

Public Works Commission Meeting on the Clean Water Program Final Programmatic Environmental Impact Report – Summary of Public Comments and Responses

PREPARED FOR: San Mateo City Council

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Introduction

The San Mateo Public Works Commission, during a regular meeting that was held on May 11, 2015, received comments on the Clean Water Program (CWP) Final Programmatic Environmental Impact Report (Final PEIR) (State Clearinghouse # 2015032006). The Final PEIR was prepared pursuant to the California Environmental Quality Act (CEQA) to identify and analyze the anticipated environmental impacts of two potential Clean Water Program (CWP) alternatives. During the meeting, members of the public were invited to submit comments on the CWP Final PEIR.

Following is a summary of the comments that were received during the Public Works Commission Meeting. Comments and questions were provided by the Commissioners as well as members of the public. The Public Works Commission meetings are typically recorded, however due to a technical difficulty, only the first ten minutes of the meeting was recorded. Therefore, the summary provided below is not a direct transcription of comments. The comment summaries are organized by topic and brief responses to comments are included after the comment summary section. Comments that were not focused on the Final PEIR (listed under the heading “Other”) were not responded to.

Summary of Comments

Program Alternatives

1. What were the drivers for selecting the In-System Storage Alternative (for example, cost, environmental considerations)? If cost is the deciding criteria for alternative selection then a recommendation was made to re-evaluate the cost of a Conveyance System or a “hybrid alternative.” Cost estimates should be shown to justify ruling out the expensive options to satisfy the CDO, as well as to compare between the two alternatives in the PEIR.

2. Are there any project options that satisfy the Cease and Desist Order and do not have any impacts?
3. Are the 14 proposed in-system storage basin locations near schools? More information is required for the environmental, social and financial impacts to each site.
4. Is there a “hybrid alternative” that could be analyzed?
5. The No Project Alternative should not be stated as the environmentally superior alternative.
6. Between the two options, can one produce recycled water that could be used by the City?
7. In the PEIR, the photo for the collection basin is a three-story underground structure, is the art rendering indicative of the 15 foot basin depth as stated in the description of the collection basin from the PEIR?
8. Can the alternatives be retrofitted to include the removal of plastics and debris from the system?

Environmental Documentation/CEQA process

9. Is the PEIR the last word on the design? What will the procedure be for amendments to the PEIR in future?
10. What happens by approving the Final PEIR to go to the council for review? Will the Planning Commission be involved, and will there be a Special Use Permit required for any of the projects?
11. How many agencies and regional boards was the PEIR distributed to?
12. The EIR is incomplete, inadequate, and does not meet spirit of CEQA; the analysis is too speculative; and the alternative seems to be contrived.
13. Responses to comments submitted on the Draft PEIR were too brief and did not provide enough information.
14. Environmental justice needs to be taken into account and applied throughout the development of the project. The proposed work (collection basins mainly) appears to be condensed to disadvantaged communities.

Impacts/Mitigation

15. A suggestion was made for the City to establish an odor hotline that would allow reporting of odor issues to be easier.
16. A hotline or website should be available for reporting noise, vibration, and dust issues. Additional noise and vibration mitigation should include sound barriers built around construction sites and the installation of sound proof windows in surrounding residences. An acoustic analysis should be conducted to establish baseline acoustics within the program area.
17. How will proposed improvements will impact wildlife, how impacts will be managed, and how will the seasonal avoidance windows be implemented?
18. Results of the City’s odor study should be included in the PEIR.
19. A comment was made on the visual character of the egg shaped digester. The digesters are visible from many locations near the plant. Could digesters be painted or landscaping be added to better blend the equipment into the surroundings and reduce the visual impacts?
20. TDM parking is a welcomed procedure by the Commissioners, and a recommendation was made that this procedure be replicated by all future construction.

21. Since the passing of measure S to repave the 18 miles of failed streets in San Mateo, there is concern that the streets will be repaved, only to be ripped up again to install the new sewer lines. Will there be coordination with the CWP and the sewer improvements so construction only occurs once in the locations of the sewer line replacement locations?
22. Designated truck lanes should be used throughout construction.
23. The City should develop a mitigation report; the mitigation presented in the PEIR is not clear, and there is no guarantee they will reduce potential impacts. There is also not a feedback loop for PEIR/Project comments.

Other

24. The City should not defer design and construction of elements associated with wastewater treatment to the future (for example, the solids handling and distribution of recycled water), but instead take care of all the issues with the water/wastewater systems now. The City should produce a new EIR that includes all of the future items associated with wastewater treatment, such as solids handling and recycled water.
25. The City should not separate odor control and liquid water treatment improvement projects, and should treat water to the highest possible standard.
26. By keeping all the projects together and using only one designer and contractor; the City could reach water and air quality goals more efficiently.

Responses to Comments

Program Alternatives

1. The cost for the CWP is estimated at approximately \$900 Million. Staff recommends selection and approval of the In-System Storage alternative for the Clean Water Program, based on economic, social, environmental, and operational considerations as follows:
 - a. Both alternatives are similar in cost however the In-System Storage alternative is estimated to cost approximately \$30 million less than the Full Conveyance alternative, which equates to approximately 3% of total program cost.
 - b. Both alternatives would utilize similar construction methods, however the In-System Storage alternative may have less noise and vibration impacts to individual residences than the Full Conveyance alternative. The location(s) of in-system storage basin(s) has/have not been finalized and will undergo further alternatives analysis for the siting of the facility(ies), however several of the sites under consideration are parks or playing fields located near, but not immediately adjacent to, residences. The Full Conveyance alternative requires construction of a new Dale Avenue Wet Weather Pump Station which would be located within the existing Dale Avenue corridor, immediately adjacent to residences in the Shoreview neighborhood.
 - c. The collection system improvements associated with the Full Conveyance alternative requires larger diameter pipes to convey peak flows, that would likely result in flatter slopes and greater air space. Because pipes would be oversized to accommodate the peak wet weather flows, under normal daily flow conditions, odors would likely occur

more frequently and be more difficult to control within the collection system. In-system storage basins would have on-site odor control systems, and the storage basins allow for downstream piping to remain smaller in diameter.

- d. Operationally the In-System Storage alternative provides greater flexibility for management of wastewater flows in the collection system by providing a means for temporarily holding wastewater until downstream surcharges are cleared and system capacity is regained. Construction of an in-system flow equalization/storage basin would provide immediate prevention of sanitary sewer overflows without being dependent on completion of major improvements such as the wastewater treatment plant (WWTP). The Full Conveyance alternative requires that most of the major relief pipelines as well as the WWTP improvements are completed before realizing benefits of sanitary sewer overflows reduction in the collection system. The In-System Storage alternative therefore provides opportunity for earlier achievement of sanitary sewer overflows reduction as required by the Bay Area Regional Water Quality Control Board's Cease and Desist Order.
2. Construction noise and vibration impacts are unavoidable during the construction of any option to resolve the Cease and Desist Order.
 3. The final location(s) of the in-system storage basin(s) has/have not been determined. Site-specific environmental review will be conducted as necessary once the location(s) has/have been identified and the basin has undergone design.
 4. Both the In-System Storage alternative and the Full conveyance alternative have similar components. Similar to the Full Conveyance alternative, the In-System Storage alternative includes improvements to the WWTP as well as the replacement of sewer lines, in addition to the in-system flow equalization/storage basin(s). The specific details of a "hybrid alternative" were not provided at the Public Works Commission meeting or with the written comments on the Draft PEIR, therefore potential benefits and/or impacts of a "hybrid alternative" cannot be determined.
 5. Based on the analysis presented in the Final PEIR, the No Project alternative was the environmentally superior alternative because it would avoid or substantially lessen the significant and unavoidable construction noise and vibration impacts associated with the two program alternatives. The No Project alternative, however, would not meet any CWP objectives, and would result in significant water quality impacts and conflict with regulatory requirements.
 6. Both program alternatives include treatment options that would produce effluent that meets California Code of Regulations, Department of Public Health Title 22, Division 4 regulations and could be available for reuse.
 7. The in-system flow equalization/storage basin(s) associated with the In-System Storage alternative has/have not yet been designed and the rendering in the PEIR is an example of what a collection basin could look like.
 8. Both program alternatives include the construction of a new headworks. The new headworks would consist of a structure to house screening, grit removal, flow measurement, screenings compaction and handling, and flow splitter structure to divert flows to the next step of

treatment. Mechanical screening of the wastewater would remove coarse solid materials for disposal. Grit removal would consist of a system to capture and remove grit from the wastewater flow. The removed coarse solid materials, grit, debris, and trash would be washed, compacted, and transported to an appropriate landfill facility for disposal.

Environmental Documentation/CEQA Process

9. Some project elements (for example, in-system flow equalization/storage basin(s)) have not been fully developed. As design efforts for project elements moves forward, additional environmental review will be conducted, as necessary. Amendments to the PEIR would depend on the magnitude of a change to the program or project. When a change to the program or any of the project components is presented, the level of the change will be first be examined against the project element(s) that was/were included in the PEIR, then it will be addressed accordingly. For example, if a minor change occurs, it could likely be resolved with an addendum to the Final PEIR. If a major change occurs, the change could result in a supplemental document requiring recirculation of the PEIR.
10. Once the Public Works commission recommends the Final PEIR be approved, City Council will make a determination whether to certify and adopt the Final PEIR and Mitigation Monitoring or Reporting Program; approve the In-System Storage Alternative, approve the Primary Clarifier and New Headworks projects; adopt findings; and adopt a statement of overriding considerations. Planning commission will be involved if/when a planning entitlement such as a special use permit, is required. It is expected that a special use permit will be required for components associated with the WWTP on the Detroit Drive parcel, and the in-system flow equalization/storage basin(s).
11. Through the state clearinghouse, the document was distributed to 15 separate agencies, some of which are trustee or responsible agencies who may be required to issue a permit for some of the program elements. The agencies that received copies of the document include: California Coastal Commission; Department of Fish and Wildlife, Region 3; Department of Parks and Recreation; San Francisco Bay Conservation and Development Commission; Department of Water Resources; Office of Emergency Services, California; California Highway Patrol; Caltrans, District 4; Air Resources Board; State Water Resources Control Board, Division of Drinking Water; State Water Resources Control Board, Division of Financial Assistance; Regional Water Quality Control Board, Region 2; Native American Heritage Commission; and Public Utilities Commission
12. The Final PEIR satisfies the requirements of CEQA. Because projects subject to CEQA may range from site-specific physical improvements to program level plans (such as the CWP), the statutory requirements are flexible. Accordingly, the CEQA Guidelines provide that the level of specificity required in an environmental impact report will correspond to the degree of specificity of the activity described in the EIR (CEQA Guidelines §15146). Thus, an EIR on a program-level approval “should focus on the secondary effects that can be expected to follow from the adoption...but the EIR need not be as detailed as an EIR on the specific construction projects that might follow.” (CEQA Guidelines §15146(b)).

13. Individual responses were prepared for all comments submitted on the Draft PEIR, that meet the requirement of CEQA Guidelines § 15088.
14. The CEQA Guidelines direct that “[e]conomic or social effects of a project shall not be treated as significant effects on the environment. An EIR may trace a chain of cause and effect from a proposed decision on a project through anticipated economic or social changes resulting from a project to physical changes cause in turn by the economic or social changes. The intermediate economic or social changes need not be analyzed in any greater detail than necessary to trace the chain of cause and effect. The focus of the analysis shall be on the physical changes.” CEQA Guidelines §15131(a); *see also* CEQA Guidelines §15064(e).” Thus, the CEQA Guidelines require analysis of socioeconomic effects only to the extent that those effects, in turn, result in reasonably foreseeable physical changes to the environment.

Additionally, historical sanitary sewer overflows and hydraulic flow models were used to determine the best facility location(s) within the sanitary sewer system to prevent current and projected future potential SSOs. The projects that were identified included those that would provide the greatest improvement to the system while addressing multiple issues.

Impacts/Mitigation

15. San Mateo residents can call the WWTP or the Bay Area Air Quality Management District to report odor issues. In addition, the CWP has an informational number available to the public, which can be found on the CWP website: <http://www.cleanwaterprogramsanmateo.org/>.
16. The mitigation measures (Measures 12-1 through 12-3 in the Final PEIR) for noise and vibration impacts includes several measures including erecting temporary barriers to attenuate noise and establishing a construction noise hotline. The suggested measure of providing residences with acoustic rated windows would be infeasible because of the number of individual homes, windows, and doors that would require a need assessment; high cost versus short-term benefit due to the temporary nature of the noise impacts; and time for coordination with homeowners to obtain legal agreements. Additionally, an acoustical study of areas where construction activities will occur would not substantially lessen potentially significant impacts, because it would only provide background information on ambient noise levels, and therefore would not assist in further mitigating impacts from construction noise and vibration.

The mitigation measure for construction emission control, including fugitive dust, (Measure 4-1 in the Final PEIR) includes the placement of a publicly visible sign with a telephone number and person to contact at the City regarding dust complaints.

17. Prior to construction commencing, certain elements of the project will require permits from regulatory agencies who will rely on the analysis included in the Final PEIR, or subsequent environmental review, to satisfy the CEQA requirement prior to permit issuance. The Detroit Drive site has been surveyed twice by CH2M biologists to support permitting efforts at the site. Before construction moves forward, the Detroit Drive site will undergo a further study as well as consultation with regulatory agencies to determine if there will be any specific affects to wildlife.

Seasonal avoidance windows, such as those included in Mitigation Measure 5-1a of the Final PEIR will be observed where feasible. If avoidance windows cannot be adhered to, the City will work with the regulatory agencies to secure authorization to conduct work within the constraints of the state and federal laws protecting special-status wildlife species.

18. Odors affecting a substantial number of people are considered a significant impact under CEQA. To determine if the CWP would create objectionable odors affecting a substantial number of people, the City used the standards established in the Bay Area Air Quality Management District (BAAQMD) 1999 CEQA Guidelines (see Section 4.3.1). For potential odor sources that locate near existing sensitive receptors, the determination of significance is based on the distance and frequency at which odor complaints from the public have occurred in the vicinity of a similar facility. BAAQMD considers a substantial number of odor complaints, specifically, more than one confirmed complaint per year averaged over a 3-year period or three unconfirmed complaints per year averaged over a 3-year period to be the indication of an odor impact. A confirmed complaint means that a BAAQMD-trained inspector has visited the complainant within 30 minutes and verified and confirmed the source of the odor. Unconfirmed complaint means that BAAQMD was not able to confirm the source of the odor. The City found the existing collection systems, pump stations, and WWTP to be similar facilities to those proposed in the CWP and confirmed with BAAQMD that no records of complaints (confirmed or unconfirmed) have been received for the past 3 years for any of those facilities.

The existing setting description in the resource chapters of the DPEIR provide a description of the physical environmental conditions within the vicinity of the project, including the method that the City responds to odor complaints (see Section 4.1.3). The commenter is correct that the DPEIR states that there have been complaints to the City about the odor of the WWTP. These complaints are considered community-based odor complaints (versus BAAQMD confirmed or unconfirmed complaints) and are addressed by the WWTP manager, in compliance with the City's BAAQMD permit.

The City is in the process of conducting an odor study to measure, sample, capture, model, and determine the best way to control odors from the existing and new collection systems and from the existing and new WWTP facilities. This information will be incorporated into the design of new facilities and serve as a roadmap to reduce or eliminate odors from sewer system and WWTP sources. The study will look holistically at the causes in the collection system and in WWTP processes for odors and how to effectively treat, control, or eliminate potential nuisance odors from affecting the surrounding community. The study will help establish odor reduction requirement criteria for any new design and construction of facilities associated with the CWP, as well as establish target criteria for the existing WWTP and collection system, including pump stations. The potential for odor impacts and the appropriate odor controls to mitigate such impacts depend on the design of the facility. Therefore, the appropriate mechanism to reduce odors will be determined after further design and evaluation of the selected facility.

19. Projects at the WWTP shall undergo the City's site plan and architectural review under Title 27.08.030 of the City's zoning code, and as such, new structures will be designed that meets all applicable standards as adopted by the Planning Commission and the City council. Additionally, the Final PEIR includes Mitigation Measure 3-3b which states the following: "New or altered structures visible to the public shall be painted or treated such that their colors minimize visual intrusion and contrast by blending with the landscape; their surfaces do not create glare; and they are consistent with local laws, ordinances, regulations, and standards."
20. Public works notes the recommendation to incorporate TDM where feasible.
21. The City is working to develop a plan to coordinate construction so impacts to streets will only occur once.
22. Mitigation Measure 16-1 in the Final PEIR includes the development and implementation of a traffic control plan. The traffic control plan would require that the construction contractor submit a truck hauling route that conforms to City of San Mateo Municipal Code Section 11.28.040 for the approval by the city engineer.
23. The City will adopt a Mitigation Monitoring or Reporting Program (included as an attachment to the Administrative Report to City Council), the purpose of which is to assign responsibility for implementing the mitigation measures in accordance with the Final PEIR. This document will be provided to all construction contractors to ensure that necessary measures are being implemented in accordance with the Clean Water Program, throughout the duration of the program.