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January 19, 2000

Mr. Brad Wetstone
California Public Utilities Commission
c/o Aspen Environmental Group
30423 Canwood Street, Suite 215
Agoura Hills, California 91301

Re: *Comments of the City of Huntington Beach on the Draft Supplemental EIR for the Bolsa Chica Water Transmission Line and Wastewater Service Project*

Dear Mr. Wetstone:

We represent the City of Huntington Beach (the "City"). We understand that the California Public Utilities Commission ("PUC") retained Aspen Environmental Group ("Aspen") to prepare the above-referenced Draft Supplemental Environmental Impact Report ("Draft SEIR") evaluating potential environmental impacts that would result if the PUC approved Application Numbers 98-11-003 and 98-11-015. These applications, if approved, would allow Southern California Water Company ("SCWC") to provide water and wastewater service to the Bolsa Chica Planned Community.

The City has protested SCWC's Applications because the proposed service territory is within the City's existing sphere of influence and the City stands ready, willing and able to provide such service. The City's only requirement is that the landowner process the necessary annexation of the territory into the City. The Draft SEIR now provides an independent reason for the PUC to deny the Applications. The Draft SEIR specifically acknowledges that water service provided by the City would constitute a feasible "environmentally superior alternative" to the SCWC proposal. In fact, connection to the City's water system is identified as the environmentally superior alternative. Additionally, the Draft SEIR also acknowledges that SCWC's proposal will result in at least two environmental impacts that cannot be mitigated to a level of insignificance.

The City agrees with the basic conclusion of the Draft SEIR: the project results in unavoidable and unmitigatable impacts. However, even though the conclusion is correct, the document itself has several deficiencies. Accordingly, the City presents the following comments and objections regarding the insufficiency of Aspen's Draft SEIR.

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THE PROJECT DESCRIPTION IS DEFICIENT

The Project Description contained in the Draft SEIR is incomplete because it does not recognize that a primary "Project Component" is the provision of water service by SCWC rather than simply building a water transmission pipeline.

Clearly, the PUC understands that the "project" identified in the Draft SEIR is more than just a pipeline construction project. It is a proposal to provide services to the Bolsa Chica Planned Community and, as stated at page A-2 of the Draft SEIR, "the provision of water and sewer services is *necessary* for the development of the Bolsa Chica Planned Community to proceed." (Emphasis added.) In other words, without water and sewer services, the Bolsa Chica Planned Community will not be built. But the reader of the Draft SEIR has to dig to find out that SCWC is also proposing to be the water service provider for the Bolsa Chica Planned Community. In the Draft SEIR Project Description, water service is ignored as a "primary component" of the project.

In contrast, for wastewater services, the Draft SEIR readily acknowledges that the "Project Components" include "designation of the SCWC as the wastewater management agency for the Bolsa Chica Planned Community." (Draft SEIR at page B-6.) The other "primary component" of the project is described simply as construction of a water transmission pipeline. (Draft SEIR at page B-6.)

There are several problems that arise from this disingenuous description of the project, particularly with respect to the failure to analyze the project's conflict with existing land use plans (such as LAFCO's sphere of influence designation). There are also problems with the analysis in the Draft SEIR of the project's potential growth inducing impacts. These problems (as well as other deficiencies in the Draft SEIR) are explained in more detail below.

Moreover, the City is compelled to again remind the PUC that this "project" is inextricably intertwined with, and cannot be properly analyzed without knowing, the finite parameters of the entitlement process for the Bolsa Chica Planned Community. Last summer, the City cautioned the PUC that reliance on the "full, planned buildout" of the proposed Bolsa Chica Planned Community was reliance on an unstable moving target. At that time, the Fourth District Court of Appeal (in *Bolsa Chica Land Trust, et al., v. Superior Court of San Diego County* (1999) 71 Cal.App. 4th 493 [83 Cal.Rptr. 850]) remanded the entire Bolsa Chica Local Coastal Plan (the "LCP") back to the California Coastal Commission. The LCP sets forth the development parameters for the Bolsa Chica Planned Community.

By letter dated July 22, 1999, the City specifically informed the PUC staff and Aspen that it was improper to circulate this Draft SEIR until after the Coastal Commission approved a revised Local Coastal Plan. The City emphasized that the revised Local Coastal Plan would provide an accurate, stable and finite project description on which to base the Draft SEIR (and ultimately save time by eliminating the need to recirculate the Draft EIR). The PUC staff and Aspen ignored the City's comments and prepared this Draft SEIR based on the assumption that there would be no substantial change in the LCP.

At page A-6, the Draft SEIR specifically states the potentially faulty assumption upon which every analysis in the document is based:

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“At the time this Draft EIR was being prepared, Hearthside Homes’ revised development proposal for the Mesa had not yet been submitted to the County. Although revisions to the development proposal for the Mesa are anticipated as a result of the Court of Appeal’s protection order, including possible reduction in the total number of residential units, *it is expected that the revised residential project will be substantially similar to the previously proposed development concept described in the current LCP.*” (Emphasis added.)

This Draft SEIR is now on a collision course with the imminent decision of the California Coastal Commission. On January 14, 2000, the Los Angeles Times reported that Coastal Commission staff will recommend that the Bolsa Chica Planned Community be limited to development on 65 acres, down from 183 acres. (We have attached the January 14, 2000, article from the Los Angeles Times as Attachment No. 1 to this letter.) Based on the Coastal Commission new submittal list, the Coastal Commission intends to consider the LCP and staff’s recommendation at the February 15-18, 2000 meeting in San Diego. (We have attached the Coastal Commission’s new submittal list and list of approved Year 2000 meeting dates and locations as Attachment No. 2 to this letter.)

8-1

Perhaps now is the time for the PUC staff and Aspen to honor the City’s request and take no further action on this Draft SEIR until after the Coastal Commission acts on the LCP. It is no longer reasonable to assume that the Coastal Commission will approve a “substantially similar” LCP. Moreover, if the Coastal Commission significantly reduces the “full, planned buildout” as recommended by the Coastal Commission staff, the PUC will be legally required to recirculate the Draft SEIR for public comment with an accurate project description. Of particular concern will be the sizing of the pipeline which the Draft SEIR admits on page B-6 “has been sized to meet the domestic water demands of the proposed Bolsa Chica Planned Community at ‘full, planned buildout’ (currently planned for 1235 dwelling units).”

THE ANALYSIS OF ENVIRONMENTAL CONTAMINATION IS DEFICIENT

The Draft SEIR (at page C.4-9) identifies 14 hazardous waste sites that are currently located along the pipeline alignment. The proposed pipeline alignment is within or immediately adjacent to eight hazardous waste sites with “high” potential to cause environmental impacts due to contamination. (Table C.4-1.) In addition, a fourth mitigation measure (EC-4) is proposed by the Draft SEIR to address “unexpected” contamination that may be discovered during construction of the pipeline. (Draft SEIR at page C.4-9.) The Draft SEIR correctly concludes that the presence of hazardous waste sites along the pipeline route represents a potential significant impact due to the potential health hazards to construction workers and the public.

8-2

Despite this reality, Table D.5-1 states that, for operational impacts of the proposed project, “There could be a beneficial impact from clean up of existing contamination.” (Draft SEIR at page D-45.) Incredibly, the reader is never informed of the basis for this conclusion. Moreover, it contradicts the Draft SEIR recognition that an operational pipeline will likely impede “future remediation efforts near the pipeline” — one of two Class III impacts duly noted by the DEIR but omitted from the comparison in Table D.5-1. (See, Draft SEIR at page C.4-11.) Given the eight “high” hazardous waste sites that the proposed pipeline alignment traverses, what is the impact of trenching work (5 to 7 feet deep and up to 50 feet wide) and the operational existence of the pipeline on the threat of soil contamination reaching the groundwater? Specifically, with the Draft SEIR’s identification of several leaking underground storage tanks at the hazardous waste sites hosting the pipeline, is the threat of MTBE contamination of groundwater increased or reduced with respect to the

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operational pipeline under the proposed project? Does the proposed project increase soil percolation rates within the vicinity of the eight "high" hazardous waste sites? Do projected unavoidable leaks from the pipeline amount to an operational impact for the proposed project (especially in light of the Class I designation for "potential rupture of pipeline due to fault movement" (see, Table D.5-1 at page D-43))? How do these operation impacts compare with the alternatives to the proposed project?

Table D.5-1 establishes a Class II impact for "risk of contamination from unknown contaminants" for the proposed project and all alternatives. However, it defies common sense to forecast that the exposure to unknown contamination is a Class II impact. How is it that the comparative analysis of the proposed project and the alternatives are the same for unknown contamination exposure when the Draft SEIR rules for Alternative I that: "No sites with high, medium, or low potential for environmental impact due to contamination were identified. Therefore, this alternative has no potential to be affected by known areas of contamination. In addition, due to the substantially shorter length of this water line, this alternative has substantially less potential than the Proposed Project to encounter undiscovered areas of contamination"? (See, Draft SEIR at page D-16.) From the description of the 14 hazardous waste sites that the proposed project's pipeline will abut, how can the resulting impact for unknown contamination be anything but a significant Class I unavoidable impact?

8-2

From the information provided by the Draft SEIR, a more accurate impact analysis for unknown contaminants would result in a Class I designation for the proposed project (due in part to high exposure to identified hazardous waste site sources with unknown contamination) and a Class III designation for Alternative I (because of the short length of water pipeline and the absence of identified hazardous waste sites).

**THE ENVIRONMENTAL ANALYSIS OF
 LAND USE AND PLANNING IS DEFICIENT**

Section C.9 of the Draft SEIR purports to address "the environmental setting and impact assessment in the project area in relation to land use." (Draft SEIR at page C.9-1.) However, even a cursory review of this section demonstrates that the only component of the "project" that is analyzed is the pipeline alignment. The component of providing water and wastewater services is never addressed in this section. Consequently, any conflicting land use plan, policy or regulation adopted by any other agency that may have jurisdiction over the provision of those services was conveniently ignored.

The project's conflict with the existing sphere of influence adopted by LAFCO is one of those impacts that the Draft SEIR does not address. At page A-12 of the Draft SEIR, the reader is directed to the July 1999 Initial Study for an explanation of why certain potential impacts would not be addressed in the Draft SEIR. The topic of "Land Use and Planning" was addressed in the Initial Study (see, Draft SEIR Appendices, Tab 2, page 18). But, in response to the question "Would the project conflict with any applicable land use plan, policy or regulation of an agency with jurisdiction over the project?" the Initial Study answered "No impact. At this time, the proposed project is not known to conflict with any plans, policies or regulations of agencies with jurisdiction over the project." In fact, the PUC staff and Aspen had been expressly informed through the City's protest to Application 98-11-003 (filed with the PUC on December 4, 1998, seven months before the Initial Study was completed in July 1999), that the Bolsa Chica area was within the LAFCO approved sphere of influence for the City. This inclusion of the Bolsa Chica area within the sphere of influence of the City

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constitutes a decision by LAFCO that the City is the natural and logical provider of water and wastewater services to the Bolsa Chica area.

SCWC's attempted incursion into the City's sphere is inconsistent with LAFCO's determination regarding the City's sphere of influence. The City believes that a complete analysis will show that the conflict between the project and the existing LAFCO policy is a significant unavoidable (Class I) impact. However, it is not the City's duty to conduct that analysis. Before the PUC can consider the SCWC Applications, the Draft SEIR must be revised to include a proper analysis of potential "Land Use and Planning" impacts that would result from approval of the project. The analysis of such impacts must then be submitted to the public for review and comment for at least 45 days as required by CEQA.

8-3

THE ANALYSIS OF GROWTH-INDUCING EFFECTS IS DEFICIENT

The Draft SEIR does not include any analysis of "Population and Housing" impacts. According to page 20 of the July 1999 Initial Study, this is because the project simply "support[s] planned growth." The Initial Study further explains (at page 20), "Since the proposed pipeline and onsite water facilities have been sized to serve only the Bolsa Chica Planned Community project, the proposed water facilities are not considered to be growth inducing." On this basis, the PUC is asked to find that the impact is less than significant.

Following the same logic, the Draft SEIR spends just one and one-half pages on the "Growth-Inducing Effects" of the project, concluding that the project "should have no significant growth-inducing impacts." (Draft SEIR page F-1.) However, such a conclusory analysis of growth-inducing impacts is deficient under CEQA. Public Resources Code § 21100(b) provides that an "environmental impact report shall include a *detailed* statement setting forth . . . [t]he growth-inducing impacts of the proposed project." (Emphasis added.)

8-4

Perhaps a *detailed* discussion was omitted because Aspen used the wrong criteria for determining significance of potential growth-inducing impacts. On page F-1 the Draft SEIR explains that "the growth-inducing potential of a project would be considered significant if it fosters growth or a concentration of population above what is assumed in local and regional land use plans, or in projections made by regional planning authorities."

However, it is completely improper for an EIR to compare the impacts of a project against only "planned growth." (See, *City of Antioch v. City Council of the City of Pittsburg* (1986) 187 Cal.App.3d 1325 [232 Cal.Rptr. 507] and *Environmental Planning & Information Council v. County of El Dorado* (1982) 131 Cal.App.3d 350, 358 [182 Cal.Rptr. 317]; See also, Attachment No. 3 to this letter, an unpublished opinion of the Fourth District Court of Appeal specifically pertaining to potential growth-inducing impacts of water pipelines.) Under CEQA, the Draft SEIR is required to compare the impacts of this project against a baseline of the *existing physical conditions* in the area in addition to the population forecasted to migrate into the area pursuant to any regional plan. Guideline § 15125(e) specifically states:

"Where a proposed project is compared with an adopted plan, the analysis shall examine the existing physical conditions at the time the notice of preparation is published...as well as the potential future conditions discussed in the plan."

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In this case, Aspen never concerned itself with the growth-inducing impacts of this project on the existing environment -- an environment where the proposed development of 1,235 homes is contingent on water and wastewater service as the Draft SEIR itself admits on page A-2. Instead, Aspen has opted to hide behind an improper base line of "planned growth" and prepared a Draft SEIR without the required detailed analysis of growth-inducing impacts. A detailed analysis should be prepared in accordance with CEQA, and the Draft SEIR should be recirculated for public review of that analysis.

There is another basic problem with this section of the Draft SEIR. The decision to proceed with the project waiting for the decision of the Coastal Commission will again come back to haunt the PUC if the revised LCP substantially reduces the number of dwelling units that can be constructed as part of the Bolsa Chica Planned Community. At page B-6, the Draft SEIR admits:

8-4

"The pipeline has been sized to meet the domestic water demands of the proposed Bolsa Chica Planned Community at 'full, planned buildout' (currently planned for 1235 dwelling units)."

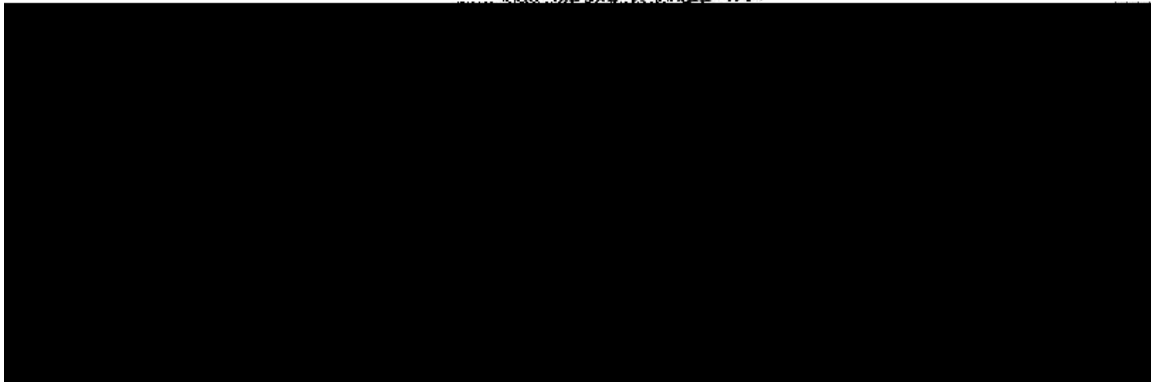
If the Coastal Commission approves a LCP that substantially limits the number of dwelling units to be served by the pipeline, either a smaller pipeline will need to be described in the Project Description section of the Draft SEIR or the pipeline will contain excess capacity that will have the potential to induce even more growth. One or both sections of the Draft SEIR will need to be redrafted and then recirculated for public review and comment.

ADDITIONAL COMMENTS

In addition to the general comments provided in this letter, Attachment No. 4 to this letter contains a list of comments in numerical order based on the pagination of the Draft SEIR. Attachment No. 5 to this letter contains comments from the City's Environmental Review Board. If you have any questions concerning any of the comments provided in this letter or in Attachment No. 4 or No. 5, or if you would like clarification on any of the issues raised herein, please contact us and we will coordinate with the City to provide you with any additional information necessary. We look forward to receiving your timely written response to these comments.

Very truly yours,

Van Blarcom, Leibold
McClendon & Moore, P.C.



ATTACHMENT No. 4

LIST OF COMMENTS

<p>Page ES-4 Executive Summary - Project Objectives: Reference is made here and throughout the report to the “County Sanitation District of Orange County.” This agency is now called the “Orange County Sanitation District” or OCSD. Also their service area is no longer broken down into several districts (reference district 11) but is just one large district.</p>	<p>8-5</p>
<p>Page ES-12 Executive Summary - Environmental Contamination: With regard to mitigation measure EC-3, an addition should be made regarding jurisdictional notifications. In addition to DTSC and ORCO Health, the City must be notified about soil investigations and lab results.</p>	<p>8-6</p>
<p>Any pipe jointing materials or gaskets should be impervious to a wide spectrum of hydrocarbons (example – <i>nitrile</i> gaskets).</p>	<p>8-7</p>
<p>At Warner Avenue and Los Patos, a high-flow gas and crude petroleum line from the offshore Oil Island “EVA” is located near the installation point.</p>	<p>8-8</p>
<p>Page ES-12 Executive Summary - Hydrology and Water Quality: Item one speaks to impacts to surface water during construction and states that no mitigation measures are required. Under the Clean Water Act and NPDES permitting, construction projects such as this must implement Best Management Practices such as gravel sandbags at catch basin openings and other appropriate measures.</p>	<p>8-9</p>
<p>Page ES-14 Executive Summary - Public Services and Utilities: The last two items speak to potential utility service impacts and state that no mitigation measures are required. It would be appropriate that the applicant work with the utilities to insure that they have double checked and marked all the location of their facilities. They should also inquire as to whether the utilities have all the necessary materials and resources to repair any possible damage in a timely manner.</p>	<p>8-10</p>
<p>Page B-6 Domestic Water Transmission Line: SCWC proposes to use 18-inch diameter class 350 ductile iron pipe with 42 inches of cover. The standard for Huntington Beach would be to use PVC pipe and 48 inches cover. Greater cover protects the pipe from live surface traffic loading. Although ductile iron pipe is inherently stronger than PVC pipe and is capable of withstanding surface impact loads, corrosive soil can reduce its service life.</p>	<p>8-11</p>
<p>It is not surprising that a soil corrosivity survey conducted by the Ductile Pipe Institute would not reveal a significant corrosion situation and would recommend the use of ductile iron pipe. The report did not discuss any corrosion experience of the other utilities already using the proposed alignment. Oil and gas companies are known to</p>	<p>8-12</p>

frequently use cathodic protection for corrosion control. If any of the existing utilities are using cathodic protection it would significantly complicate protecting a ductile iron pipe from corrosion. Adjacent cathodic protection systems can conflict and if not balanced with each other can accelerate the corrosion of one or more of the adjacent facilities. Main breaks due to corrosion in this heavily traveled alignment could be a significant problem. The Draft SEIR at page C.5-9 states that "The presence of corrosive soils which would damage the pipeline" would be considered a significant geologic hazard. ~~This statement is not referenced on page C.5-9.~~

8-12

Page B-9 Estimated Cost: Proposed total water supply system to service Bolsa Chica is estimated to be \$8,650,000, and the transmission line component cost estimate is \$4,500,000. This does not agree with IWA Engineers Report dated March 1998, Table 6.2. The estimated total cost for the 18-inch pipeline Scenario 1 is \$10,444,000 and did not include the cost of a water well. The IWA cost estimate for the 18-inch transmission line component is \$4,500,000, which is the same.

8-13

Page B-15 Segment 9: Proposed 18-inch pipeline alignment conflicts with recently installed 72-inch diameter RCP storm drain. Because of the large storm drain, Bolsa Chica Street has limited space. If the proposed SCWC 18-inch pipeline is allowed to be installed, available space for future water or other utility improvements will be restricted.

8-14

Page B-16 Underground Reservoir: A totally buried water reservoir is not the normal standard of construction. DHS will require special mitigations and barrier protections on the roof to prevent and/or monitor seepage and potential water contamination.

8-15

Page B-18 and Figure B-7: The drawing indicates a single tank. Text discussion indicates the reservoir would be divided into two internal reservoirs. How will this be constructed? Will a dividing wall be installed and how will access be gained? Also, separate piping and controls will be needed for inlet and outlet to each portion resulting in a higher installation and maintenance cost.

8-16

Page B-20 Wastewater Collection Facilities: Reference is made to a new sewer lift station that will be constructed and abandonment of the existing City of Huntington Beach lift station, with the flows diverted into the new station. It is unclear as to who will own and operate this new sewer lift station. Page 20 states SCWC will own and operate the entire wastewater system and charge a monthly fee of \$6.00 per month or \$0.267 per one hundred cubic feet of water used. Figure B-8 on page 22 and figure B-9 on page 23 indicates that it will be an OCSD station. But if it is taking City of Huntington Beach sewage, it should be operated by OCSD. This needs to be clarified.

8-17

Page B-21 Lift Station: Reference is made that the new sewer lift station will have two pumps with a capacity of 1,200 gpm each. The City's Station "D" currently handles 2,385 gpm. If they are to be combined, the new station will need to be a little larger with more pumps.

8-18

Page B-23 Figure B-9: Indicates only a portion of the existing sewer force main will be replaced. As this is an old, deteriorated line, the entire force main will need to be replaced. 8-19

Page B-24 Emergency Systems: The City has concerns with regard to emergency response to any sewer/lift station malfunction as it appears that SCWC has little or no experience running such facilities. The document indicates that SCWC will subcontract out the maintenance and operations of the sewer system (Draft SEIR at page B-37, Section B.8.3.) It appears response crews will come from some distant site. As timely response is critical to any type of sewer system failure, there are concerns that this could lead to disruption in service, overflows into streets and storm drains, and ultimately into the environmentally sensitive harbor or wetland areas. 8-20

Page B-28 Pre-Construction Activity: The fourth paragraph indicates that pavement removal will be by breaking or sawing. All trench pavement removal within the City of Huntington Beach needs to be saw cut out. 8-21

Page B-36 Operation and Maintenance: All emergency service will be from remote locations and deploy emergency crews within ten minutes dispatched from the Los Alamitos Field Operations Warehouse. There is no discussion of supervisory control and data acquisition (SCADA) control or monitoring. Also, time for arrival to a problem area could be much longer than 10 minutes. While not discussed, it is especially important for the tank and booster pumping station to have SCADA and remote monitoring to provide the most efficient emergency response and reduced time. 8-22

The Draft SEIR states that an emergency call is reacted to (dispatching of the emergency response staff) "...immediately upon receiving a call during business hours, and within ten minutes of receiving a call during non-business hours..." No evaluation is made in the report of actual response times (response time is usually taken as the time from the reporting of an emergency to the actual arrival at the emergency site of the emergency response staff). No map in the Draft SEIR shows location of the SCWC Los Alamitos Field Operations Warehouse. Also the Draft SEIR does not give the Field Operations Warehouse address.

Page B-37 Wastewater Collection System: The language indicates that there will be two sewer lift stations. This needs to be clarified. 8-23

Page C-3.5: The following intersections should be added to the list of intersections experiencing congestion during peak periods: Bolsa Chica/Edinger (LOS D); Bolsa Chica/Warner (LOS D) 8-24

Page C.3-10 Traffic Impacts and Mitigation: The waterline should be jacked across all major intersections in order to minimize traffic impacts. The work hours should be modified to be Monday through Friday, from 7 AM to 4 PM. 8-25

<p>The EIR should state that two lanes shall be maintained in each direction on Bolsa Chica Street and any crossing arterials, and the design should be modified to accommodate this requirement wherever necessary.</p>	<p>8-25</p>
<p>Slurry backfill is required for open trenches in the City of Huntington Beach, which may impact construction scheduling, staging, and material delivery; hence, the project description should be updated to reflect this.</p>	
<p>Page C.3-18 Mitigation Measure T-6: If bikes are to share a lane of traffic with motorized vehicles, this is considered a bike lane closure. It is inaccurate to deem this an alternate bike route. On a high-speed arterial such as Bolsa Chica Street, the City would require the use of temporary barricades (termed "K rails") to protect the work zone. This implies a 24-hour closure since these barricades can't be easily moved.</p>	<p>8-26</p>
<p>Page C.5-2 Faults and Seismicity: It appears that an Alquist Priolo Study will need to be performed for the development and the reservoir site.</p>	<p>8-27</p>
<p>Page C.5-8 Soils: Limited data is available on soils corrosivity. The report's recommendation is to use polyethylene encasement around the ductile iron pipe. An alternative solution could be to use PVC pipe, which is the standard for the City.</p>	<p>8-28</p>
<p>Page C.5-10 Mitigation Measure G-1: Revise first sentence by adding the words "pipeline damage due to" before the word "fault."</p>	<p>8-29</p>
<p>Page C.5-11: The Draft SEIR contains no discussion of effects on the tank or booster pumping station caused by strong ground shaking due to a large seismic event on the Newport-Inglewood fault zone. The original EIR appears to have discussed this issue in great length. However, it appears to be less prudent to rely on a 6.7 mile long transmission main together with a tank and booster pumping station located adjacent to the North Boundary Fault trace of the Newport-Inglewood fault zone. The City has distributed storage and networked piping that provides greater reliability.</p>	<p>8-30</p>
<p>Page C.6-1 Hydrology and Water Quality: The report assumes that local groundwater is available and proposes it as a supplemental water source for the Bolsa Chica Planned community project. Even though a test well was started, production from a well in this area has not been thoroughly investigated and the water produced may require expensive treatment. This report contains no discussion of the cost or treatment facilities that may be needed.</p>	<p>8-31</p>
<p>Page C.6-17: 100-year flood flows could damage pipeline crossings. Estimate of only 1 to 2 days to make repairs may not be valid. Longer outages would jeopardize proposed development water supply and emergency connections with nearby cities for mutual aid would be necessary.</p>	<p>8-32</p>
<p>Page C.9-8: Discussion of major traffic flow in Bolsa Chica Street is a very important construction impact. This could be very disruptive for employees of major businesses</p>	<p>8-33</p>

including Boeing. Segments of roadway will be progressively impacted and lanes of traffic will be restricted to only one lane of travel as the pipeline advances its route. The permanent median barriers in portions of Bolsa Chica Street restrict temporary lane movement.

8-33

Boeing has recently expanded its employment at their Huntington Beach facility. This is not discussed in the Draft SEIR. Commuters will be delayed for an extended period of time. Also, residential neighbors attempting to enter Bolsa Chica Street during the morning and evening commuter periods will experience heavy traffic, and this will promote ill will toward the City without just cause. Traffic accidents could also increase.

Section D. Alternatives Comparison: As this Draft SEIR is for two applications, 1) for providing water service; and 2) for providing sewer service. Where is the alternative comparison for the sewer service? This operation could be provided by either SCWC, the City of Huntington Beach, the Orange County Sanitation District, the County of Orange, Sunset Beach Sanitation District or another private company. The document needs to address alternatives to sewer service.

The dramatic difference in impacts between the environmentally superior alternative (City system connection alternative) and the Proposed Project (the SCWC Pipeline alternative) is not reflected in the Draft SEIR. An onsite visit of the proposed pipeline site reveals the following:

- a) The connection to the City's water system is literally just a few steps from the site on a very lightly used street.
- b) The connection to SCWC's water system is a 20 minute trip by car down a traffic clogged major urban street. This 6.7 mile trip involved the following experiences:
 - i) Visiting the connection point to the SCWC water system at the intersection of Orangewood and Valley View, an extremely busy intersection.
 - ii) Passing through a military airbase.
 - iii) Observing that the proposed alignment would use a significant length of flood control channel embankment with difficult access.
 - iv) Crossing a major freeway interchange.
 - v) Driving a major street (Bolsa Chica) that parallels a major military ammunition dump for most of its length.
 - vi) Noting that the major street also parallels a major flood control channel.
 - vii) Crossing three or four other flood control channels.
 - viii) Crossing a railroad.
 - ix) Noting that the major arterial street provides the primary access to a major aerospace complex of significant importance to the national defense and employing a few thousand employees and from time to time several thousand more.
 - x) Noting that the major arterial street provides the sole access to numerous businesses and business complexes at various locations along its length.
 - xi) Realizing that the proposed alignment is already a heavily used utility corridor and that using it for the proposed pipeline will involve literally hundreds of utility conflicts and relocations.

8-34

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

- **LA Times news article, “Bolsa Project Slashed Again?”, January 14, 2000 (3 pages)**
- **California Coastal Commission Meeting Notice, including the announcement of the Bolsa Chica LCP Hearing**
- **Court of Appeal, Fourth District, Division Two, State of California: Cherry Valley Environmental Planning Group vs. San Geronimo Pass Water Agency**
- **Correspondence from City of Huntington Beach Environmental Board to the City of Huntington Beach Planning Department, January 18, 2000**

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RESPONSES TO VAN BLARCOM, LEIBOLD, McCLENDON & MANN
Legal Counsel Representing the City of Huntington Beach
Letter Dated January 19, 2000

- 8-1 It is certainly apparent that the provision of water by Southern California Water Company (SCWC) is a primary component of the Proposed Project; after all, the project is described as the construction and operation of the proposed water line by SCWC. The SEIR project description describes the delivery of water by SCWC to the Bolsa Chica Planned Community, indicates the amount of water to be delivered, and describes its intended use to serve future residential development on Bolsa Chica Mesa. Information on SCWC and its available water sources is presented in Section B.4 of the SEIR. Clearly, the SEIR acknowledges that SCWC will be the water provider.

The project is described as having two primary components for obvious reasons. SCWC filed two applications for Certificates of Public Convenience and Necessity with the CPUC – one pertaining to water service for Bolsa Chica Mesa and the other pertaining to wastewater service. The water line is emphasized in the SEIR because it is the only component of the two applications involving the construction of new facilities (the wastewater application involves only the designation of SCWC as a wastewater management agency, not the construction of wastewater facilities), and these are the only facilities that were not part of the project included in the Recirculated Draft EIR for the Bolsa Chica Local Coastal Program.

The Proposed Project is intertwined with the proposed Bolsa Chica Planned Community project. 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. Moreover, while the CPUC must act on the instant applications before it within the timelines mandated by the legislature, the CPUC's decision does not create irreversible momentum for the underlying and related land use decision that is before the California Coastal Commission. The applicant proceeds with the CPCN application process at its own risk. If the development on Bolsa Chica Mesa turns out to no longer be "substantially similar" to that described in the 1996 LCP, and is, in fact, reduced in size, it would not change the fully disclosive and conservative analysis of impacts presented in the SEIR for the two pending CPCN applications.

- 8-2 Trenching through contaminated soil, if present, could result in voluntary clean-up action to remove and properly dispose of this soil. In the event contaminated soil is left in place below or adjacent to the pipeline, operational leaks or breaks could result in transport of contaminants. Where MTBE is present in contaminated soil it too may be transported. Downward migration to the first water-bearing horizon could result. Construction of the pipeline will not change (increase) soil percolation rates in soil undisturbed by trenching (adjacent to or below the trench). Impacts from unavoidable leaks would be less from the shortest alternatives (Alternative 1).

Impacts resulting from pipeline rupture due to fault movement is equal for all alternative alignments and the proposed alignment.

Potential for unknown soil contamination cannot be predicted, therefore the potential is equal for all alternatives, except possibly Alternative 1.

8-3 The preparers of the Draft SEIR have been careful to faithfully describe the perspectives of all of the protagonists where this information is relevant. The application and associated filings (e.g., testimony) have been received by the CPUC and will be duly considered in the light of all available information. The City of Huntington Beach has had an opportunity to make its arguments about being the logical water provider through testimony and during evidentiary hearing. It would be inappropriate for the Draft SEIR to pre-empt CPUC decision-making by attempting to deal with this issue. Although the preparers of the Draft SEIR understand the City's concerns, there is nothing in CEQA that requires consideration of this type of potential policy conflict. This is a matter that can only be dealt with by the CPUC, having considered all relevant information in the administrative record for the proceeding.

8-4 The author has mis-stated or misunderstood the analysis provided in the Draft SEIR. The criterion cited for the 'deficient' analysis has been wrongly identified. The analysis provided rests not on 'planned growth' but on the fact that the Draft SEIR supplements existing environmental analysis by considering the impacts specifically associated with provision of water service by SCWC.

The analysis of growth-inducing effects is not deficient for two reasons. First, the project that is the subject of the Draft *Supplemental* EIR does nothing to enhance or change the growth effects of the Bolsa Chica Planned Community. These effects were previously analyzed in the *1996 Recirculated Draft Environmental Impact Report for the Bolsa Chica Local Coastal Program* (County of Orange). Second, the current project is intended to wholly and solely serve the Bolsa Chica Planned Community. It cannot and will not serve any other areas of planned or proposed residential development. It will only serve the Bolsa Chica Planned Community that was previously subject to environmental analysis. Indeed, the City of Huntington Beach is at 90% buildout and the City of Seal Beach is at 98% buildout – the project will therefore not induce further growth.

At this time, a reduction in the permitted number of dwelling units on the Mesa by the Coastal Commission is speculative and therefore not appropriate for consideration in an EIR. If there is a need to reduce the size of the pipeline in the future, the CPUC will take whatever actions are appropriate in response to such a change in the project at a future date.

8-5 This correction was made in the Final SEIR.

8-6 Noted. The text has been changed to indicate that if contamination is found within a public street or other public property, the DTSC or the County Health Department and to other relevant agencies shall be notified.

8-7 Noted.

8-8 Noted.

8-9 No mitigation measures are necessary beyond the requirements of the NPDES and construction permits.

The Clean Water Act requires that all discharges from any point source into waters of the United States must obtain an NPDES permit. The reason for obtaining a permit is to protect public health and the nation's waters. Best Management Practices used to ensure compliance with NPDES and construction permits include:

- Straw mulch with tackifier to temporarily stabilize earth uncovered during construction;
- The application of bonded fiber matrix (with or without seed) to provide longer term stabilization of earth;
- Silt fences;
- Sand bags;
- Storm drain inlet protection and sediment traps.

The applicant will need to implement all measures to remain in compliance with NPDES and construction permits. Therefore, further mitigation is not required. The description of the regulatory setting in the Draft SEIR (Section C.6.1.2) has been revised to include Best Management Practices.

8-10 Please see Section C.10.2.3 under the heading of "Construction Accident". Although no mitigation measures will be required by the CPUC, under State law, the applicant is required to contact Underground Service Alert prior to ground-breaking activities to determine the location of utilities in the pipeline ROW and notify utility owners of excavation plans (Applicant Proposed Measure 2). In addition, Applicant Proposed Measure 3 discussed in Section C.10.2.2 requires construction contractors to prepare construction plans designed to protect utilities and to provide those plans to affected jurisdictions for review, revision, and final approval.

8-11 Domestic Water Transmission Line: SCWC proposes to use 18-inch diameter class 350 ductile iron pipe with 42 inches of cover. The standard for Huntington Beach would be to use PVC pipe and 48 inches cover. Greater cover protects the pipe from live surface traffic loading. Although ductile iron pipe is inherently stronger than PVC pipe and is capable of withstanding surface impact loads, corrosive soil reduces its service life.

8-12 There is always a debate as to whether ductile iron or PVC is a preferable material for drinking water. Based on our review, ductile iron is acceptable. Regarding the depth of cover over the pipe, this issue is a design issue that should be addressed during the City's design review and construction permitting process, and not in the Draft SEIR.

8-13 The *Plan of Works for Water and Wastewater* (SCWC 1998) states that the cost of water *supply* is \$8,650,000 and the cost of the water pipeline is \$4,500,000. The comment has incorrectly included on-site water distribution that is not an element of the project being assessed in this Draft SEIR.

8-14 The design drawings for the pipeline will need to incorporate any changes or new installations since the initiation of the water line project. The proposed pipeline is, in fact, a utility improvement, and any future improvements will also necessitate a design that accounts for existing utilities.

8-15 Totally buried reservoirs are not uncommon. DHS will require prevention and monitoring of seepage, but this is a permitting issue and is not included in the SEIR.

8-16 The construction of the dividing wall will be addressed in the construction drawing details, and not in the SEIR. However, this comment is noted for the designer.

8-17 The sentence on B-20 (first paragraph of section B.6.3) has been revised as follows:

“Hearthside Homes, Inc., has entered into an agreement with SCWC for operation and maintenance of the sewer system for the Bolsa Chica Planned Community on the Bolsa Chica mesa. The sewer system facilities proposed for the project include on-site sewage collection lines, a sewage lift station (to be operated by SCWC), and a sewer force main (also to be operated by SCWC).”

The original assumption in the Draft SEIR was that the OCSD would operate the lift station. There was, as this and other comments pointed out, a lack of clarity in the original text in this regard. Since the preparation of the Draft SEIR, the proposed arrangements for operation of the lift station have been revised. The SCWC now proposes to operate the sewage lift station and sewer force main. CPUC approval is required for SCWC to own and operate these wastewater facilities.

8-18 The Bolsa Chica Plan of Works document submitted by the Applicant includes the current wastewater flows in its pump sizing calculation for the project. Based on a review of these calculations, the pumps appear to be adequately sized. However, the calculations shown on Table 4.1 of the Plan of Works indicate that the current peak dry weather flow is 1.88 cfs or 844 gpm. We do not have any data available that would explain this discrepancy between the 844 gpm incorporated in the Plan of Works and the 2,385 gpm referenced in the comment.

8-19 This issue will be resolved in negotiation between the developer and the City; it is not addressed in the SEIR.

8-20 In fact, the lift station will be maintained and operated by SCWC. Wording in the SEIR has been changed to clarify this, as outlined in response to similar comments on the lift station.

8-21 Thank you for this information.

8-22 Section B.8.3 states that “automation may include hardwired telemetry or programmable logic controllers to enable SCWC personnel to monitor both an intake pump and sewer lift station’s operation remotely.” This would be a SCADA system.

It is not possible to evaluate emergency response times for a *proposed* system. The preparers of the SEIR reviewed the emergency response capabilities of the SCWC and deemed them appropriate and feasible. The *capacity* and *capability* of the SCWC to plan, manage and implement an emergency response system is a consideration for the CPUC in its decision-making rather than a matter for the SEIR. Indeed, there has already been substantial testimony by interested parties, including the SCWC, before the CPUC on this matter. There is sufficient information for the CPUC to consider this factor in its decision-making.

8-23 Section B.8.3 on page B-37 has been clarified to indicate only one sewer lift station.

- 8-24 Comment has been noted and the appropriate section of the SEIR has been modified.
- 8-25 The intent of the referenced section is to merely provide a general description of the proposed construction activities involved in the project. Mitigation Measure T-1, defined on page C.3-12, indicates that traffic control/management plans for construction of the pipeline shall be reviewed and approved by each of the affected local jurisdictions. This approval would include work hours, construction staging, and methods for construction activities through intersections.
- The specific backfilling requirements of the City of Huntington Beach have been noted and communicated to the Applicant.
- 8-26 Mitigation Measure T-6 is intended to ensure existing bike route continuity during construction. The exact location of alternative bike routes would need to be coordinated with and approved by the affected jurisdiction. The preparers of the Draft SEIR recognized that in some instances existing bike lanes might need to be temporarily closed. It should be noted that bike lanes currently exist on only a short segment of Bolsa Chica Street. In most areas of the pipeline route, bicycles must share the road with motorists.
- 8-27 Mitigation Measure G-1 will be implemented in areas where fault rupture may occur. This measure would include additional research to determine fault location, and may include fault trenching and detailed trench mapping where appropriate.
- 8-28 Implementation of Mitigation Measure G-4 will more fully characterize soil corrosivity along the full length of the alignment. Based on these results, design recommendations to minimize corrosion potential to the pipeline can be made.
- 8-29 The first sentence has been revised to include the words “pipeline and related facility damage due to” before the word “fault”. Thank you for the comment and the suggestion.
- 8-30 The text of the impact statement and mitigation measure has been modified to acknowledge the risk to related facilities, such as the booster pumping station, from strong ground shaking.
- 8-31 The Plan of Works, Section 3.7.2, states that an initial geohydrologic study was conducted. Although no conclusive data for the specific sites were available, the study predicted potential for obtaining good quality water within selected aquifer zones. Ozonation for colored or odorous water was mentioned as part of an anticipated water treatment process. In Section B.6.2, page B-20 of the SEIR, the treatment facility to be established is a nano-filtration/chloramination system.
- Cost information has not been provided because it was not considered relevant to the evaluation of environmental impacts.
- 8-32 The CPUC agrees that it would be beneficial to have emergency connections with nearby cities for mutual aid. SCWC has indicated that it intends to pursue emergency interconnections.
- 8-33 Comments noted. A discussion of the potential impacts on roadway capacity and residential and commercial property access is discussed in Section C.3 Traffic and Circulation. It is acknowledged that there is a potential for some increase in traffic accidents resulting from this kind of construction project. The preparation of traffic control/management plans can help reduce the occurrence of traffic accidents.

It should also be noted that an important consideration in the identification and analysis of alternatives was commuters to the Boeing facility. The needs of this facility, and issues associated with commuter traffic, were therefore considered in the Draft SEIR.

- 8-34 Since there are no environmental impacts associated with the designation of a wastewater management agency for future development on Bolsa Chica Mesa, there is no need to consider alternatives. Please note that the application for SCWC to be designated the wastewater management agency for the Bolsa Chica Planned Community project is not an application to allow the construction or operation of wastewater facilities, but simply to allow SCWC to be the owner and operator of these facilities. Generally, an EIR would not be needed for such an action; however, SCWC requested that the individual water and wastewater CPCN applications be considered together by the CPUC; therefore, the wastewater application is described in the SEIR although no impacts are attributed to this application.

The differences between the proposed pipeline and the Environmentally Superior Alternative are noted. We believe that these differences should be apparent to those who read the SEIR carefully. In this respect, the reader is directed to Tables C.5-1 and C.5-2.