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March 17, 2006

Mr. William Pfanner  
Siting Project Manager  
California Energy Commission  
1516 Ninth Street, MS-15  
Sacramento, CA 95814-5504

RE: Final Staff Assessment Comments, Set 1  
San Francisco Electric Reliability Project (04-AFC-01)

Dear Bill:

On behalf of the City of San Francisco, please find attached 12 copies and one original of the Final Staff Assessment (FSA) Comments, Set 1 in response to Staff's FSA dated February 21, 2006.

Please call me if you have any questions.

Sincerely,

CH2M HILL

  
John L. Carrier, J.D.  
Program Manager

c: Project File  
Proof of Service List

3-BAP-1

# San Francisco Electric Reliability Project (SFERP)

## (04-AFC-1)

### FSA Comments, Set 1

Listed below, for CEC staff's consideration, are Set 1 of City of San Francisco's comments on the Final Staff Assessment (FSA) for the San Francisco Electric Reliability Project (04-AFC-01).

#### ENVIRONMENTAL ASSESSMENT

##### AIR QUALITY

1. Page 4.1-3, LORS: Local: BAAQMD, paragraph 1, 1<sup>st</sup> sentence: The FSA states that "in lieu of issuing a construction permit for the SFERP facility, the District will prepare a Determination of Compliance (DOC)." This is not correct. The District has already issued its Determination of Compliance, but will still have to issue an Authority to Construct before the project can commence construction.

2. Page 4.1-16, Project Description, Air Quality Table 3: In a letter dated December 21, 2005, the City informed that CEC staff that the maximum hourly PM<sub>10</sub> emission limit for the gas turbines had been changed from 3.0 lb/hr to 2.5 lb/hr. This change affects the maximum hourly, daily and annual PM<sub>10</sub> emissions from the facility. In addition, there are minor typographical errors in Table 3 that should be corrected, as follows:

<b>AIR QUALITY TABLE 3</b>					
<b>Facility's Maximum Hourly, Daily and Annual Emissions</b>					
<b>Equipment</b>	<b>NO<sub>x</sub></b>	<b>VOC</b>	<b>SO<sub>x</sub></b>	<b>CO</b>	<b>PM<sub>10</sub></b>
Maximum Hourly Emissions (lb/hr)					
Turbine (start-up)	120	6	1.3	30	<del>9</del> <u>7.5</u>
Turbine (normal operation)	13.2	<del>6</del> <u>3.7</u>	1.3	<del>30</del> <u>12.9</u>	<del>9</del> <u>7.5</u>
Cooling Towers	-	-	-	-	<0.1
<b>Total Hourly</b>	<b>120</b>	<b>6</b>	<b>1.3</b>	<b>30</b>	<b><del>9</del> <u>7.5</u></b>
Maximum Daily Emissions (lb/day)					
Turbine	<del>744</del> <u>6</u>	97.8	32.3	378	<del>216</del> <u>180</u>
Cooling Towers	-	-	-	-	1
<b>Total Daily</b>	<b><del>744</del> <u>6</u></b>	<b>98</b>	<b>32.3</b>	<b>378</b>	<b><del>217</del> <u>181</u></b>
Maximum Annual (ton/year)					
Turbine	39.8	7.7	2.7	27.9	<del>48</del> <u>15</u>
Cooling Towers	-	-	-	-	0.2
<b>Total Annual Emissions</b>	<b>39.8</b>	<b>7.7</b>	<b>2.7</b>	<b>27.9</b>	<b><del>48.2</del> <u>15.2</u></b>

3. Page 4.1-21, Mitigation: PM<sub>2.5</sub>, paragraphs 1 and 2: These paragraphs need to be updated to reflect the reduced PM<sub>10</sub> emissions limits shown in corrected Air Quality Table 3 above. The paragraph should be revised to read,

The City has estimated that the project's PM<sub>2.5</sub> emissions to be as much as ~~48~~ 15 TPY. As such, a minimum of ~~48~~ 15 TPY of PM<sub>2.5</sub> emission reduction credits would be needed to fully mitigate the project's contribution. . . The emissions reductions from this measure would be used to mitigate the project's ~~5~~ 4 tons of fine particulate matter contribution during

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wintertime, based on the annual shortfall of ~~15~~ 12 tons prorated for the four winter months (November through February) when the PM<sub>2.5</sub> violations occur. Staff estimates that the City would have to subsidize replacement or modification of approximately ~~107~~ 86 wood stoves (93 lb/unit) or ~~961~~ 769 fireplaces (10.4 lbs/unit) to generate ~~5~~ 4 TPY of PM<sub>2.5</sub>.

...Using the 3:1 SO<sub>x</sub>:PM<sub>2.5</sub> ratio, staff estimates that the City would need to provide ~~45~~ 36 tons of SO<sub>x</sub> emission reduction credits to mitigate the remaining ~~15~~ 12 TPY of PM<sub>2.5</sub>.

4. Pages 4.1-29 and 4.1-30, Cumulative Impacts Analysis, Secondary PM<sub>2.5</sub> Impacts, Ammonia, Nitrate and Sulfate PM<sub>2.5</sub>: Staff expresses the belief that

“...the project's ammonia, SO<sub>x</sub> and NO<sub>x</sub> emissions have a potential to contribute to ammonium sulfate and ammonium nitrate formation...Available research (Spicer, 1982) indicates that the conversion of NO<sub>x</sub> to nitrate is approximately between 10 to 30 percent per hour in a polluted urban area where ozone and ammonia are present in sufficient amounts to participate in the reaction.

Other research (CARB, 2002) also shows that secondary ammonium nitrate (formed by NO<sub>x</sub> and ammonia) can account for over half of the wintertime PM<sub>2.5</sub> mass during the winter at most of the urban sites in California.”

The City notes that the BAAQMD has specifically stated that ammonia emissions from facilities such as SFERP will not contribute to secondary PM<sub>2.5</sub> formation and in the LECEF 2 PMPD, the Committee agreed with the District's position. In a letter responding to Staff comments on the revised PDOC for the LECEF 2 project<sup>1</sup>, which is also located in the San Francisco Bay Area, BAAQMD Executive Officer Jack P. Broadbent wrote:

Based upon the atmospheric conditions in the Bay Area air basin, the District concluded that ammonia emission from the facility will not contribute to the formation of secondary particulate matter because the chemical reaction that forms ammonia nitrate - the type of secondary particulate matter of concern - is limited by the amount of nitric acid in the atmosphere, not by the amount of ammonia. As a result, additional ammonia emissions will not cause additional ammonia nitrate to be generated. [Emphasis added in the LECEF 2 PMPD; p. 144]

In public testimony on the ammonia slip issue for the LECEF 2 project, the BAAQMD's expert witness, Steve Hill, testified that

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<sup>1</sup> Letter from Jack P. Broadbent, BAAQMD to Paul Richins, CEC, dated July 29, 2005, docket file no. 34840.

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“...increased levels of ammonia do not result in increased levels of particulate. There is an atmospheric chemical reaction of nitrogen oxides going to nitric acid. And that appears to be the rate-limiting step in the Bay Area. And therefore that reducing nitrogen oxides might contribute to reduced particulate, secondary particulate concentrations. But that reducing ammonia emissions will not.

This conclusion is based on a study that the District did about ten years ago. We did some monitoring and modeling in San Jose and in Livermore. And in both of those areas we determined that this nitrogen oxide to nitric acid conversion process was the rate-limiting step and controlled the production of particulates.” [PMPD p. 146]

Based on this testimony, the LECEF 2 PMPD concludes:

“...we are not persuaded by Staff’s assertion that ammonia slip from the project will lead to an increase in the formation of fine particulates. The logical corollary to this is that ... reducing ammonia slip...would not lead to a reduction in particulate formation at this project in this air district.” [PMPD p. 147]

Nonetheless, the City concurs with the CEC Staff’s proposed conditions of certification regarding air quality, with the minor exceptions noted herein.

5. Pages 4.1-32 and 4.1-33, Conclusions, last bullet point: The last bullet point on page 4.1-32 appears to suggest that the City is providing PM<sub>10</sub> ERCs as mitigation for the project. This discussion should be clarified as follows:

- The project PM<sub>10</sub> emissions can contribute to the existing violations of the state 24-hour PM<sub>10</sub> air quality standard. However, staff has determined that the proposed mitigation (in the form of PM<sub>10</sub> emission reductions and/or SO<sub>x</sub> emission reduction credits) would mitigate the project’s impact to a level that is less than significant.

6. Page 4.1-34, Proposed Condition AQ-SC3, Construction Fugitive Dust Control: The discussion of mitigation conditions for construction impacts, presented on page 4.1-18 of the FSA, states that the mitigation will include limiting vehicle speeds to 15 miles per hour within the construction site (item (b)). However, Condition AQ-SC3 (b) states that “No vehicle shall exceed 10 miles per hour within the construction site.” These should be made consistent, and condition AQ-SC3(b) should set a maximum speed of not less than 15 miles per hour in accordance with similar CEC conditions imposed on other projects.

7. Page 4.1-39, Proposed Condition AQ-SC8: As requested in our comments on the PSA, please revise Condition AQ-SC8, as there are no quarterly permit limits. The condition should read as follows:

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"...The CPM...may approve as an insignificant change, any change to an air quality Condition of Certification, provided that...(4) no existing daily, ~~quarterly~~, or annual permit limit will be exceeded..."

8. Page 4.1-41, Proposed Conditions AQ-SC11 and AQ-SC12: Please revise these conditions to reflect the lower PM<sub>10</sub> emission limits for the turbines, as follows:

**AQ-SC11** The project owner shall provide an additional ~~5~~ 4 TPY of PM<sub>2.5</sub> emission reduction credits by subsidizing the replacement or modification (blocking chimneys) of wood stoves or fireplaces.

**Verification:** At least 30 days prior to the start of any site clearing or ground disturbance activities, the project owner shall provide the CPM, for approval, a final plan to acquire ~~5~~ 4 TPY of PM<sub>2.5</sub> emission reduction credits. The wood stove and fireplace replacement or modification programs must start after the plan approval, and no later than 60 days prior to initial startup.

**AQ-SC12** In lieu of compliance with Condition AQ-SC11, the project owner shall provide ~~45~~ 36 TPY of SO<sub>x</sub> emission reduction credits acquired in the local Hunters Point and/or Potrero areas to provide an annual equivalent of ~~45~~ 12 TPY of PM<sub>2.5</sub>.

9. Page 4.1-47, Proposed Condition AQ-12. The condition and verification sections should be consistent. Source test results should be submitted to the District and the CPM within 60 days of the source testing date.

10. Page 4.1-49, Proposed Condition AQ-18 (h): Please revise this condition to reflect the lower PM<sub>10</sub> emission limits for the turbines, as follows:

(h) Particulate matter (PM<sub>10</sub>) mass emissions at each P-1, P-2, and P-3 shall not exceed ~~3~~ 2.5 pounds per hour. (Basis: BACT)

11. Page 4.1-51, Proposed Condition AQ-21: Please revise this condition to reflect the lower PM<sub>10</sub> emission limits for the turbines, as follows:

**AQ-21** The owner/operator shall ensure that the cumulative combined emissions from the Gas Turbine Combustors (S-1, S-2, and S-3) do not exceed the following limits during any consecutive twelve-month period, including emissions generated during gas turbine start-ups and shutdowns:

- 39.8 tons of NO<sub>x</sub> (as NO<sub>2</sub>) per rolling 365 day period;
- 27.9 tons of CO per rolling 365 day period;
- 7.7 tons of POC (as CH<sub>4</sub>) per rolling 365 day period;

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- ~~48~~ 15 tons of PM10 per rolling 365 day period; and
- 2.7 tons of SO2 per rolling 365 day period.

#### **CULTURAL RESOURCES**

12. CUL-6, para. 1, last sentence: : delete reference to pumping plant as it is no longer a component of the proposed project.

“Reduced monitoring will not be approved at the site of ~~the new process water pumping plant and~~ the underground transmission line splice boxes.”

#### **HAZARDOUS MATERIALS**

13. The City's analysis indicates that the ammonia sump has a relatively small benefit. The City would welcome a review by staff of whether the elimination of the ammonia sump is acceptable. It is not required in HAZ-4:

**HAZ-4:** The aqueous ammonia storage facility shall be designed to either the ASME Pressure Vessel Code and ANSI K61.6 or to API 620. In either case, the storage tank shall be protected by a secondary containment basin capable of holding 125 percent of the storage volume or the storage volume plus the volume associated with 24 hours of rain assuming the 25-year storm. The final design drawings and specifications for the ammonia storage tank and secondary containment basins shall be submitted to the CPM.

14. HAZ-9, item 10: Requiring a person on site 24-hours a day is excessive. The City could commit to have a person monitor the security cameras 24 hours a day.

15. HAZ-9, Verification: This should be clarified so that the “30 days prior to the initial receipt of hazardous materials on-site” refers to hazardous materials used for operations, that is the receipt of ammonia; there will be hazardous materials onsite for construction. Thus, the receipt of ammonia should be specified or, the wording could track HAZ-2 “prior to receiving any hazardous material on the site for commissioning or operations.”

#### **NOISE AND VIBRATION**

16. NOISE-4, Part A and Verification: the language “project first achieves a sustained output of 80 percent” is somewhat vague. Please change language to “within 30 days of the project being COD.”

17. NOISE-4, Part A: The requirement to conduct a 25-hour community noise survey is unduly onerous given the high ambient daytime noise levels. The City requests that the survey be limited to a shorter period of time during the day when the plant is likely to be needed.

18. NOISE-4, Verification: Please clarify that the 15 days in the verification section (both the first and second paragraphs) means “15 business days.”

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### SOIL AND WATER RESOURCES

19. General comment that also applies to the Waste Management section. Prior human health and ecological risk assessments of the Western Pacific Area, including the site for the SFERP have concluded that there are no significant risks associated with the contaminated soil in light of existing and ongoing risk management practices. In particular, in 2000, a Human Health and Ecological Risk Assessment was prepared for the Port of San Francisco by Geomatrix Consultants for an area that included the site for the SFERP and an additional plot to the east ("Geomatrix Consultants, 2000"). The assessment concluded for both plots that:

- "The estimated noncancer hazard indexes and theoretical excess cancer risks are at or below the acceptable level for the area for future high-density housing residents, future commercial works, future industrial workers, future maintenance workers, future recreational users, future construction workers, current youth trespassers, and off-site residents . . ." Geomatrix Consultants, 2000 at 36.
- The assessment notes that the estimated noncancer hazard indexes and theoretical excess cancer risks are above the levels generally considered to be acceptable by regulatory agencies for a future resident in a single-family home. *Id.*
- The estimated blood lead levels for all receptors, except the future single-family home child resident are below the level of concern adopted by Cal-EPA or the level of concern established in California's Lead in Construction standard for construction workers. *Id.*
- No remedial actions are warranted if the parcels are developed for high density housing, commercial, light industrial, or recreational uses. *Id.* at 37.
- The chemicals detected in the groundwater are not expected to pose a significant risk to aquatic organisms. Therefore no remedial action is anticipated to be protective of ecological receptors. *Id.* at 37.

The Geomatrix Consultants, 2000 assessment acknowledges that the requirements of the City and County of San Francisco Ordinance 253-86 Article 22A ("Maher Ordinance") will need to be met if proposed future development will disturb more than 50 cubic yards. *Id.* The City indicated in Supplement A that it will comply with the requirements of the Maher Ordinance. See Supplement A at 8.13-8.

In addition, in Supplement A, the City explained that the Geomatrix Consultants 2000 assessment was approved by the Regional Water Quality Control Board (RWQCB). It led to two deed restrictions for the relevant properties. The deed restriction for the property adjacent to the SFERP site that is currently used by the San Francisco Municipal Railway requires owners or lessees of the property to comply with a site-specific Final Risk Mitigation Plan and Site Management Plan (RMP/SMP), MUNI Metro East Light Rail Vehicle Maintenance and Operations Facility, San

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Francisco Municipal Railway (AGS, Inc., 2000). The City has agreed to comply with the RMP/SMP on the SFERP site. As set forth in Supplement A, the RMP/SMP includes the following mitigation measures:

- Provide site security.
- Develop and implement a site-specific health and safety plan prior to any development activities at the site.
- Provide adequate dust control measures during construction.
- Minimize groundwater contact by construction workers.

After site development maintain covering on the site (asphalt or two feet of clean fill) implement management protocols for future subsurface development, maintain ground water restrictions, and agency notification in the event of a change in property use.

Despite this background, in the Preliminary Staff Assessment, Final Staff Assessment and during associated workshops, staff has requested the City to undertake additional site-specific soil, groundwater and soil gas sampling and analysis. Although the City believes that the site has been adequately characterized, and that there is ample data and analysis to support the sufficiency of the mitigation measures set forth in the RMP/SMP, the City has been seeking to cooperate with staff, the SFBRWQCB, and the San Francisco Department of Health (SFDPH) which administers compliance with the Maher Ordinance, to ensure that its activities to comply with the Maher Ordinance are undertaken in a manner that satisfies all agencies.<sup>2</sup>

The Maher Ordinance provides for, among other requirements, soil sampling and analysis, the preparation of a Soil Analysis Report, and, if hazardous wastes are found to be present, the preparation of a Site Mitigation Plan that either 1) documents that the contamination will not cause significant environmental or health and safety risks, or 2) recommends that mitigation measures be taken to mitigate the significant environmental or health and safety risks caused by or likely to be caused by the contamination in the soil.

In furtherance of the objective of complying with the Maher Ordinance in a manner that satisfies all relevant agencies, the City is proceeding now with soil sampling and analysis. The City:

- prepared and provided to staff, the SFBRWQCB, SFDPH and the Department of Toxic Substances Control (DTSC) a draft field sampling plan, that was docketed and served on the service list on January 24, 2006;

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<sup>2</sup> The City and CEC staff disagree about the requirements of the Maher Ordinance. The City does not, by nature of agreeing to the framework set forth herein, waive its rights to argue in this case and others that the requirements under Maher Ordinance are less extensive than the activities the City is willing to undertake in this case.

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- o attended a meeting called by the SFBRWQCB to discuss the draft field sampling plan that was attended by SFDPH, DTSC and certain CEC staff;
- o revised and finalized the field sampling plan and provided it to CEC staff, the SFBRWQCB, SFDPH and DTSC, and docketed it and served it on the service list on February 14, 2006. The SFBRWQCB approved the final FSP in a letter dated February 16, 2006;
- o conducted the field work in accordance with the FSP in the presence of CEC staff.

The City is willing to accept conditions of certification that provide for compliance by the City with the Maher Ordinance, in a manner that is acceptable to the SFBRWQCB, the SFDPH and the CEC. The City recommends changes to particular passages and conditions of certification as set forth in more detail below to: 1) use the same terminology as that set forth in the Maher Ordinance; 2) provide for consistency among the Soil and Water Resources and the Waste Management Sections; and 3) avoid the use of language that could be misconstrued. In addition, the City offer the following proposed changes to Soil and Water 6 and 7 and Waste 6 and 7.

**ADD SOIL & WATER-XX** The project owner will comply with the requirements set forth in the Final Risk Mitigation Plan and Site Management Plan (RMP/SMP), MUNI Metro East Light Rail Vehicle Maintenance and Operations Facility, San Francisco Municipal Railway (AGS, Inc., 2000).

**Verification:** At least sixty (60) days prior to the start of site mobilization, the project owner will present adequate documentation to the CMP that it will comply with the requirements of the RMP/SMP.

**SOIL & WATER-6** Prior to beginning site mobilization, the project owner shall submit a Site Mitigation and Implementation Plan (SMIP) ~~for the treatment of contaminated soil and water at the project site~~ to the San Francisco Department of Public Health and San Francisco Bay Regional Water Quality Control Board (SFBRWQCB) for review and comment and to the CPM Energy Commission for review and approval. The SMIP shall be prepared in accordance with San Francisco Public Health Code Article 22A. In preparing the SMP, the City will undertake a human health risk assessment and an ecological risk screening assessment using site-specific groundwater concentrations compared to SFBRWQCB 2005 ESLs. The SMP ~~and~~ shall identify measures to mitigate water quality impacts and ecological risks to less than significant levels, and to address environmental protection goals established in the San Francisco Bay Basin Plan. The project owner shall comply with any reporting and inspection requirements set forth by the San Francisco Department of Public Health and SFBRWQCB to fulfill statutory requirements.

**Verification:** At least ~~3~~60 days prior to the start of site mobilization, the project owner shall submit the SMIP to the San Francisco Department of Public Health and SFBRWQCB for review

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~~and comment and to the CPM for review and approval. The project owner shall request letters from the San Francisco Department of Public Health and the SFBRWQCB with their comments on the SMIP. The project owner shall submit comments from the San Francisco Department of Health and the SFBRWQCB on the SMIP to the CPM for consideration in the review and approval of the SMIP. The project owner shall revise the SMIP per the CPM's instructions until it meets the requirements of San Francisco Public Health Code Article 22A. The project owner shall provide the CPM with a copy of any correspondence between themselves and the San Francisco Department of Public Health or the SFRWQCB within 10 days of receipt or submittal.~~

**SOIL & WATER-7** Prior to commercial operations, the project owner shall submit a Certification Report for the Site Mitigation and Implementation Plan (SMIP) ~~for treating contaminated soil and/or water at the project SFERP site~~ to the San Francisco Department of Public Health and San Francisco Bay Regional Water Quality Control Board (SFBRWQCB) for review and comment and to the CPM for review and approval. The SMIP Certification Report shall be prepared in accordance with San Francisco Public Health Code Article 22A and demonstrate that water quality impacts and ecological risks have been mitigated to a less than significant level and that the ~~to~~ address environmental protection goals established in the San Francisco Bay Basin Plan have been addressed. ~~The project owner shall comply with the~~ Certification Report shall document stating that all mitigation measures recommended in the SMIP have been completed and that completion of the mitigation measures has been verified through follow-up soil sampling and analysis, if required by the San Francisco Department of Public Health and SFRWQCB.

**Verification:** At least 30 days prior to the start of commercial operations, the project owner shall submit the SMIP Certification Report to the San Francisco Department of Public Health and SFBRWQCB for review and comment and to the CPM for review and approval. ~~The project owner shall request letters from the San Francisco Department of Public Health and the SFBRWQCB with their comments on the SMIP Certification Report. The project owner shall submit comments from the San Francisco Department of Health and the SFBRWQCB on the SMIP Certification Report to the CPM for consideration in the review and approval of the SMIP Certification Report. The project owner shall revise the SMIP Certification Report per the CPM's instructions until it meets the requirements of San Francisco Public Health Code Article 22A. The project owner shall provide the CPM a copy of any correspondence between themselves and San Francisco Department of Public Health or the SFRWQCB within 10 days of receipt or submittal.~~

**ADD WASTE-XX** The project owner will comply with the requirements set forth in the Final Risk Mitigation Plan and Site Management Plan (RMP/SMP), MUNI Metro East Light Rail Vehicle Maintenance and Operations Facility, San Francisco Municipal Railway (AGS, Inc., 2000).

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**Verification:** At least sixty (60) days prior to the start of site mobilization, the project owner will present adequate documentation to the CMP that it will comply with the requirements of the RMP/SMP.

**WASTE-6** ~~The project owner shall ensure that the site is properly characterized and remediated.~~ The project owner shall undertake the activities described in the Final Field Sampling Plan docketed by the project owner on February 14, 2006, in compliance with San Francisco Public Health Code Article 22A. ~~prepare a workplan in narrative outline form detailing the number and location of samples of soil, gas and groundwater to be obtained and analyzed, the analytes, the methods of analysis and the Practical Quantitation Limits (PQLs) to be used. The project owners shall submit this plan to the SF Bay Regional Water Quality Control Board (SFBRWQCB) and the SF Department of Public Health for review and comment, and to the CPM for review and approval.~~ The project owner shall also prepare a Site Investigation Report and Remediation Plan in standard Remedial Investigation (RI) report format and shall submit this report to the SF Bay Regional Water Quality Control Board and the SF Department of Public Health for review and comment, and to the CPM for review and approval. In no event shall any project construction commence that involves either the movement of contaminated soil or construction on contaminated soil until the CPM has determined that in accordance with the requirements of San Francisco Public Health Code Article 22A a Certification Report has been submitted for the Site Mitigation Plan (SMP) that documents that all necessary actions have been taken to mitigate any human health impacts on on-site workers and the off-site public to a less than significant level ~~remediation has been accomplished.~~

**Verification:** At least sixty (60) days prior to the site mobilization, the project owner shall provide the RI Report and a Certification Report for the SMP that documents that any documentation that the project owner has complied with the requirements of San Francisco Public Health Code Article 22A site has been appropriately characterized and that all necessary actions have been taken to mitigate any human health impacts on on-site workers and the off-site public to a less than significant level ~~remediated~~ to the SFBRWQCB for review and comment and to the CPM for review and approval. The project owner shall provide a copy of all correspondence with the SFBRWQCB to the CPM within 10 days of receipt. In the event that certain specific site activities need to start prior to full ~~characterization and mitigation remediation~~, the project owner shall make such a request to the CPM for review and approval.

**WASTE-7** Prior to beginning site mobilization, and consistent with Soil & Water 6, the project owner shall submit a Site Mitigation Plan (SMP) to the San Francisco Department of Public Health and San Francisco Bay Regional Water Quality Control Board (SFBRWQCB) for review and comment and to the CPM for review and approval. The SMP shall be prepared in accordance with

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San Francisco Public Health Code Article 22A. In preparing the SMP, the City will undertake a human health risk assessment and an ecological risk screening assessment using site-specific groundwater concentrations compared to SFBRWQCB 2005 ESLs. The SMP shall identify measures to mitigate any human health impacts on on-site workers and the off-site public to less than significant levels. The project owner shall comply with any reporting and inspection requirements set forth by the San Francisco Department of Public Health and SFRWQCB to fulfill statutory requirements. The project owner shall also prepare a proposed deed restriction incorporating the mitigation measures identified in the SMP and shall submit it to the SFBRWQCB for its review and comment and to the CMP for review and approval.

~~The project owner shall prepare a human health risk assessment work plan in narrative outline form addressing soil and groundwater contamination on the site and submit this work plan to the SFBRWQCB for review and comment and to the CPM for review and approval. The project owner shall also prepare:~~

- ~~a) a Human Health Risk Assessment,~~
- ~~b) an Ecological Risk Screening Assessment using site specific groundwater concentrations compared to SFBRWQCB 2005 ESLs,~~
- ~~c) a revised site specific Risk Management Plan (RMP), and~~
- ~~d) a site specific Site Mitigationmanagement Plan (SMP).~~

~~All four of these reports shall be submitted to the SFBRWQCB and the SF Department of Health for review and comment and to the CPM for review and approval. The project owner shall also enter into an agreement with the SFBRWQCB to extend the MUNI site deed restriction to the power plant site.~~

**Verification:** At least sixty (60) days prior to the start of site mobilization, the project owner shall submit the SMP to the San Francisco Department of Public Health and SFBRWQCB for review and comment and to the CPM for review and approval provide: (a) a revised Human Health Risk Assessment addressing soil and groundwater contamination on the site, (b) an Ecological Risk Screening Assessment, (c) a revised site specific Risk Management Plan (RMP), and (d) a revised site specific Site Management Plan (SMP) to the SFBRWQCB and SF Department of Public Health for review and comment and to the CPM for review and approval. Documentation that the existing MUNI site deed restriction approved by the CMP covers the power plant site shall be submitted to the CPM.

20. p. 4.9-8. Soil and Groundwater Contamination. 5th paragraph. The requirement for ecological risk assessment should be reworded to a 'Screening-level Ecological Risk Assessment', in accordance with the work plan.

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21. p. 4.9-35, Responses to Agency and Public Comments, BCDC-2. The requirement of the ecological risk assessment for receptors in the Bay should be clarified as a Screening-level ecological risk assessment, in accordance with the work plan.

22. The City is concerned about the implications of the use of the term “treatment” in Soil & Water-6 and 7. The City agrees that the Site Mitigation Plan prepared pursuant to Maher provide for the mitigation of any water quality impacts and ecological risk to a less than significant level. Proposed revisions to SOIL & WATER 6 and 7 are contained below to address these concerns.

23. In some references the staff refers to an RMP/SMP, where RMP is a Risk Management Plan. However, the use of the acronym SMP is inconsistent. In particular, the COC's for S&W and Waste use the terms SMP and SMIP respectively. At the workshop it was clarified that only one document is required. Upon further review, the City considers that, to avoid confusion, the nomenclature from the Maher Ordinance, ie a Site Mitigation Plan, should be used. Moreover, the references should be made consistent. The following table lists the page numbers where the various “SMP” terms are used.

Pages where these plans are mentioned by name (does not include acronyms)			
Site Management Plan	Site Mitigation Plan	Safety Management Plan <sup>1</sup>	Site Mitigation and Implementation Plan
<b>Public Health</b>			
4.7-10			
<b>Soil and Water Resources</b>			
			4.9-14
		4.9-19	4.9-19
4.9-21			4.9-22
			4.9-34
			4.9-36
			4.9-40
<b>Waste Management</b>			
4.13-4	4.13-4		
4.13-7	4.13-7		
4.13-14			
4.13-16			
4.13-17			
<b>Worker Safety</b>			
4.14-9			
<sup>1</sup> Safety Management Plan in the Hazardous Materials section deals with ammonia.			

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24. As discussed during the workshop, the City will provide a revised will serve letter addressing the source and location of the secondary effluent for the tertiary treatment plant and a revised description of the regulatory approvals for the recycled water treatment plant.

#### **WASTE MANAGEMENT**

25. Please see general comment in Soil and Water Resources Section.

26. p. 4.13-14, last paragraph before the proposed COCs. The City is concerned about the implications from the use of the word "remediation". The word "remediation" or "remediated" is used 6 times in WASTE-6 and many times throughout the Waste Management section. Consistent with the Soil and Water section, a better characterization would be to require the City to mitigate any human health impacts to less than significant. This terminology should be replaced throughout.

27. WASTE-3: The condition should state that the project owner shall obtain a hazardous waste generator identification number from Cal EPA (DTSC) or US EPA as appropriate depending on the nature of the waste.

28. WASTE-4. The requirement to report enforcement actions should be limited to those related to the facility and its waste.

**WASTE-4** Upon becoming aware of any impending waste management-related enforcement action with respect to this site by any local, state, or federal authority, the project owner shall notify the CPM of any such action taken or proposed to be taken against the project itself, or against any waste hauler or disposal facility or treatment operator with which the owner contracts.

29. WASTE-6. The Condition should clarify that the work plan described in the condition is the one that was already prepared and submitted.

30. WASTE-6: The condition refers to activities covered in the COC's for soil and water. The conditions should be consistent as suggested above.

31. The use of the standard RI report format is unduly burdensome. At the workshop, staff clarified that the condition refers to the general standard RI report outline. With this clarification, the condition is acceptable.

32. WASTE-7: The City has explained that the SFBRWQCB is unwilling to formally extend the MUNI site deed restriction to the power plant site at this time pending completion on the additional work to be undertaken in compliance with the Maher Ordinance. A better approach would be to have the City prepare a proposed deed restriction at the conclusion of the process to comply with the Maher Ordinance and to submit it to the SFBRWQCB for its review and comment and to the

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CMP for review and approval. In addition, a condition of certification can be added requiring the City to comply with the RMP/SMP.

### GEOLOGY AND PALEONTOLOGY

33. Staff clearly establishes that their concern is for undisturbed sediments "Staff considers the probability that paleontological resources will be encountered. . . to be high when native materials are encountered. . ." (p. 5.2-9, last paragraph; also p. 5.2-5, 2nd paragraph). The City concurs and would, therefore, suggest the following revisions be made to focus activities to construction in native materials:

**PAL-2:** The project owner shall provide to the PRS and the CPM, for approval, maps and drawings showing the footprint of the power plant, construction laydown areas, and all related facilities. Maps shall identify all areas of the project where ground disturbance is anticipated in previously undisturbed sediments. If the PRS requests enlargements or strip maps for linear facility routes, the project owner shall provide copies to the PRS and CPM. The site grading plan and the plan and profile drawings for the utility lines would be acceptable for this purpose. The plan drawings should show the location, depth, and extent of all ground disturbances and can be at a scale of 1 inch = 40 feet to 1 inch = 100 feet range. If the footprint of the power plant or linear facility changes, then the project owner shall provide maps and drawings reflecting these changes to the PRS and CPM.

34. PAL-3, Item 5: Please make the following revisions:

5. A discussion of where undisturbed sediment is likely to be encountered during excavations and the locations of where the monitoring of project construction activities is deemed necessary, and a proposed plan for the monitoring and sampling;

35. As described previously, please limit monitoring to undisturbed soils.

**PAL-4** Prior to ground disturbance and for the duration of construction in native sediment, the project owner and the PRS shall prepare and conduct weekly CPM-approved training for all recently employed project managers, construction supervisors and workers who are involved with or operate ground-disturbing equipment or tools in previously undisturbed soils.  
Workers . . .

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