October 13, 2014

Aaron Sage, Senior Planner
City of Berkeley Planning and Development Department
2120 Milvia Street
Berkeley, CA 94704

Re: Notice of Availability of a Draft Environmental Impact Report - 2211 Harold Way Mixed-Use Project, Berkeley

Dear Mr. Sage:

East Bay Municipal Utility District (EBMUD) appreciates the opportunity to comment on the Draft Environmental Impact Report (EIR) for the 2211 Harold Way Mixed-Use Project located in the City of Berkeley (City). EBMUD has the following comments:

WATER SERVICE

EBMUD’s Aqueduct Pressure Zone, with a service elevation between 100 and 200 feet, will serve the proposed development. Off-site pipeline improvements, at the project sponsor’s expense, may be required to meet domestic demands and fire flow requirements set by the local fire department. Off-site pipeline improvements include, but are not limited to, replacement of existing water mains to the project site. When the development plans are finalized, the project sponsor should contact EBMUD’s New Business Office and request a water service estimate to determine costs and conditions for providing water service to the proposed development. Engineering and installation of water mains and services requires substantial lead-time, which should be provided for in the project sponsor’s development schedule.

WASTEWATER

EBMUD’s Main Wastewater Treatment Plant (MWWTP) and interceptor system are anticipated to have adequate dry weather capacity to accommodate the proposed wastewater flows from this project and to treat such flows provided that the wastewater generated by the project meets the requirements of the EBMUD Wastewater Control Ordinance. However, wet weather flows are a concern. The East Bay regional wastewater collection system experiences exceptionally high peak flows during storms due to excessive infiltration and inflow (I/I) that enters the system through cracks and misconnections in both public and private sewer lines. EBMUD has historically operated three Wet Weather Facilities to provide primary treatment and disinfection for peak wet weather flows that exceed the treatment capacity of the MWWTP. On January 14, 2009, due to Environmental Protection Agency’s (EPA) and the State Water Resources Control
Board’s (SWRCB) reinterpretation of applicable law, the Regional Water Quality Control Board (RWQCB) issued an NPDES permit prohibiting further discharges from EBMUD’s Wet Weather Facilities (WWFs). Additionally, the seven wastewater collection system agencies that discharge to the EBMUD wastewater interceptor system ("Satellite Agencies") hold NPDES permits that prohibit them from causing or contributing to WWF discharges. These NPDES permits have removed the regulatory coverage the East Bay wastewater agencies once relied upon to manage peak wet weather flows. Various enforcement orders issued between 2009 and the present have allowed EBMUD to temporarily continue operating the WWFs as designed, but these enforcement orders are interim in nature and do not resolve the East Bay’s long-term wet weather issues. To reduce the volume of primary-treated wastewater that is discharged to the Bay, actions will need to be taken over time to reduce I/I in the system sufficiently to reduce peak wet weather flows so that all wastewater can receive secondary treatment.

On July 28, 2014 a proposed consent decree was lodged for public review. This proposed order, negotiated among EBMUD, the Satellite Agencies, EPA, SWRCB, and RWQCB would require EBMUD to continue implementation of its Regional Private Sewer Lateral Ordinance (www.eastbaypsl.com), construct various improvements to its interceptor system, and locate key areas of inflow and rapid infiltration over a 22-year period. Over the same time period, the proposed consent decree would require the Satellite Agencies to perform I/I reduction work including sewer main rehabilitation and elimination of inflow sources. EBMUD and the Satellite Agencies would need to jointly demonstrate at specified intervals that a sufficient, predetermined level of reduction in WWF discharges has been achieved through this work. If sufficient I/I reductions are not achieved, additional investment into the region’s wastewater infrastructure would be required, which may result in significant financial implications for East Bay residents.

As stated, EBMUD’s NPDES permit for the WWFs prohibits discharges. If the consent decree is adopted as anticipated, it will require a demonstration of continuous improvement in reducing the volume of discharges over time. Meeting these legal requirements will require I/I reduction, which in turn requires sewer main and sewer lateral repair. To ensure that the proposed project contributes to these legally required I/I reductions, the lead agency should require the project applicant to comply with EBMUD’s Regional Private Sewer Lateral Ordinance. Additionally, it would be prudent for the lead agency to require the following mitigation measures for the proposed project: (1) replace or rehabilitate any existing sanitary sewer collection systems, including sewer lateral lines to ensure that such systems and lines are free from defects or, alternatively, disconnected from the sanitary sewer system, and (2) ensure any new wastewater collection systems, including sewer lateral lines, for the project are constructed to prevent I/I to the maximum extent feasible while meeting all requirements contained in the Regional Private Sewer Lateral Ordinance and applicable municipal codes or Satellite Agency ordinances.
If you have any questions concerning this response, please contact David J. Rehnstrom, Senior Civil Engineer, Water Service Planning, at (510) 287-1365.

Sincerely,

[Signature]

William R. Kirkpatrick
Manager of Water Distribution Planning

WRK:TRM:djr
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cc: Joseph Penner
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