

ORIGINAL

CITY AND COUNTY OF SAN FRANCISCO

OFFICE OF THE CITY ATTORNEY



DENNIS J. HERRERA  
City Attorney

DOCKET  
04-AFC-1

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DATE MAY 17 2006  
RECD MAY 18 2006

May 17, 2006

Mr. James D. Boyd, Presiding Member  
Mr. John L. Geesman, Associate Member  
Committee for the San Francisco Electric Reliability Project  
1516 9<sup>th</sup> Street  
Sacramento, California 95814

Re: In the Matter of Application for Certification for the San Francisco Electric Reliability Project, Docket No. 04-AFC-01

Dear Commissioners:

Please find attached 12 copies and one original of the errata to the May 1, 2006, supplemental testimony of City and County of San Francisco. It has come to my attention that the documents for the designation of administering agency were missing one page. The documents attached include the missing page.

Very truly yours,

DENNIS J. HERRERA  
City Attorney

  
Jeanne M. Solé  
Deputy City Attorney



**Winston H. Hickox**  
~~Secretary for Environmental Protection~~  
Secretary for  
Environmental  
Protection

# California Environmental Protection Agency

Air Resources Board • Department of Pesticide Regulation • Department of Toxic Substances Control  
Integrated Waste Management Board • Office of Environmental Health Hazard Assessment  
State Water Resources Control Board • Regional Water Quality Control Boards

January 5, 1999



**Gray Davis**  
~~Governor~~  
Governor

Ms. Carol Bach  
Port of San Francisco  
Ferry Building, Suite 3100  
San Francisco, California 94105

Dear Ms. Bach:

## REQUEST FOR DESIGNATION OF AN ADMINISTERING AGENCY FOR THE FORMER WESTERN PACIFIC PROPERTY SAN FRANCISCO, CALIFORNIA, COUNTY OF SAN FRANCISCO

The Site Designation Committee has designated the Regional Water Quality Control Board as the administering agency for the site investigation and remediation of the hazardous waste release site located west of Pier 80, San Francisco, California. The designation was made pursuant to the requirements of Assembly Bill 2061 (Umberg, Chapter 1184, 1993) (Health and Safety Code, Division 20, Chapter 6.65, Section 25260 *et seq.*). Enclosed is a copy of the approved Resolution No. 98-11.

Mr. Vic Pal, will oversee coordination of regulatory efforts for the site. Mr. Pal can be contacted, at (510) 622-2403.

The Office of the Secretary appreciates your application to consolidate site remediation efforts and would like to offer our continued commitment to assist you in this matter. If you have any questions or concerns, please call Ms. Laurie Grouard, Acting Site Designation Coordinator, at (916) 323-3394.

Sincerely,

Kenneth Selover, Chair  
Site Designation Committee

Enclosure

cc: See next page.

**Ms. Carol Bach**  
**January 5, 1999**  
**Page 2**

**cc: Mr. John Fong**  
**San Francisco Municipal Railway**  
**1145 Market Street, 5th Floor**  
**San Francisco, California 94103**

**Mr. Stephen Morse**  
**S.F. Regional Water Quality Control Board**  
**2101 Webster Street, Suite 500**  
**Oakland, California 94612**

**Mr. Vic Pal**  
**S.F. Regional Water Quality Control Board**  
**2101 Webster Street, Suite 500**  
**Oakland, California 94612**

**Mr. Kenneth Leung, Ph.D., P.E., REA**  
**AGS, Inc., Consulting Engineers**  
**111 New Montgomery, Suite 500**  
**San Francisco, California 94105**

**CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY  
SITE DESIGNATION COMMITTEE  
RESOLUTION NO. 98-11  
DECEMBER 10, 1998  
FORMER WESTERN PACIFIC PROPERTY, SAN FRANCISCO COUNTY, CA**

**WHEREAS**, Chapter 6.65 of the Health and Safety Code, commencing with Section 25260 establishes a Site Designation Committee; and

**WHEREAS**, the Site Designation Committee may designate an administering agency to oversee a site investigation and remedial action at a hazardous materials release site upon request of a responsible party; and

**WHEREAS**, the Port of San Francisco and the San Francisco Municipal Railway, responsible parties as defined in Health and Safety Code Section 25260(h), requested the Site Designation Committee to designate an administering agency to oversee site investigation and remedial action at the Former Western Pacific Property, approximately 30 acres of property west of Pier 80 in San Francisco, San Francisco County, California, more particularly described in Attachment A (site), and agreed to carry out the site investigation and remedial action at the site; and

**WHEREAS**, this site is a hazardous materials release site as defined in Health and Safety Code Section 25260; and

**WHEREAS**, the Site Designation Committee held a meeting on December 10, 1998, and provided an opportunity at the meeting for public comment regarding the application; and

**WHEREAS**, the Site Designation Committee considered the application and furthermore, considered all factors and criteria set forth in Health and Safety Code Section 25262(c); and

**WHEREAS**, the Port of San Francisco and the San Francisco Municipal Railway agree to reimburse appropriate agencies for their appropriate oversight costs and/or costs of permit development, where those agencies' significant involvement and/or permit development is necessary for the furtherance of the project goals; and

**WHEREAS**, the Site Designation Committee has determined that, based on consideration of all of the factors listed in Health and Safety Code Section 25262(c), the San Francisco Bay Regional Water Quality Control Board is the appropriate agency to act as the administering agency; and

**SITE DESIGNATION COMMITTEE  
RESOLUTION NO. 98-11  
Page Two**

**NOW, THEREFORE BE IT RESOLVED** that the Site Designation Committee hereby designates the San Francisco Bay Regional Water Quality Control Board as the administering agency for the site; and

**BE IT FURTHER RESOLVED** that this designation is subject to the following conditions:

1. The San Francisco Bay Regional Water Quality Control Board shall consult, on an ongoing basis, with all appropriate agencies who have expressed an interest in this site, including all agencies who would otherwise be issuing a permit or other form of authorization:
  - a) in administering all state and local laws which are applicable;
  - b) in determining the adequacy of site investigation and remedial action activities; and
  - c) prior to issuing any permit or other form of authorization.
2. Such consultation will also include notification if information becomes available to the administering agency that the original application was inaccurate or was incomplete.
3. If an advisory team is convened by the Site Designation Committee, a representative of the administering agency shall attend all advisory team meetings.
4. The San Francisco Bay Regional Water Quality Control Board shall submit quarterly reports to the Site Designation Committee and to other appropriate agencies concerning the status of the investigation and/or remediation of the Site and shall comply with applicable public participation requirements.

**CERTIFICATION**

The undersigned Chair of the Site Designation Committee does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the Site Designation Committee held in Sacramento, California on December 10, 1998.

DATED: 1-8-99



**KENNETH SELOVER, CHAIR**  
Site Designation Committee

## **ATTACHMENT A**

### **Applicants**

The Port of San Francisco (Port) and the San Francisco Municipal Railway (MUNI) jointly request a lead agency to be designated for the "Former Western Pacific Property" (the "site"). Both the Port and MUNI are agencies of the City and County of San Francisco. The Former Western Pacific Property, consisting of about 39 acres of property (30 acres are land reclaimed by filling and about 9 acres are water lots in San Francisco Bay), is located west of Pier 80 in San Francisco. The area subject to this request for designation of a lead agency is shown on Attachment B, and represents all above-water portions of the site. The Port expects this property to be transferred by Catellus Development Corporation to the City and County of San Francisco, acting by and through the Port, as part of the Mission Bay development project. Potential contamination on the property exists due to former operations by Western Pacific Railroad. Results of preliminary environmental investigations of the site have been reviewed by the California Environmental Protection Agency's Regional Water Quality Control Board - San Francisco Bay Region (RWQCB).

The Port, as the potential future owner of the Former Western Pacific Property, agrees that it will be a responsible party for the site for the purpose of California Health & Safety Code Chapter 6.65. The Port's long term plans for the site include commercial and possibly residential development, as well as a substantial leasehold to MUNI. MUNI plans to construct and operate a light rail vehicle maintenance facility (shops and yard) on its leasehold in the near future. MUNI has agreed to be a responsible party for the purpose of California Health & Safety Code Chapter 6.65 for existing hazardous materials releases requiring remediation on its leasehold. Major milestones for the construction of the light rail vehicle maintenance facility are as follows:

- Begin soil stabilization and site remediation, if required, in August, 1999.
- Begin construction of the light rail vehicle maintenance facility in November, 2000.
- Complete construction by August, 2002.



**Winston H. Hickox**  
~~Secretary for~~  
Secretary for  
Environmental  
Protection

# California Environmental Protection Agency

Air Resources Board • Department of Pesticide Regulation • Department of Toxic Substances Control  
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January 5, 1999



**Gray Davis**  
Governor

Mr. Stephen Morse  
S.F. Regional Water Quality Control Board  
2101 Webster Street, Suite 500  
Oakland, California 94612

Dear Mr. Morse:

## DESIGNATION OF AN ADMINISTERING AGENCY FOR THE FORMER WESTERN PACIFIC PROPERTY SAN FRANCISCO, CALIFORNIA, COUNTY OF SAN FRANCISCO

Pursuant to Health and Safety Code, Division 20, Chapter 6.65, Section 25260 *et seq.* (AB 2061, Chapter 1184, Statutes of 1993 (Umberg)), the Site Designation Committee has designated the Regional Water Quality Control Board as the administering agency for the Former Western Pacific Property hazardous materials release site (site). The site is located west of Pier 80, San Francisco, California. Enclosed is a copy of approved Resolution No. 98-11.

The administering agency's responsibilities include administering all state and local laws that govern the site cleanup, determining the adequacy and extent of cleanup, issuance of necessary authorizations and permits, and following the determination that an approved remedy has been accomplished, issuance of a certificate of completion. All of these activities should be administered after consultation with other regulatory agencies having jurisdiction over cleanup activities at the site. The administering agency should hold an initial meeting with support agencies to clarify roles, arrange cost recovery contracts, and set project proposed timeliness.

If requested, a Consultative Work Group can assist in coordinating all site investigation and remediation activities. The work group would consist of front-line staff from all appropriate agencies. As the administering agency, your staff should organize and chair meetings of the work group if one is formed. The work group should meet within 45 days of designation and as often as necessary thereafter. The administering agency, and any interested members of the work group, should meet

Mr. Stephen Morse  
January 5, 1999  
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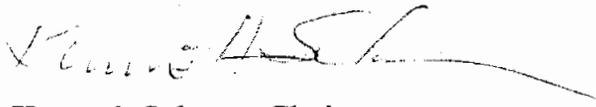
with the responsible party to discuss the results of the meetings withing 60 days of designation.

To optimize coordination, the work group would develop a work plan for site cleanup. The work plan should layout the time frame for accomplishing site cleanup activities. The work plan should identify all permits and authorizations necessary for site cleanup; requirements for compliance with appropriate agency laws, ordinances and regulations; and areas where regulatory duplication and overlap can be eliminated. Streamlining the process should be emphasized.

Please keep us advised of the progress made on this site cleanup by providing reports on a regular basis. Enclosed is a recommended reporting form.

This new program, and all our existing programs, can be successful only if original and flexible processes are used to implement our state's high environmental standards. I am confident that your staff has the expertise and ingenuity to make this Site Designation application a model of success. The Office of the Secretary supports and is available to assist you in these efforts. If you have any concerns, please call Ms. Laurie Grouard, Acting Site Designation Coordinator, at (916) 323-3394.

Sincerely,



Kenneth Selover, Chair  
Site Designation Committee

Enclosures

cc: See next page.

Mr. Stephen Morse  
January 5, 1999  
Page 3

cc: Ms. Carol Bach  
Port of San Francisco  
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AGS, Inc., Consulting Engineers  
111 New Montgomery, Suite 500  
San Francisco, California 94105

Mr. Vic Pal  
S.F. Regional Water Quality Control Board  
2101 Webster Street, Suite 500  
Oakland, California 94612

**SITE DESIGNATION COMMITTEE MEETING  
OF THE  
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY**

December 10, 1998  
1:30 p.m.

Union Building  
301 Capitol Mall  
Fourth Floor Large Conference Room  
Sacramento, California 95814

**A G E N D A**

Notice: Testimony will be taken from those who identify themselves as wishing to speak at the beginning of the proceedings. Speakers for each item will be called in the following order: Applicant, Proposed Administering Agency, Representatives of Organizations, Governmental agencies; and other interested parties. Please note that there may be time limits placed upon testimony according to the number of parties who wish to participate. When submitting written comments, please provide 10 two-sided copies. If you need further information, please contact Laurie Grouard, at (916) 323-3394.

1. **CONSIDERATION OF AN ADMINISTERING AGENCY FOR THE FORMER WESTERN PACIFIC PROPERTY CONSISTING OF ABOUT 39 ACRES OF PROPERTY (30 ACRES ARE LAND RECLAIMED BY FILLING AND ABOUT 9 ACRES ARE WATER LOTS IN THE SAN FRANCISCO BAY), LOCATED WEST OF PIER 80 IN SAN FRANCISCO, COUNTY OF SAN FRANCISCO. THE APPLICANTS, THE PORT OF SAN FRANCISCO AND THE SAN FRANCISCO MUNICIPAL RAILWAY (MUNI), HAVE REQUESTED THAT THE REGIONAL WATER QUALITY CONTROL BOARD BE DESIGNATED AS ADMINISTERING AGENCY FOR THIS SITE.**
  
2. **CONSIDERATION OF AN ADMINISTERING AGENCY FOR A 4-ACRE PARCEL OF PROPERTY SUBJECT TO A STREET EASEMENT AND USED AS A CITY STREET (THE "BUCHANAN STREET PROPERTY") WHICH IS SURROUNDED BY THE 82-ACRE ALBANY PLATEAU PROPERTY, COUNTY OF ALAMEDA. THE APPLICANT, CATELLUS DEVELOPMENT CORPORATION, EAST SHORE PARK PROPERTIES, HAS REQUESTED THAT THE REGIONAL WATER QUALITY CONTROL BOARD BE DESIGNATED AS ADMINISTERING AGENCY FOR THESE SITES.**



SERVICE LIST

<p>Barbara Hale, Power Policy Manager  San Francisco Public Utilities Commission  1155 Market Street, 4th Floor  San Francisco, CA 94102</p>	<p>Applicant Project Manager  Karen Kubick  SF Public Utilities Commission  1155 Market St., 8th Floor  San Francisco, CA 94103</p>
<p>Steve De Young  De Young Environmental Consulting  4155 Arbolado Drive  Walnut Creek, CA 94598</p>	<p>John Carrier  CH2MHill  2485 Natomas Park Drive, Suite 600  Sacramento, CA 95833-2943</p>
<p>Lynne Brown - Member, CARE  Resident, Bayview Hunters Point  24 Harbor Road  San Francisco, California 94124</p>	<p>Emilio Varanini III  Special Counsel  California Power Authority  717 K Street, Suite 217  Sacramento, CA 95814</p>
<p>Electricity Oversight Board  770 L Street, Suite 1250  Sacramento, CA 95814</p>	<p>Independent System Operator  Donna Jordan  151 Blue Ravine Road  Folsom, CA 95630</p>
<p>Department of Water Resources  SERS  Dave Alexander  3301 El Camino Avenue, Ste. 120  Sacramento, CA 95821-9001</p>	<p>Jeffrey S. Russell  Vice President, West Region Operations  Mirant California, LLC  1350 Treat Blvd., Suite 500  Walnut Creek, CA 94597</p>
<p>Michael J. Carroll  Latham &amp; Watkins LLP  650 Town Center Drive, Suite 2000  Costa Mesa, CA 92626</p>	<p>Potrero Boosters Neighborhood  Association  Dogpatch Neighborhood Association  Joseph Boss  934 Minnesota Street  San Francisco, CA 94107</p>
<p>Robert Sarvey  501 West Grantline Road  Tracy, CA 95376</p>	<p>San Francisco Community Power  c/o Steven Moss  2325 Third Street # 344  San Francisco, CA 94107</p>
<p>Californians for Renewable Energy, Inc.  (CARE)  Michael E. Boyd, President  5439 Soquel Drive  Soquel, California 95073</p>	<p>Mark Osterholt  Mirant California, LLC  P.O. Box 192  Pittsburg, CA 94565</p>