Appendix A

Comments Letters

EAST BAY
MUNICIPAL UTILITY DISTRICT

Letter
A1

March 14, 2024

Raphael Breines, Senior Planner
Physical & Environmental Planning
University of California, Berkeley
200 A&E Building
Berkeley, CA 94720-1382

Re: Notice of Availability of a Draft Environmental Impact Report – UC Berkeley Innovation Zone Project, Berkeley

Dear Mr. Breines:

East Bay Municipal Utility District (EBMUD) appreciates the opportunity to comment on the Draft Environmental Impact Report (EIR) for the UC Berkeley Innovation Zone Project located in the City of Berkeley. EBMUD commented on the Notice of Preparation of a Draft EIR for the project on November 2, 2023. EBMUD's original comments (see enclosure) still apply regarding water service, wastewater planning, water recycling, and water conservation. EBMUD has the following additional comments. A1-1

WATER SERVICE

On page 3.15-2 of the Draft EIR, the second paragraph, under 3.15 Utilities and Service Systems, states "Senate Bill (SB) 610 and SB 221 were enacted to: (1) ensure better coordination between local water supply and land use decisions and (2) confirm that there is an adequate water supply for new development. Both statutes require city and county decision-makers to review detailed information regarding water availability prior to the approval of large development projects. SB 610 requires the preparation of a water supply assessment for certain types of projects subject to CEQA. UC Berkeley is not subject to the requirements of SB 610 and SB 221; therefore, a water supply assessment is not required for the project." Although UC Berkeley is not a city or county, EBMUD notes that historically, UC Berkeley has requested WSAs for projects that meet the threshold of a project per CEQA Guidelines Section 15155 (e.g., University Village & Albany/Northwest Berkeley Properties Master Plan Amendments and UC Berkeley 2020 Long Range Development Plan), and EBMUD recommends that UC Berkeley request a WSA to confirm that there is an adequate water supply for the project. A1-2

If you have any questions concerning this response, please contact Timothy R. McGowan, Senior Civil Engineer, Major Facilities Planning Section at (510) 287-1981. A1-3

Sincerely,

David J. Rehnstrom
Manager of Water Distribution Planning

DJR:AT:djr
wdpd24_025 UC Berkeley Innovation Zone Project.doc

Attachment: EBMUD's November 2, 2023 comment letter

Letter A1 Attachment

EAST BAY
MUNICIPAL UTILITY DISTRICT

November 20, 2023

Raphael Breines, Senior Planner
Physical & Environmental Planning
University of California, Berkeley
200 A&E Building
Berkeley, CA 94720-1382

Re: Notice of Preparation of an Environmental Impact Report for UC Berkeley Innovation Zone Project, Berkeley

Dear Mr. Breines:

East Bay Municipal Utility District (EBMUD) appreciates the opportunity to comment on the Notice of Preparation (NOP) of an Environmental Impact Report (EIR) for the UC Berkeley Innovation Zone Project (Project) located in the City of Berkeley (City). EBMUD has the following comments.

WATER SERVICE

Effective January 1, 2018, water service for new multiunit structures shall be individually metered or sub-metered in compliance with Section 537 of California's Water Code & Section 1954.201-219 of California's Civil Code, which encourages conservation of water in multifamily residential, mixed-use multi-family, and commercial buildings by requiring metering infrastructure for each dwelling unit, including appropriate water billing safeguards for both tenants and landlords. EBMUD water services shall be conditioned for all development projects that are subject to these metering requirements and will be released only after the project sponsor has satisfied all requirements and provided evidence of conformance with Section 537 of California's Water Code & Section 1954.201-2019 of California's Civil Code.

Pursuant to Section 15155 of the California Environmental Quality Act Guidelines, and Sections 10910-10915 of the California Water Code, a Water Supply Assessment (WSA) will be required as the Project exceeds the threshold requirement for an assessment of water supply availability based on the amount of water this project would require (greater than a 250,000-square-foot commercial office building or more than 500-dwelling units). Please submit a written request to EBMUD to prepare a WSA. EBMUD requires the project sponsor to provide future water demand data and estimates for the Project site for the analysis of the WSA. Please be aware that the WSA can take up to 90 days to complete from the day on which the request is received.

EBMUD's Berryman Pressure Zone, with a service elevation between 200 and 400 feet, will serve the proposed project. 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 Project. Engineering and installation of water services require substantial lead time, which should be provided for in the project sponsor's development schedule.

WASTEWATER SERVICE

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 (WWFs) to provide primary treatment and disinfection for peak wet weather flows that exceed the treatment capacity of the MWWTP. Due to reinterpretation of applicable law, EBMUD's National Pollutant Discharge Elimination System (NPDES) permit now prohibits discharges from EBMUD's 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.

A federal consent decree, negotiated among EBMUD, the Satellite Agencies, the Environmental Protection Agency (EPA), the State Water Resources Control Board (SWRCB), and the Regional Water Quality Control Board (RWQCB), requires EBMUD and the Satellite Agencies to eliminate WWF discharges by 2036. To meet this requirement, actions will need to be taken over time to reduce I/I in the system. The consent decree requires EBMUD to continue implementation of its Regional Private Sewer Lateral Ordinance (www.eastbaypsl.com), construct various improvements to its interceptor system, and identify key areas of inflow and rapid infiltration over a 22-year period. Over the same time period, the consent decree requires the Satellite Agencies to perform I/I reduction work, including sewer main rehabilitation and elimination of inflow sources. EBMUD and the Satellite Agencies must jointly demonstrate, at specified intervals, that this work has resulted in a sufficient, pre-determined level of reduction in WWF discharges. 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.

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.

WATER RECYCLING

EBMUD's Policy 9.05 requires that customers use non-potable water, including recycled water, for non-domestic purposes when it is of adequate quality and quantity, available at reasonable cost, not detrimental to public health, and not injurious to plant, fish and wildlife to offset demand on EBMUD's limited potable water supply. Appropriate recycled water uses include landscape irrigation, commercial and industrial processes, toilet and urinal flushing in non-residential buildings, and other applications.

Although the Project is located within the EBMUD's East Bayshore Project recycled water service area, existing recycled water pipelines do not extend to the Project site, therefore the Project is not currently a candidate for recycled water. Future recycled water pipeline expansion towards the City could potentially serve this Project. Recycled water is appropriate for outdoor landscape irrigation and EBMUD is evaluating options of recycled water for in-building non-potable use, including cooling and toilet flushing. As EBMUD further plans to expand its recycled water program and improvements to recycled water quality, feasibility of providing recycled water to the Project may change. EBMUD recommends the project sponsor to coordinate closely with EBMUD during the planning of the Project and provide an estimate of expected water demand for potential recycled water uses to further explore the options and implementation of plumbing and infrastructure requirements relating to recycled water use.

WATER CONSERVATION

The Project presents an opportunity to incorporate water conservation measures. EBMUD requests that the City include in its conditions of approval a requirement that the project sponsor comply with Assembly Bill 325, "Model Water Efficient Landscape Ordinance," (Division 2, Title 23, California Code of Regulations, Chapter 2.7, Sections 490 through 495). The project sponsor should be aware that Section 31 of EBMUD's Water Service Regulations requires that water service shall not be furnished for new or expanded service unless all the applicable water-efficiency measures described in the regulation are installed at the project sponsor's expense.

If you have any questions concerning this response, please contact Timothy R. McGowan, Senior Civil Engineer, Major Facilities Planning Section at (510) 287-1981.

Sincerely,

David J. Rehnstrom
Manager of Water Distribution Planning

DJR:DVG:kn
wdpd23_304 UC Berkely Innovation Zone

Letter
A2

Department of Toxic Substances Control

Meredith Williams, Ph.D.
Director
8800 Cal Center Drive
Sacramento, California 95826-3200

Yana Garcia
Secretary for
Environmental Protection

Gavin Newsom
Governor

SENT VIA ELECTRONIC MAIL

March 20, 2024

Raphael Breines
Senior Planner
UC Berkeley
200 A&E Building, University of California, Berkeley
Berkeley, CA 94720
rbreines@berkeley.edu

RE: DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR) FOR THE UC BERKELEY INNOVATION ZONE PROJECT DATED MARCH 1, 2024 STATE CLEARINGHOUSE NUMBER 2023100861

Dear Raphael Breines,

The Department of Toxic Substances Control (DTSC) received a DEIR for the University of California (UC) Berkeley Innovation Zone Project. The project would demolish all existing structures and redevelop the project site with two laboratory buildings and vehicle parking. The two proposed buildings, referred to as the South Building and the North Building, would include offices and other collaborative meeting spaces in addition to a North Building parking garage. The project would not result in UC Berkeley student population growth but would result in an increase in employment. After reviewing the project, DTSC recommends and requests consideration of the following comments: A2-1

1. If buildings or other structures are to be demolished on any project sites included in the proposed project, surveys should be conducted for the A2-2 cont.

presence of lead-based paints or products, mercury, asbestos containing materials, and polychlorinated biphenyl caulk. Removal, demolition, and disposal of any of the above-mentioned chemicals should be conducted in compliance with California environmental regulations and policies. In addition, sampling near current and/or former buildings should be conducted in accordance with DTSC's *Update to June 2006 Phase I Addendum Guidance.*

A2-2

2. In the DEIR, under the Hazards and Hazardous Materials Section Impact 3.8-4: it states, "As part of the project, UC Berkeley would prepare and implement a soils management plan that would require further site assessment to determine whether soil and groundwater contamination is present and identify and implement remedial actions in coordination with the applicable oversight agency, if necessary. Regulatory processes and implementation of UC Berkeley's CBP HAZ-5 would be sufficient to ensure that implementing the project would not create a significant hazard to the public or the environment if soil or groundwater contamination is identified at the project site." If soil and groundwater contamination is present, DTSC recommends that UC Berkley enter into DTSC's Standard Voluntary Agreement (SVA) program or work with the appropriate Certified Local Agency Resource, Alameda County Department of Environmental Health, so a proper evaluation of the Project is completed. If entering into an SVA with DTSC, the FLUXX portal link is provided and the page also has a link to the Fluxx User Guide that can help you navigate the system. You will need to create a new profile and once in the system, click "Start a Request for Lead Agency Oversight Application. If you have any questions about the application portal, please contact the DTSC Brownfield Coordinator Gregory Shaffer or contact the Application Portal Inbox.

A2-3

DTSC appreciates the opportunity to comment on the DEIR for the UC Berkeley Innovation Zone Project. Thank you for your assistance in protecting California's people and environment from the harmful effects of toxic substances. If you have any questions or

A2-4 cont.

would like any clarification on DTSC's comments, please respond to this letter or via email for additional guidance.

A2-4

Sincerely,

Tamara Purvis

Tamara Purvis
Associate Environmental Planner
HWMP-Permitting Division – CEQA Unit
Department of Toxic Substances Control
Tamara.Purvis@dtsc.ca.gov

cc: (via email)

Governor's Office of Planning and
Research State Clearinghouse
State.Clearinghouse@opr.ca.gov

Dave Kereazis
Associate Environmental Planner
HWMP - Permitting Division – CEQA Unit
Department of Toxic Substances Control
Dave.Kereazis@dtsc.ca.gov

Scott Wiley
Associate Governmental Program Analyst
HWMP - Permitting Division – CEQA Unit
Department of Toxic Substances Control
Scott.Wiley@dtsc.ca.gov

bConnected powered by Google

Letter O1

Planning Departmental <planning@berkeley.edu>

ATTN: Ralph Breines RE UCB CEQA Review questions from BioLab Watch Berkeley

1 message

Biolab Watch <biolabwatch2@humanebiotech.org> Mon, Mar 25, 2024 at 9:46 AM
To: planning@berkeley.edu
Cc: Jeremy Gruber <biolabwatch@humanebiotech.org>

Dear Mr. Breines:

As per UC Berkeley's Notice of Preparation of an Environmental Impact Report regarding its intended "Innovation Zone", Biolab Watch Berkeley submitted 31 questions as part of the CEQA review. To date, we have received no reply. O1-1

We note UCB's recent DEIR for this project and are aware of the presence of the Biolab Watch questions in the Appendices. We are interested, however, in receiving answers to the questions. Can you please advise?

Thank you,
Tina Stevens
BioLab Watch

BioLab Watch NOP Comment Letter

November 29, 2023

TO: Raphael Breines, Senior Planner, Physical & Environmental Planning
University of California, Berkeley, 200 A&E Building, Berkeley, CA 94720-1382
Email: planning@berkeley.edu

FROM: Biolab Watch founding organizational members: Friends of the Earth, Center for Genetics and Society, Alliance for Humane Biotechnology, International Center for Technology Assessment.

CONTACT: Jeremy Gruber, JD, biolabwatch@humanebiotech.org

NOTE: *All questions are pertinent to any work performed by UC Berkeley and/or by any organizations or individuals that will use the space yet may or may not be officially part of UC Berkeley.*

1. Will ammonia or other hazardous non-biological materials will be stored at the site. If so, is the area zoned for such material? How will changing the zoning to allow for the use of such materials be appropriate for a busy downtown area where sheltering in place may not be practical for people visiting the area? — **NOP-1**

2. Will the labs be working with any microorganisms? — **NOP-2**
   a. If so, at what biosafety level will the labs work?
   b. Will any of those microorganisms be a health risk if they escaped the lab? If they did escape, what are the environmental implications for such an event should it occur in a busy downtown area?

3. Will the labs be working with any natural or select microorganisms? — **NOP-3**
   a. Could any of the natural or select microorganisms be considered harmful or infectious to humans or animals?
   b. Will the university provide public disclosure to the types of natural or select microorganisms it uses at its facilities and at what biosafety level of containment?

4. Will the labs be using or producing any genetically engineered (GE) microorganisms on its site? If so, Will the university provide public disclosure of the types of genetically engineered (GE) microorganisms and to the general types of vectors it uses at its facilities and at what biosafety level of containment? — **NOP-4**

5. Will the facility be using any replicative deficient GE microorganism that still has the capacity to enter inside a human or animal cell to transfer itself or any part of itself (i.e., its molecular components, nucleic acid, or GE vector) inside the cell's cytoplasm or nucleus? — **NOP-5**

6. Will the facility be using any GE microorganism that could be considered harmful to humans or animals? — **NOP-6**

7. Will any of those microorganisms be a health risk if they escaped the lab? NOP-7

8. If they did escape what would be the environmental implications should it occur in a busy downtown area? NOP-8

9. Will the labs' design, produce or work with genetically engineered viruses? NOP-9

10. Will the university monitor any public health parameters in the area with transparency and disclosure to the public on a regular basis? NOP-10

11. Will the facility have any labs or departments that will use, work, or manipulate human embryos? NOP-11

12. Will there be any gain of function research? NOP-12

13. Who will conduct the research? UC employees or corporate partners or affiliates? NOP-13

14. Will the university commit to a binding agreement to prohibit any occupant of the lab from engaging in genetic manipulation of viral particles designed to enhance pathogenicity? NOP-14

15. Will the facility house any labs that use, work with or manipulate human embryos? NOP-15

16. Will the University commit to a binding agreement to prohibit any occupant of the lab from engaging in research aimed at creating "heritable alterations to the human germline" (i.e., to embryos, ova, or sperm)? NOP-16

17. Will the university enter a legally binding agreement to prohibit any occupant of the lab to conduct Dual Use Research of Concern or work with select agents? NOP-17

18. Who will conduct safety oversight and enforcement of any agreements between the city and the university regarding research in the building? What mechanisms will be in place to monitor and enforce violations of safety protocols and other violations of the terms and condition of conduct at the labs? NOP-18

19. If the labs of non-university organizations will be housed at the building, what mechanisms will be in place to monitor and enforce violations by those non-university organizations of safety protocols and other violations of the terms and conditions of conduct at the labs? NOP-19

20. In the case of environmental harm due to the release of dangerous pathogens and/or harmful chemicals into the environment what recourse will members of the public have for receiving compensation from the responsible parties for the harm they have suffered as a result of such releases? NOP-20

21. Will any lab work be on projects involving high risk vectors (e.g. lentivirus) or targets (e.g., random gRNA libraries or obvious tumor suppressor gene targets)? NOP-21

22. Is gene editing, genome modification, or similar technology (CRISPR, TALENs, zinc fingers, etc.) being used as the part of the protocol? If yes, describe the experimental design, including:
    a. How will the gRNA and Cas9 be delivered to the cells or tissues?
    b. How was/were the targeting sequence(s) designed?
    c. How was/were off-target site/s evaluated? NOP-22

23. Which organism(s) is (are) being modified? Targeting of human cells presents additional risk to laboratory workers due to the potential for accidental ingestion, inhalation, injection or other routes of administration. Describe how these risks are reduced in your experiments. NOP-23

24. Will CRISPR work be done in cell culture, in whole organisms, or both? NOP-24

25. How will CRISPR-Cas9 be delivered (e.g., viral vector, plasmid, liposome, nanoparticles, etc.)? If it is a viral delivery, will the Cas9 and gRNA be delivered together on a single transfer vector/plasmid or on separate transfer vectors/plasmids NOP-25

26. Are you using a CRISPR pooled library? NOP-26

27. If animal work is involved, will syringes be used for injections? NOP-27

28. Will the research involve the creation of a gene drive experiment (i.e., a system that greatly increases the probably that a trait will be passed on to offspring)? NOP-28

29. Will the gene editing technology be used to target embryos/germ line cells? If so, the biosafety protocol must include an approved or submitted IACUC number. NOP-29

30. Will the gene editing technology be used for human gene therapy research? If so, the biosafety protocol must include IRB submission information. NOP-30

31. Will any lab work on projects involving high risk vectors (e.g. lentivirus) or targets (e.g., random gRNA libraries or obvious tumor suppressor gene targets)? NOP-31