State of California

The Resources Agency of California

Memorandum

To: Stan Valkosky
Gary Fay

Date: Jul 6, 2006

DOCKET
04-AFC-1
DATE Jul 6-2006
RECD. JUL 6 2006

From **Bill Pfanner**

Telephone: (916) 654-4206

California Energy Commission
1516 Ninth Street
Sacramento CA 95814-5512

Subject: **San Francisco Electric Reliability Project (04-AFC-1): Revised Waste Management Conditions of Certification**

At the Evidentiary Hearing for the SFERP on May 22nd, there was so much substituting of WASTE conditions that the record was unclear regarding staff's position. To clarify this matter, the attached Revised Waste Management COCs has been provided to the Hearing Office.

San Francisco Electric Reliability Project (SFERP)
Revised Waste Management COCs

The **Waste Management** and **Soil & Water** COCs that staff and the applicant have agreed to are as follows:

WASTE-6 At least sixty (60) days prior to any soil disturbance or the beginning of site mobilization, the project owner shall prepare and submit the documents listed below to address contaminated soil and groundwater at the project site. This information shall be submitted to: the San Francisco Bay Regional Water Quality Control Board (SFBRWQCB) for review and approval; the San Francisco Department of Public Health (SFDPH) for review and verification of compliance with Article 22A requirements; and the Compliance Project Manager (CPM) for review and approval that these documents meet the requirements of this Condition of Certification.

a) a Human Health Risk Assessment,

b) an Ecological Risk Screening Assessment using site-specific groundwater concentrations compared to SFBRWQCB 2005 ESLs,

c) a site-specific Risk Management Plan (RMP) that will govern soil and groundwater handling procedures during soils movement and construction, and

d) a site-specific Site Cleanup Plan (SCP) that will present cleanup goals and remedial alternatives considered and selected to address human and ecological risks and reduce any significant risk identified to less than significant. The SCP, which is equivalent to a Removal Action Work Plan (RAW), will be developed in compliance with SFBRWQCB requirements and guidance and Article 22A requirements. This plan will also detail the program and schedule to implement the selected remedies. Either a waiver or a "no action" letter from the SFBRWQCB and the SFDPH may be submitted instead of an SCP if approved by the CPM.

The project owner shall provide the CPM with a copy of any and all correspondence between itself and the SFBRWQCB and the SFDPH within five (5) days of submittal to the agency or receipt from the agency.

Verification: At least sixty (60) days prior to any soils disturbance or the beginning of site mobilization, the project owner shall provide the documents listed above to the SFBRWQCB for review and approval, the SFDPH for review and verification, and the CPM for review and approval. At least ten (10) days prior to any soil disturbance or the start of site mobilization, the project owner shall submit approval letters from the

SFBRWQCB and the SFDPH for each of the documents listed above to the CPM. The CPM shall ensure that any approval issued by the CPM is consistent with the risk management goals that the risk to the off-site public shall not exceed $1x10^{-6}$ and a Hazard Index of 1.0, and the risk to site construction and operations workers shall not exceed 1×10^{-5} and a Hazard Index of 1.0.

Waste-7 and Soil and Water-7

At least forty-five (45) days prior to the start of commercial operations, the project owner shall submit the documents listed below to address the long-term management of contaminated soil and groundwater at the project site to the SFBRWQCB for review and approval, to the San Francisco Department of Public Health (SFDPH) for review and verification of compliance with Article 22A requirements, and to the Compliance Project Manager (CPM) for its approval that these documents meet the requirements of this Condition of Certification.

- *Site Management Plan* – The Site Management Plan (SMP), which shall be developed based on the findings of the HHRA, ERA, and taking into account the SCP, will govern the long-term management of environmental conditions at the SFERP site relative to potentially ongoing mitigation programs (which could include treatment and /or monitoring programs, if required) and procedures to be followed should subsurface intrusion into chemically-impacted soil and groundwater be required in the future. The SMP will be recorded in an Environmental Restriction.

- *Certification Report* – The Certification Report shall be prepared in accordance with SFBRWQCB requirements and Article 22A. The Certification Report shall contain the results of verification sampling analysis, if required by the SFBRWQCB and SFDPH.

Verification: At lease 45 days prior to the start of commercial operations, the project owner shall submit the SMP and Certification Report to the SFBRWQCB for review and approval, to the SFDPH for review and verification of compliance with Article 22A requirements, and to the CPM for its approval that these documents meet the

requirements of this Condition of Certification. The project owner shall provide the CPM with a copy of any correspondences between itself and the regulatory agencies within 10 days of submittal. At least 10 days prior to the start of commercial operation, the project owner shall submit approval letters for the SFBRWQCB and SFDPH for the SMP to the CPM. In addition, at least 30 days prior to the start of commercial operations, and after approval of the SMP, the project owner shall submit to the CPM documentation that the SMP has been recorded as part of the Environmental Restrictions.

Waste-9 and Soil and Water-13

Collectively, the implementation of the SCP, RRMP, and SMP shall ensure that, during and after construction, the risk to off-site receptors shall not exceed $1x10^{-6}$, the hazard index shall not exceed 1.0, and the risk to site construction and operations workers during site activities shall not exceed $1x10^{-5}$ and a hazard index of 1.0

Verification: At least 45 days prior to the start of commercial operation, the project owner shall submit a copy of the above-specified documentation to the CPM for approval that this Condition of Certification has been met.

BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT COMMISSION OF THE STATE OF CALIFORNIA

APPLICATION FOR CERTIFICATION FOR THE SAN FRANCISCO ELECTRIC RELIABILITY PROJECT	**Docket No. 04-AFC-01** **PROOF OF SERVICE** ***Revised 7/05/06**

INSTRUCTIONS: All parties shall 1) send an original signed document plus 12 copies OR 2) mail one original signed copy AND e-mail the document to the web address below, AND 3) all parties shall also send a printed OR electronic copy of the documents that shall include a proof of service declaration to each of the individuals on the proof of service:

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Attn: Docket No. 04-AFC-01
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DECLARATION OF SERVICE

I, **Raquel Rodriguez**, declare that on **July 6, 2006**, I deposited copies of the attached **San Francisco Electric Reliability Project 04-AFC-1 Revised Waste Management Conditions of Certification**, in the United States mail at Sacramento, CA with first-class postage thereon fully prepaid and addressed to those identified on the Proof of Service list above.

OR

Transmission via electronic mail was consistent with the requirements of California Code of Regulations, title 20, sections 1209, 1209.5, and 1210. All electronic copies were sent to all those identified on the Proof of Service list above.

I declare under penalty of perjury that the foregoing is true and correct.

Raquel Rodriguez
[signature]