigation Measure PS-1 (Section C.10) requires advanced coordination with all potentially affected emergency service providers.

- 17-11 The Proposed Project is linked to the proposed Bolsa Chica Planned Community project in that it would facilitate water and wastewater service for the proposed development. However, the CPUC cannot wait for the entitlement process for the Bolsa Chica Planned Community project to be resolved before acting on the pending CPCN applications. The CPUC is legislatively mandated to complete the CPCN process within 18 months after such an application is filed. The possibility that changes in the Bolsa Chica LCP *may* occur that *may* result in a change in the development project that the proposed water line is intended to serve does not change the fact that the CPUC has applications before it requiring action. It would also be inappropriate and speculative for the CPUC to assume what actions the California Coastal Commission may or may not take in the future regarding the disposition of development on Bolsa Chica Mesa. If changes to the Bolsa Chica Planned Community project are approved by the Coastal Commission, any consequences of such an action on the Proposed Project water line project will be evaluated at that time.