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October 3, 2025

VIA ELECTRONIC MAIL

Mr. Tommy Alexander
CPUC Project Manager
Power the South Bay Project; Attn. D. Davis
c/o Environmental Science Associates
575 Market Street, Suite 3700, San Francisco, CA 94105
PowertheSouthBay@esassoc.com

Dear Mr. Alexander:

Subject: Draft Environmental Impact Report (EIR) for the Power the South Bay Project (A/24-05-014)

The Alameda County Water District (ACWD) wishes to thank you for the opportunity to comment on the Draft Environmental Impact Report (EIR) for the Power the South Bay Project (Project) located in Fremont California. ACWD supplies water to a population of over 344,000, primarily in the cities of Fremont, Newark, and Union City. ACWD was formed in 1914 for the purpose of protecting the Niles Cone Groundwater Basin (Niles Cone) and conserving waters of the Alameda Creek watershed. Local runoff along with imported water from the State Water Project is percolated into the Niles Cone Groundwater Basin through recharge in Alameda Creek itself and through recharge ponds within and adjacent to the Quarry Lakes Regional Recreational Area. This water is subsequently recovered through groundwater production wells and provided as potable supply to ACWD's customers. Drinking water from three drinking water production facilities is delivered to customers via a network consisting of over 900 miles of transmission and distribution mains.

ACWD staff has reviewed the Draft EIR and offers the following comments for your consideration:

1. ACWD's Groundwater Management and Protection: ACWD requests that the following potentially significant impacts to the protection of groundwater be addressed by the Final EIR:
 - a. *Sustainable Groundwater Management Act*: ACWD appreciates the Draft EIR acknowledging ACWD as the Groundwater Sustainability Agency and our Alternative to a Groundwater Sustainability Plan on page 3.10-13 for the Niles

Cone. However, Impact 3.10-6 of the Draft EIR, states that construction for the Project, as proposed, “would protect groundwater from contamination, consistent with the goals of the [Groundwater Management Plans] for the Santa Clara and Llagas subbasins. Therefore, there would be no conflicts with the plan or with SGMA, and potential impacts would be mitigated to less than significant.” Page 3.10-37 provides a similar statement for the Cumulative Effects Analysis. Neither section discusses potential impacts on the Niles Cone subbasin; therefore, ACWD requests that the EIR evaluate whether the Project is also consistent with ACWD’s approved Alternative to a Groundwater Sustainability Plan and that groundwater quality will not be affected by the Project.

- b. *Local Groundwater Regulations*: Section 3.10.2.3 of the Draft EIR summarizes the local policies and ordinances pertaining to hydrology and water quality that would be relevant to the Project and alternatives. Please update this section to include ACWD’s relevant policies, including ACWD’s 2001 Groundwater Management Policy, ACWD Ordinance No. 2010-01, and ACWD’s Alternative to a Groundwater Sustainability Plan for the Niles Cone Subbasin.

- c. *ACWD Well Ordinance*:

- i. Drilling Permit Requirement: As required by ACWD Ordinance No. 2010-01, drilling permits are required prior to the start of any subsurface drilling (vertical and horizontal) activities for wells, exploratory holes, and other excavations (including dewatering wells, the installation of sheet piles, certain cathodic protection devices, piers and caissons that interconnect aquifers of water-bearing zones). Application for a permit may be obtained from ACWD’s Engineering Department, at 43885 South Grimmer Boulevard, Fremont or online at <http://www.acwd.org>. Before a permit is issued, a cash or check deposit is required in a sufficient sum to cover the fee for issuance of the permit or charges for field investigation and inspection. All permitted work requires scheduling for inspection; therefore, all drilling activities must be coordinated with ACWD prior to the start of any field work.

Therefore, ACWD requests that Section ES.4 (Permits and Approvals), Table ES-1 (Anticipated Permits and Approvals), Section 1.4 (Agency Use of This Document) and Table 1-1 (Anticipated Permit and Approvals), be modified to include ACWD’s permit requirements and be referenced and described accordingly as the permitting agency for drilling permits for the above-mentioned subsurface drilling activities.

- ii. Well Protection/Destruction: It is likely that ACWD has monitoring wells located within the Project area. Groundwater sampling and monitoring of these wells is imperative to ACWD’s continued management of the Niles Cone.

In addition, there may be other monitoring wells or water wells located within the Project area. In order to protect the groundwater basin, each well located within the Project area must be in compliance with ACWD Ordinance No. 2010-01 and must be either protected or properly destroyed prior to or during construction activities. If the well(s) are to remain, a letter so indicating must be sent to ACWD. If the well(s) are: 1) no longer required by any regulatory agency; 2) no longer monitored on a regular basis; or 3) damaged, lost, or the surface seal is jeopardized in any way during the construction process, the wells must be destroyed in accordance with ACWD requirements.

- iii. Piers, Piles and Caissons: In order to protect the groundwater basin, ACWD regulates the construction, repair, and destruction of wells, exploratory holes, and other excavations (including piers, sheet piles and caissons) located within the cities of Fremont, Newark, and Union City under ACWD Ordinance No. 2010-01. The Project includes horizontal drilling and use of jacking and receiving pits where more than one water-bearing zone is expected to be encountered.

These features, which can intersect an aquifer or may impact the integrity of any aquitard located directly above an aquifer, are regulated as other excavations under ACWD's Ordinance No. 2010-01. Support piers, piles and caissons are frequently installed similar to wells and exploratory holes. If the annular space between the excavation or borehole wall and the support pier or pile is not properly sealed, it can act as a vertical conduit and may create preferential pathways that allow pollutants (including saline water) to rapidly infiltrate the subsurface and impact groundwater. The Newark Aquifer, the shallowest regional drinking water Aquifer within the Niles Cone, can be located as shallow as 35 feet within the Project Area. Support piers, piles, and caissons must be constructed in a manner that will prevent the creation of: 1) a preferential pathway that could allow runoff to rapidly infiltrate the subsurface, or 2) an interconnection of aquifers or water-bearing zones. Therefore, ACWD requests that the DEIR include a discussion of protecting the groundwater basin(s) from interconnection of water bearing zones and that the Project proponents coordinate the design of these features within the Niles Cone with ACWD to ensure the protection of groundwater resources.

d. *Hazards and Hazardous Materials*:

- i. Section 3.9.2 of the Draft EIR (Regulatory Setting) should acknowledge that as part of ACWD's Groundwater Protection Program, ACWD entered into Cooperative Agreements with both the California Regional Water Quality Control Board – San Francisco Bay Region (Regional Board) and the City of Fremont, which allows ACWD to provide technical oversight for the investigation and remediation at Leaking Underground Fuel Tank (LUFT) sites and sites where the pollution is attributed to spills or leaks

from structures other than underground fuel tanks now referred to as Site Cleanup Program sites or SCP (formerly known as Spills, Leaks, Investigation, and Cleanup sites or SLIC sites).

In addition, ACWD requests that the following be addressed in the Draft EIR:

1. There are portions of the proposed Project area that intersect areas of known groundwater and soil contamination; for example, subsurface work is planned in the vicinity of the existing PG&E Newark 230 kV Substation, an open SCP site. ACWD requests that the Draft EIR include a provision that Project proponents coordinate with ACWD if there is a proposal to disturb soil in impacted areas within ACWD's jurisdictional service area.
 2. Page 3.9-27 of the Draft EIR states, "LSPGC shall submit the Soil and Groundwater Management Plan to the CPUC 30 days before the start of construction, or upon the receipt of the results of the Pre-Construction Hazardous Materials Assessment (whichever comes first)." Soil samples collected in the Niles Cone collected for the Pre-Construction Hazardous Materials Assessment likely require an ACWD drilling permit as previously discussed. As the GSA for the Niles Cone, ACWD requests that the EIR include a provision that Project Proponents coordinate and provide a copy of the Soil and Groundwater Management Plan for ACWD's review and comment prior to implementation, specific to the Project in the Niles Cone.
- ii. Frac-out Plan: Page 3.4-55 of the Draft EIR states, "To avoid potential indirect impacts to aquatic resources and associated habitats during horizontal boring or horizontal directional drilling (i.e., trenchless techniques) using pressurized drilling fluids, LSPGC or its contractors shall prepare and submit a Frac-out Plan to the CPUC for preventing and addressing potential inadvertent frac-outs." ACWD requests the opportunity to receive and review a copy of this plan when it becomes available. Please note that in addition to the biological monitoring described in the Draft EIR, the plan should also include clear protocols for immediate response to a frac-out that could impact surface water or other sources of drinking water (e.g., groundwater). This should include notification requirements for all affected agencies including ACWD. The plan should evaluate the potential for drilling fluids to migrate into groundwater-bearing zones and propose appropriate monitoring and contingency measures. Additionally, the plan should assess potential risks to water supply infrastructure (e.g., pipelines, wells, etc.) and identify mitigation measures to avoid service interruptions and protect water supply reliability.

- e. *Recycled Water*: Page 2-56 of the Draft EIR states, “In addition to the potential use of potable water, recycled water or groundwater would be used in accordance with applicable regulations and acquired permits to meet the Project’s construction needs.” Page 3.19-34 of the Draft EIR states, “Recycled water may also be available to offset a portion of this water demand, as most of the water requirements relate to dust suppression (and would not require potable water).” Please note that recycled water is not currently available within the ACWD service area. Therefore, the Draft EIR should be revised to accurately reflect existing supply conditions.

In addition, the use of recycled or other water supplies originating outside ACWD’s service area **must be coordinated in advance with ACWD** to ensure that potential impacts on water quality, groundwater recharge, and basin management objectives are fully considered.

f. Section 2.8.10 Water Use and Dewatering:

- i. Page 2-44 of the Draft EIR states, “Should groundwater be encountered, dewatering may be required using a portable pump, and the water would be disposed of in accordance with applicable regulations and acquired permits.” ACWD requests the EIR and final Project design and planning efforts fully address the following:
 - 1. ACWD requests that this section be modified to include coordination and an approval process with ACWD and the San Francisco Bay Regional Water Quality Control Board regarding the management of contaminated groundwater, including within areas of known open or closed cleanup sites, to ensure that the dewatering activities will not result in migration of existing groundwater contamination plumes.
 - 2. Since groundwater is an important component of ACWD’s water resources the EIR should estimate the amount of water that may be extracted by dewatering and the potential impact of the Project on the local drinking water supply. Alternative designs should be evaluated to minimize the amount of dewatering required during and after construction. Groundwater losses resulting from dewatering should be measured and may be subject to a replenishment assessment fee. Mitigation measures should be proposed to offset all significant losses of ACWD water supplies.
 - 3. As previously discussed, ACWD regulates the installation and destruction of dewatering wells under ACWD’s Ordinance No. 2010-01 such that ACWD permits are required for dewatering well installations and destructions.

- ii. Page 2-56 of the Draft EIR states, “[Dewatering] discharge may also be applied to flat, vegetated, upland areas, may be used for dust control, or may be used in other suitable construction operations if testing determines that the water is suitable for such use”. Any groundwater extracted within ACWD’s services area that is used for dust control is considered beneficial use and is subject to the Replenishment Assessment Act as a regional regulation relevant to the proposed Project, and to which the proposed Project will be subject, in the Regulatory Setting section. In addition, ACWD requests that the EIR include a provision that Project Proponents coordinate and provide the groundwater testing results for ACWD’s review and approval prior to the application for dust control, specific to the Project area within the Niles Cone.
2. Existing ACWD infrastructure within the Project Area: The following potentially significant impacts to ACWD facilities and infrastructure must be addressed by the Final EIR.
 - a. ACWD has water system infrastructure, including but not limited to, water pipelines, services, fire hydrant laterals, valves, and associated appurtenances, monitoring stations, etc., located within the limits of the Project alignment. The Final EIR should include mitigation measures to protect this important infrastructure. In addition, this infrastructure should be included on the plans for the Proposed Project and protected and fully accessible during any construction activities.
 - i. Record drawings of the infrastructure, including pipelines, within the limits of the proposed Project may be requested and obtained from ACWD. Project proponents may request ACWD 200-scale base map drawings and record drawings along the Project alignment via Public Records Request using the ACWD Next Request PRA portal.
<https://alamedacountywaterdistrict.nextrequest.com/requests/new>
 - b. ACWD has no plans to relocate existing facilities or infrastructure for this Project. The Project should meet ACWD clearance requirements from other utilities within the public right-of-way consistent with the ACWD Standard Specifications for Water Main Installation and Standard Drawings.
 - i. <https://www.acwd.org/174/Standard-Specifications-Drawings>
 - ii. ACWD requires 12-inches of vertical separation (outer diameter to outer diameter) from other utilities.
 - iii. ACWD requires 5-feet of horizontal separation (outer diameter to outer diameter) from other non-hazardous utilities and conduit. This is to provide room to work around the large diameter pipelines in Cushing

Parkway and Reference ACWD Standard Drawings CL-1 through CL-5.
<https://www.acwd.org/176/Standard-Drawings>

1. 5-foot horizontal separation includes manholes, vaults, handholes, or any other facilities proposed by the Project and near existing ACWD water mains.
- iv. Crossings over or under ACWD water mains should be between 45 degrees and 90 degrees. At no point should a crossing be less than 45 degrees to an existing ACWD water main.
- c. Particular attention should be paid to any proposed work underneath existing ACWD asbestos cement pipelines (ACP) water mains fronting the Project alignment. This material is very brittle and can fail when undermined by trenches.
 - i. No excavations or crossings under the ACP are allowed. If utility installations below the ACP are required for the Project, ACWD may replace a portion of the existing main with PVC or steel pipe. Such replacement must be done by ACWD forces at the Project's expense.
 - ii. All ACP crossings should be identified by the Project proponent and described on improvement plans made available to ACWD for review. The Project proponents should provide vertical crossing information from potholing and confirmed utility depths / clearances.
 - iii. Page 2-44 of the Draft EIR states, "Jackhammers may be used to break up sections of concrete that the saw-cutting and pavement-breaking machines could not reach." Extreme caution should be used by the Project proponents whenever operating jackhammers or other vibrating equipment near an existing and in-service ACP water main.
 - iv. Page 2-45 of the Draft EIR states, "The trenching operation would progress with a maximum of approximately 1,000 feet of trench left open at any one time or as allowed by permit requirements." Trench plates should not cover any existing ACWD valves or facilities. ACWD's water system should be fully accessible (including valves) throughout the construction phases of the Project. Any crossing ACWD facilities in an open trench should be protected, supported, and/or braced while exposed.
 - v. Page 2-48 of the Draft EIR describes a typical sending and receiving pit for a jack-and-bore to be approximately 50 feet long by 15-feet wide, and 100 feet long by 30 feet wide, respectively. These dimensions may not fit in an existing public street with utilities. The locations for the sending and receiving pits should be carefully researched (including review of ACWD facilities, as-built drawings, potholing data) before the sending and

receiving pit locations are confirmed. ACWD does not plan to relocate any facilities to accommodate large excavations in the public right of way.

1. Page 2-50 of the Draft EIR describes similarly large sending and receiving pits for horizontal directional drilling. The location of the drilling pits should be researched and confirmed to not include any crossing ACWD facilities that are potentially in conflict with the drilling operations.
 2. Vibrations caused by jack-and-bore or horizontal drilling may impact nearby ACP water mains. Extreme caution should be used when operating equipment or performing conduit installations near ACWD-owned ACP mains.
- d. For modifications of existing water facilities or to initiate new water service to the property, the Project proponent should contact the ACWD Engineering Department and Development Services Division. Any modifications of water service on existing ACWD water mains, including new or relocated water services or main replacements, are to be performed by ACWD forces at the Project proponent's expense. Any existing water services which will not be used in the new development must be removed by ACWD forces at the Project proponent's expense. Project proponent is encouraged to meet with the ACWD Engineering Department staff to review your Project prior to submitting the application or other materials or if you need assistance in completing the Customer Work Request Application. The application and instruction can be found on the ACWD website at: <https://acwd.org/171/Customer-Work-Request-Application>
- e. ACWD requests an opportunity to review the Project's plan and profile improvement plans, and specifications, to identify utility conflicts and provide comments on the proposed Project improvements. The Project proponent should coordinate plan review cycles with the ACWD Engineering Department.
- f. ACWD has many existing pipelines crossing the proposed Project alignment. The Project should reach out to ACWD regarding potential conflicts to the existing water main, services, laterals, and casings.

The following major crossings, excluding smaller diameter service, lateral, and fire hydrant lateral crossings, have been identified in the table below:

Table 1. ACWD Water Mains Crossing Proposed Power the South Bay Alignment

#	Street	City	ACWD Facility	Diameter	Material
1	Boyce Rd @ Auto Mall Parkway ~Sta 44+90	Fremont	Potable Water Pipeline	12-inch	C900 PVC Pipe
2	Cushing Parkway ~Sta 49+20	Fremont	Recycled Water Pipeline	12-inch	C900 PVC Pipe
3	Cushing Parkway ~Sta 54+25	Fremont	Potable Water Pipeline	18-inch	Welded Steel Pipe
4	Cushing Parkway ~Sta 54+25	Fremont	Recycled Water Pipeline	12-inch	C900 PVC Pipe
5	Cushing Parkway @ Auto Mall Circle ~ Sta 65+80	Fremont	Potable Water Pipeline	12-inch	C900 PVC Pipe
6	Cushing Parkway @ Auto Mall Circle ~Sta 66+40	Fremont	Recycled Water Pipeline	12-inch	C900 PVC Pipe
7	Cushing Parkway @ Bunche Drive ~Sta 72+70	Fremont	Recycled Water Pipeline	12-inch	Welded Steel Pipe
8	Cushing Parkway @ Bunche Drive ~Sta 73+10	Fremont	Potable Water Pipeline	18-inch	Welded Steel Pipe
9	Cushing Parkway @ Bunche Drive ~Sta 73+50	Fremont	Recycled Water Pipeline	12-inch	Welded Steel Pipe
10	Cushing Parkway @ Pacific Commons Boulevard ~Sta 87+15	Fremont	Potable Water Pipeline	12-inch	Welded Steel Pipe
11	Cushing Parkway @ Pacific Commons Boulevard ~Sta 87+40	Fremont	Recycled Water Pipeline	8-inch	Welded Steel Pipe
12	Cushing Parkway near the Cushing Bridge ~Sta 97-90	Fremont	Recycled Water Pipeline	12-inch	C900 PVC Pipe
13	Cushing Bridge (~Sta 98+00 to ~ Sta 118+00	Fremont	Recycled Water Pipeline	12-inch	Welded Steel Pipe
14	Cushing Parkway ~Sta 125+40	Fremont	Recycled Water Pipeline	12-inch	Welded Steel Pipe
15	Cushing Parkway @ Fremont Boulevard ~Sta. 153+30	Fremont	Potable Water Pipeline	18-inch	Welded Steel Pipe
16	Cushing Parkway @ Fremont Boulevard ~Sta. 155+50	Fremont	Potable Water Pipeline	18-inch	Welded Steel Pipe
17	Fremont Boulevard @ Clipper Court ~Sta. 196+15	Fremont	Potable Water Pipeline	12-inch	Asbestos Cement Pipe
18	Fremont Boulevard @ Lakeview Boulevard ~Sta. 266+30	Fremont	Potable Water Pipeline	16-inch	Asbestos Cement Pipe
19	Fremont Boulevard ~Sta. 283+00	Fremont	Potable Water Pipeline	16-inch	C900 PVC Pipe
20	Fremont Boulevard @ Dixon Landing Road ~Sta. 305+60	Fremont	Potable Water Pipeline	16-inch	C900 PVC Pipe

3. Future Service Lines for New Developments along Cushing Boulevard, Fremont Boulevard: As a result of the Project, ACWD anticipates high installation costs for any new services lines, fire laterals, fire hydrant laterals in support of future development activity along the Cushing Boulevard or Fremont Boulevard corridor. Future ACWD service lines will likely need to cross under the Project's proposed conduit bank, exceeding 8 or 9 feet in depth, to maintain a 12-inch vertical clearance and minimum cover. ACWD suggests that the Project collaborate with the City of Fremont and install deep conduit offsets in areas of high development potential to minimize the costs on future ACWD customers needing new or modified water services.
4. Planned ACWD Capital Improvement Program (CIP) Projects within the Project Area: ACWD requests that the Project recognize planned CIP projects within the proposed Project alignment, including potential significant impacts to the following projects:
 - a. *Cedar Avenue Main Renewal*: the Main Renewal will improve in place or replace in the same or in a different location, the existing water main, appurtenances, and connections along Cedar Avenue in Newark and Fremont, including between Weber Avenue and Auto Mall Parkway in Fremont where the proposed Project will occur. The proposed water main alignment will be in accordance with the California Code of Regulations for the separation of new water mains from non-potable pipelines. The proposed schedule for ACWD's Main Renewal project may coincide with the timeline of the Project, potentially resulting in overlapping construction or design activities. ACWD requests that any proposed changes to the Project's alignment and profile, should they occur during design or construction, be communicated to ACWD for review, and that overlaps in construction be coordinated. ACWD also requests periodic updates regarding the schedule of the Project.
5. Water Supply Background Information: ACWD requests that the Project update water supply background information as follows:
 - a. Page 3.19-1 of the Draft EIR describes the breakdown of ACWD's water supplies and should be updated as follows: "During a typical year, about 40 percent of the total water supply is from the State Water Project. Approximately 20 percent of the total supply originates from the San Francisco Regional Water System, which is operated by the San Francisco Public Utilities Commission (SFPUC). The remainder, about 40 percent of the total water supply, originates locally from the Del Valle Reservoir, the Alameda Creek watershed, and the Niles Cone groundwater basin (ACWD 2023)."
 - b. Page 3.19-2 of the Draft EIR and Impact C.3.19-2 describes ACWD having excess water supply of about 7,800 AF and the excess helping to meet the Project's water demand, respectively. ACWD wants to note that the excess water supply of about 7,800 AF for 2030 (based on ACWD's 2020-2025 UWMP) only represents a projected normal year's water supply and does not represent project single dry and multiple dry years' water supplies. Per the CEQA document, the Project anticipates

needing 8 million gallons of water over the 26-month construction duration. Project proponents should not rely on ACWD having “excess water.” Project proponents are required to obtain an ACWD hydrant meter if using ACWD hydrants for construction water and will be billed accordingly. For details and to apply for an ACWD hydrant meter, visit this link: <https://www.acwd.org/114/Obtaining-Returning-a-Hydrant-Meter>

6. ACWD Contacts: The following ACWD contacts are provided so that the Project proponents can coordinate with ACWD as needed during the Project:
 - a. Michelle A. Walden, Groundwater Resources Manager, at (510) 668-4454, or by email at michelle.walden@acwd.com, for coordination regarding ACWD groundwater resources.
 - b. Kit Soo, Well Ordinance Supervisor, at (510) 668-4455, or by email at kit.soo@acwd.com, for coordination regarding groundwater wells and drilling permits.
 - c. Sean O'Reilly, Development Services Manager, at (510) 668-4472, or by email at sean.oreilly@acwd.com, for coordination regarding public water system requirements, existing ACWD utilities, easements, and new or modified water service.
 - d. Chris Delp, Project Engineering Supervisor, at (510) 668-4422, or by email at chris.delp@acwd.com, for coordination regarding ACWD Capital Improvement Projects, including main renewal projects.
 - e. Thomas Niesar, Water Supply & Planning Manager, at (510) 668-6549, or by email at thomas.niesar@acwd.com, for coordination regarding ACWD's water supply and the Urban Water Management Plan.

October 3, 2025

Again, thank you for the opportunity to comment on the Notice of Preparation of a Draft Environmental Impact Report and Notice of Public Scoping Meeting for the “Power the South Bay Project” Project located in Fremont CA.

Sincerely,

A handwritten signature in black ink that reads "Laura J. Hidas". The script is cursive and fluid.

Laura J. Hidas
Director of Water Resources

sro/ml

cc: Girum Awoke, ACWD
Michelle A. Walden, ACWD
Sean O'Reilly, ACWD
Thomas Niesar, ACWD
Rekha Ippagunta, ACWD
Kit Soo, ACWD
Chris Delp, ACWD
Ava Lazor, ACWD
Kayleigh Lim, ACWD
Kelsi Oshiro, ACWD