



# California Regional Water Quality Control Board

## San Francisco Bay Region



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Governor

Linda S. Adams  
Secretary for  
Environmental Protection

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Date: **JUN 07 2006**  
File No. 38S0016 (AGL)

**RECEIVED BY**  
JUN 13 2006  
CHIEF COUNSEL OFFICE

Mr. Michael Boyd  
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Soquel, CA 95073

**DOCKET**  
**04-AFC-1**  
DATE JUN 7 2006  
REC'D JUN 13 2006

Dear Mr. Boyd:

This letter responds to your testimony before the Water Board on May 10, 2006, in connection with the reissuance of the NPDES Permit for the Potrero Power Plant in San Francisco. In particular, you expressed concerns with regard to a proposed power plant in southeastern San Francisco, to be developed by the San Francisco Public Utility Commission (PUC) on the former Western Pacific Property, which is owned by the Port of San Francisco. The Property has an area of approximately 26 acres, out of which the San Francisco Municipal Railway (MUNI) is leasing the western 13 acres for its light rail maintenance yard together with an additional 4 acres, which it has sub-leased to the PUC for the power plant in question, also known as the San Francisco Electric Reliability Project (SFERP). The California Energy Commission (CEC) is currently holding hearings on the SFERP as part of its power plant licensing process. Below I've summarized your comments/questions as we understand them and our responses.

1. Question: Were construction activities on the MUNI parcel done without an NPDES permit for stormwater discharges from construction sites?

Response: No, MUNI obtained appropriate NPDES permit coverage prior to construction activities on this parcel. Water Board staff inspected this parcel on November 7, 2005. Staff was accompanied on the inspection by several MUNI project staff and several representatives of the contractors on the parcel. During the inspection, and with the assistance of a Port of San Francisco staffer who had recently completed revised storm drain maps for the area, it was determined that a large portion of the parcel drains to the City's combined storm and sanitary sewer system, which receives treatment prior to discharge to the Bay. Because the combined sewer is covered under its own NPDES discharge permit, the portion of the parcel that drains to the combined sewer system is not required to be covered under the Statewide NPDES construction stormwater permit. However, staff did discuss with MUNI staff the need to ensure that discharges of earth and construction-related materials to the combined sewer are minimized.

A portion of the parcel larger than one acre was determined to drain to San Francisco Bay or to storm drains leading directly to the Bay. That area, located on the northeastern side of the parcel, was being used for vehicle parking and stockpile storage during the

inspection. Most of the stockpiles there were covered, and staff discussed with MUNI staff the need to implement appropriate erosion and sediment controls, as well as site management controls, for construction activities in that area. Staff also observed that the area required coverage under the Statewide NPDES construction stormwater permit. MUNI filed a Notice of Intent for coverage under that permit, effective November 28, 2005, with WDID No. 2 38 C 338041. Given the size of the parcel and the apparently effective implementation of controls at the time, staff has not re-inspected the parcel since then.

2. Comment: Contaminated soil at the MUNI parcel was improperly handled during recent construction activities, with attendant risk to public health.

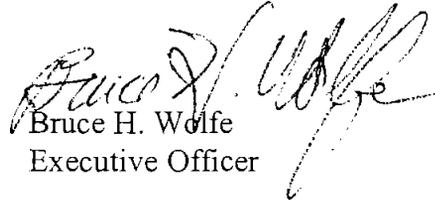
Response: The photos cited in your testimony show construction activities on the MUNI parcel (including soil piles) but provide no evidence of improper handling of contaminated soil. MUNI is subject to a Board-approved Risk Management Plan and Site Management Plan to address contamination at this parcel, and those plans specifically address proper management of contaminated soils during construction activities. Construction activities at the MUNI parcel include grading and excavation for utilities and foundation structures. Excavated soil is sampled and characterized for either disposal at an appropriate facility or reuse as backfill, and any stockpiled soil is covered. MUNI has an environmental compliance manager on site during construction hours to ensure that contractors are following the requirements of the existing Risk Management and Site Management Plan.

3. Comment: The City should perform cleanup at the SFERP site before the CEC issues its power plant license. The Water Board should ask CEC to delay its SFERP licensing process pending Water Board review and approval of the City's site investigation report and cleanup plan for the SFERP parcel. Alternatively, the Water Board should make its staff available at the CEC licensing hearings to discuss the Water Board's site cleanup process.

Response: We are coordinating closely with CEC staff on site cleanup issues at the SFERP site. Stephen Hill of my staff attended a recent CEC licensing panel hearing to describe the Water Board's site cleanup process with respect to the SFERP parcel. We will of course defer to the CEC on its process for issuing a power plant license for the SFERP, including any conditions. We will further coordinate with CEC staff in checking compliance with any cleanup-related conditions. We have requested the City to submit appropriate documents for the SFERP site (site investigation, risk assessment, and remediation/risk management plan). We will provide opportunity for review and comment by other agencies and the public prior to our approval of those documents.

If you have any questions, please contact Anders Lundgren at (510) 622 - 2385 or via e-mail at [alundgren@waterboards.ca.gov](mailto:alundgren@waterboards.ca.gov).

Sincerely,

  
Bruce H. Wolfe  
Executive Officer

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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:*

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

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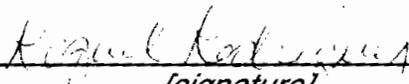
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**DECLARATION OF SERVICE**

I, **Raquel Rodriguez**, declare that on **June 26, 2006**, I deposited copies of the attached **RE: Letter from California Regional Water Quality Control Board / Bruce H. Wolfe to Mr. Michael Boyd. Re: Testimony Before the Water Board on May 10 2006**, 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.

  
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*[signature]*