California Regional Water Quality Control Board
San Francisco Bay Region

Linda S. Adams
Secretary for
Environmental Protection

1515 Clay Street, Suite 1400, Oakland, California 94612
(510) 622-2300 • Fax (510) 622-2460
http://www. waterboards.ca.gov/sanfranciscobay

Arnold Schwarzenegger
Governor

Date: June 22, 2006
File No: 38S0055 (NK)

DOCKET
04-AFC-1
DATE JUN 22 2006
RECD. JUN 26 2006

San Francisco Public Utilities Commission
ATTN: Ms. Karen Kubick
(KKubick@sfwater.org)
1155 Market Street, 4th Floor
San Francisco, CA 94103

SUBJECT: Requirement for Technical Reports for the 4-acre San Francisco Electric Reliability Project parcel near 25th and Louisiana Streets, San Francisco

Dear Ms. Kubick:

The San Francisco Public Utilities Commission (SF PUC) is proposing to build a power plant at the subject site. Although the California Energy Commission is the lead agency for licensing the project, the Water Board is the designated administering agency for all aspects of Site investigation and remediation activities. This letter requires that the SF PUC submit the reports listed below. As explained below, this information will help Board staff to better understand the conditions at the site and determine what actions are necessary before, during, and after construction of the proposed power plant to protect human health and the environment.

As agreed to in the June 8, 2006 meeting between Board staff and staff from SF PUC and the California Energy Commission, a Supplemental Investigation Workplan was submitted on June 20, 2006. The workplan identifies data gaps and describes the additional sampling activities proposed to fill them.

You are required to submit the following reports by the dates indicated:

1. **Supplemental Investigation Report by August 7, 2006.** This report shall include a full discussion and summary of the soil, groundwater and soil gas data collected during the field sampling. The report will address data obtained up to and including the Supplemental Investigation Workplan mentioned above.

2. **Ecological and Human Health Risk Assessment by August 7, 2006.** The risk assessment shall include a screening level evaluation as well as a site conceptual model to facilitate an analysis to determine if the contamination poses a threat to construction workers,

PROOF OF SERVICE (REVISED 2/17/06) FILED WITH
ORIGINAL MAILED FROM SACRAMENTO ON 6/26/06
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future Site occupants, or the Bay. The Supplemental Investigation Report may be incorporated into the Risk Assessment.

3. **Site Cleanup Plan by September 11, 2006.** This report shall include proposed cleanup standards and remedial actions considered for the Site, as well as an analysis of remedial alternatives and the criteria used to evaluate the effectiveness of the remedial methods.

4. **Revised Risk Management Plan by September 18, 2006.** This report shall describe the measures to be implemented in order to protect construction workers, area residents, and the environment during construction and post-construction operation.

This requirement for reports is made pursuant to Water Code Section 13267, which allows the Board to require technical or monitoring program reports from any person who has discharged, discharges, proposes to discharge, or is suspected of discharging waste that could affect water quality. The attachment provides additional information about Section 13267 requirements. Any extension in the above deadline must be confirmed in writing by Board staff.

If you have any questions, please contact Nancy Katyl of my staff at (510) 622-2408 or e-mail nkatyl@waterboards.ca.gov.

Sincerely,

Digitally signed by Stephen Hill
DN: CN = Stephen Hill, C = US
Date: 2006.06.22 09:02:26 -07'00'

for

Bruce H. Wolfe
Executive Officer

Attachment: Water Code Section 13267 Fact Sheet

cc w/o attachment:

Mr. William Pfanner (Bpfanner@energy.state.ca.us)
Siting Project Manager
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Janet Naito (jnaito@dtsc.ca.gov)
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Alan C. Lloyd, Ph.D.
Agency Secretary

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Fact Sheet – Requirements For Submitting Technical Reports Under Section 13267 of the California Water Code

What does it mean when the regional water board requires a technical report?
Section 13267[1] of the California Water Code provides that "...the regional board may require that any person who has discharged, discharges, or who is suspected of having discharged or discharging, or who proposes to discharge waste...that could affect the quality of waters...shall furnish, under penalty of perjury, technical or monitoring program reports which the regional board requires."

This requirement for a technical report seems to mean that I am guilty of something, or at least responsible for cleaning something up. What if that is not so?
The requirement for a technical report is a tool the regional water board uses to investigate water quality issues or problems. The information provided can be used by the regional water board to clarify whether a given party has responsibility.

Are there limits to what the regional water board can ask for?
Yes. The information required must relate to an actual or suspected or proposed discharge of waste (including discharges of waste where the initial discharge occurred many years ago), and the burden of compliance must bear a reasonable relationship to the need for the report and the benefits obtained. The regional water board is required to explain the reasons for its request.

What if I can provide the information, but not by the date specified?
A time extension may be given for good cause. Your request should be promptly submitted in writing, giving reasons.

Are there penalties if I don't comply?
Depending on the situation, the regional water board can impose a fine of up to $5,000 per day, and a court can impose fines of up to $25,000 per day as well as criminal penalties. A person who submits false information or fails to comply with a requirement to submit a technical report may be found guilty of a misdemeanor. For some reports, submission of false information may be a felony.

Do I have to use a consultant or attorney to comply?
There is no legal requirement for this, but as a practical matter, in most cases the specialized nature of the information required makes use of a consultant and/or attorney advisable.

What if I disagree with the 13267 requirements and the regional water board staff will not change the requirement and/or date to comply?
You may ask that the regional water board reconsider the requirement, and/or submit a petition to the State Water Resources Control Board. See California Water Code sections 13320 and 13321 for details. A request for reconsideration to the regional water board does not affect the 30-day deadline within which to file a petition to the State Water Resources Control Board

If I have more questions, whom do I ask?
Requirements for technical reports indicate the name, telephone number, and email address of the regional water board staff contact.

Revised August 2005

[1] All code sections referenced herein can be found by going to www.leginfo.ca.gov.

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 2/17/06*

DOCKET UNIT

Instructions: Send an original signed document plus 12 copies or an electronic copy plus one original paper copy to the address below:

CALIFORNIA ENERGY COMMISSION
Attn: Docket No. 04-AFC-01
DOCKET UNIT, MS-4
1516 Ninth Street
Sacramento, CA 95814-5512

Also send a printed or electronic copy of all documents to each of the following:

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Dept. of Water Resources
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DECLARATION OF SERVICE

I, **Raquel Rodriguez**, declare that on **June 24, 2006**, I deposited copies of the attached **RE: Requirements for Technical Report for the 4-acre San Francisco Electric Reliability Project parcel near 25th and Louisiana Street, San Francisco.**, in the United States mail at Sacramento, California with first class postage thereon fully prepaid and addressed to those identified on the Proof of Service list above. Transmission via electronic mail was consistent with the requirements of California Code of Regulations, title 20, sections 1209, 1209.5, and 1210. I declare under penalty of perjury that the foregoing is true and correct.

Raquel Rodriguez
[signature]

CEC INTERNAL
DISTRIBUTON LIST ONLY

Parties DO NOT mail to the following individuals. The Energy Commission Docket Unit will internally distribute documents filed in this case to the following:

JAMES D. BOYD, Commissioner
Presiding Member
MS-34

JOHN L. GEESMAN, Commissioner
Associate Member
MS-31

Stan Valkosky
Hearing Officer
MS-9

Bill Pfanner
Project Manager
MS-15

Dick Ratliff
Staff Counsel
MS-14

Margret J. Kim
Public Adviser
MS-12

DECLARATION OF SERVICE

I, **Raquel Rodriguez**, declare that on **June 26, 2006**, I deposited copies of the attached **RE: Requirements for Technical Report for the 4-acre San Francisco Electric Reliability Project parcel near 25th and Louisiana Street, San Francisco.**, in the United States mail at Sacramento, California with first class postage thereon fully prepaid and addressed to those identified on the Proof of Service list above. Transmission via electronic mail was consistent with the requirements of California Code of Regulations, title 20, sections 1209, 1209.5, and 1210. I declare under penalty of perjury that the foregoing is true and correct.

Raquel Rodriguez
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