California Regional Water Quality Control Board
San Francisco Bay Region

RESPONSE TO WRITTEN COMMENTS

On the October 18, 2021, Initial Study/Mitigated Negative Declaration for the
the Pier 39 to 43½ Sediment Remediation Project
San Francisco

The Regional Water Board received written comments from two parties on the October 18, 2021, Draft Initial Study/Mitigated Negative Declaration (IS/MND) for the Pier 39 to Pier 43½ Sediment Remediation Project in San Francisco. The IS/MND analyzed the recommended alternative for remediation as described in the September 24, 2021, Feasibility Study and Remedial Action Plan (FS/RAP) prepared by Haley & Aldrich, Inc. on behalf of Pacific Gas and Electric (PG&E). The IS/MND was distributed for public review and comment between October 20, 2021, and November 19, 2021. The FS/RAP underwent concurrent public review. The responses were developed by staff. No changes to the IS/MND are deemed necessary based on comment review and response.

Comments on the IS/MND were submitted by the following parties:

- Member of Southern Advisory Committee (SAC) of the Port of San Francisco; and

- California Department of Fish and Wildlife (CDFW).

The comments are organized by the commenting parties, and the comments are reproduced below in ***bold italics*** *a*nd followed by the response.

MEMBER OF SOUTHERN ADVISORY COMMITTEE (SAC) OF THE PORT OF SAN FRANCISCO

Comments were submitted by Karen Pierce, member of the SAC and resident of Bay View Hunters Point, on November 18, 2021. The original submitted document can be found at the following link:
https://documents.geotracker.waterboards.ca.gov/regulators/deliverable_documents/6145963370/20211118_Pier%2039_Pierce_Comment%20on%20Draft%20FSRAP.pdf

Comment 1: The contaminated sediment that is removed should be treated as close to the area it is removed from rather than transported to Bayview Hunters point on the other side of the City, an environmental justice community already overburdened with toxins.

Response 1: The Regional Water Board acknowledges the commenter's concern about transporting the contaminated sediment across the City to a place close to Bayview Hunters Point, a community with environmental justice issues. The Regional Water

Board also acknowledges the history of disproportionate environmental exposure and burdens to community members in the vicinity of Bayview Hunters Point.

The IS/MND evaluated the potential impacts of the recommended remedial alternative, including taking dredged sediment to a material handling facility (MHF) for processing temporarily for the purpose of drying and loading onto trucks prior to landfill disposal.

The FS/RAP incorporates control measures (controls) and avoidance and minimization measures (AMMs), described in the relevant sections of the Initial Study, to ensure that the rehandling of sediments will result in less than significant impacts to residents of the Bayview Hunters Point area. First, the sediment will only be stored temporarily at the MHF. Second, the MHF is physically separated from residential areas by over 0.5 miles and the contractor will also implement numerous controls and AMMs, including dust and odor controls and air quality monitoring, to prevent exposure to residents. Trucks leaving the facility will be covered and track out controls will minimize the transport of any sediment offsite. The route that trucks will take to transport the dried sediment to landfills will not traverse residential neighborhoods.

The FS/RAP provides the rationale for the two MHF locations evaluated (Pier 96 and Berth 10 at Port of Oakland – both bordering Environmental Justice communities) as well as the rationale for the selection of Pier 96 as the preferred MHF. A response to this aspect of the comment is also provided in the response to comment document for the FS/RAP. A summary of safety measures to be employed and the FS/RAP comment responses regarding the location of the MHF are provided below (see Responses to Comments 2 and 3, respectively).

Comment 2: The area where the drying is proposed will be near a temporary safe sleeping site for unhoused people from the area, necessitated by the COVID-19 pandemic.

Response 2: The commenter is referring to Covid-19 Shelter in Place safe sleeping site, which is currently located in the backlands of Pier 94, approximately one-half mile from the portion of the proposed MHF location, where the sediment will be processed. The safe sleeping site has been in operation since Spring of 2020. The Port has indicated that it is unlikely that this temporary site will be in operation during the remediation project implementation (expected to begin in mid-2023). Nevertheless, if the safe sleeping site is still in place during project implementation, the unhoused people there would be considered a sensitive population. The IS/MND analyzed impacts to sensitive receptors in the vicinity of the Pier 96 MHF in Section 5.3 Air Quality. As detailed in Section 5.3 of the IS/MND, potential impacts to sensitive receptors near the Pier 96 MHF could be related to: (1) diesel particulate matter emissions from construction-related equipment; (2) dust and odor generated during dewatering of the dredged material and handling of debris and other materials; and (3) release of chemicals from contaminated sediments, such as polycyclic aromatic hydrocarbons (PAHs), into the air during material handling. As detailed below, the IS/MND found that, with implementation of controls and AMMs, the potential Project-related impacts on sensitive receptors from pollutants would be less than significant.

Emissions from all of the project's construction-related activities were estimated to be well below the Bay Area Air Quality Management District's (BAAQMD's) threshold of significance for construction-related emissions. PAHs are not highly volatile and are readily controlled through dust management at remedial construction areas. Dust and odor controls will be implemented at the Pier 96 MHF, and in general, sediments managed at the Pier 96 MHF would have a high moisture content, reducing the likelihood that they would generate a significant amount of dust, if any at all. The "dried" sediments would be loaded into trucks as soon as they are "stackable" (just dry enough to ensure that free water does not leak onto the road surface from trucks during transport).

As discussed above, the IS/MND sets forth plans, controls, and AMMs that will be implemented to minimize emissions, ensure air quality remains within acceptable levels, and suppress and minimize odors. Plans, controls, and AMMs (outlined in Attachment A of the IS/MND) include provisions for regular monitoring for dust and vapor, inspections of the MHF, controls to reduce dust and odors, and controls to reduce spills, trackout of dirt from the facility, and fugitive emissions from trucks.

Per the IS/MND, these plans, controls, and AMMs are consistent with the BAAQMD basic construction recommendations for all proposed projects and meet requirements of the Port of San Francisco and City and County of San Francisco and reduce the potential Project-related impacts on sensitive receptors from pollutants to less than significant.

Comment 3: Was drying the sediment on the barges considered and, if not, it should be considered as the safest, healthiest, most equitable and environmentally just approach.

Response 3: During project planning, the use of a system of barges for sediment drying was considered infeasible. Responses to comments on the FS/RAP were developed to explain the following: (1) the feasibility of drying sediments on barges; and (2) why Pier 96 was chosen as the MHF. A summary of the response to this comment on the FS/RAP is provided below.

A system of barges was evaluated for processing of dredged materials over water, but was considered infeasible for the following reasons (outlined in more detail in the FS/RAP response to comments):

a. Logistics Considerations – It would be infeasible to provide the materials, power, fuel, and storage capacity necessary for the dewatering process to an offshore operation. Barges would still need to be offloaded and the materials transferred to trucks for transport to landfills. An onshore staging area would still be necessary for material storage.
b. Permitting Challenges – Use of a barge system for over-water sediment processing would create a navigation hazard and increase project impacts on habitat (e.g., shading). Hence, regulatory agency permit applications for a barge system likely would be rejected.

c. Safety Issues – Performing work for extended periods over water and in an active harbor/waterway would result in greater potential for vessel accidents and injuries. In addition, there would be an increased likelihood of spills to the Bay.

The waterfront of San Francisco generally lacks sufficient usable and/or available space to handle the volume of material to be generated for this project. Based on research of Port facilities performed during the FS/RAP, Pier 96 is the closest available location for an MHF that can be used for offloading, processing, and removal of sediment for offsite disposal. An evaluation of six considerations showed Pier 96 as the most favorable MHF due to permitting, road accessibility, San Francisco Bay accessibility, useable and available acreage, location in relation to the Pier 39 site, and facility structural integrity and condition.

As mentioned in Response to Comment 1 above, the FS/RAP incorporates controls and avoidance and minimization measures, described in the relevant sections of the Initial Study, to ensure that the rehandling of sediments will result in less than significant impacts to residents of the Bayview Hunters Point area.

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE (CDFW)

Comments were submitted by Craig Shuman, Marine Regional Manager, on November 30, 2021. On November 8, 2021, during the public review period, CDFW contacted the Regional Water Board to request an extension to the review period. Although the extension request was declined, the Regional Water Board agreed to treat the CDFW comments as if they had been received during the review period provided that the CDFW comments were received by November 30, 2021. The CDFW comments were received on November 30, 2021. The original submitted document can be found at the following link:
https://documents.geotracker.waterboards.ca.gov/regulators/deliverable_documents/5212812125/CDFW_Ltr_Pier39_43.5_MND_211130.pdf

Comment 1: CESA Listed Species Impacts: Components of the Project may result in take of CESA listed species. Impact pile driving and diver assisted hydraulic dredging utilize equipment and create impacts that have been associated with take of listed species, specifically longfin smelt and chinook salmon. Work proposed outside of the work window could also result in take of listed species. In Section 4.9, Table 4-5 Permits and Approvals, is consistent with the Departments recommended permitting approach to the proposed work. The Department is also in agreement with the proposed mitigation/minimization measures proposed in Section 6.1 (Mitigation Measures – Biological Resources).

Recommendations: The Department recommends PG&E consult on receiving an Incidental Take Permit for utilizing an impact pile driver, hydraulic suction dredge and conducting work outside of the approved work windows which can result in take of CESA listed species.

Response 1: The Regional Water Board notes that PG&E, as the project sponsor, plans to consult with the agency on receiving an Incidental Take Permit for utilizing an impact pile driver, hydraulic suction dredge, and conducting work outside of the approved work windows which can result in take of California Endangered Species Act (CESA) listed species.

As stated in Section 4.9 Permits, Approval, and Notifications, PG&E will consult with the agency on receiving the Incidental Take Permit. In addition, Section 5.4, Biological Resources states that issuance of the Incidental Take Permit will likely be required.

Comment 2: Pacific herring: Pacific herring are present along the San Francisco waterfront during the winter months, December through March, as they transit the area to stage for spawning events. Spawning can also occur occasionally at or near the location of the Project. Conducting dredging and/or pile driving activities during the herring spawning season can have impacts to all life stages of the species.

Recommendations: The Department recommends that PG&E consult further with the Department regarding a herring work window waiver, as mentioned within Section 4.9, for any work proposed to take place between December 1 and March 15 each year of the Project. Specific avoidance and minimization measures would need to be determined yearly based on the exact type of work being proposed during each spawning season and could be further discussed within the framework of a 2081 Incidental Take Permit consultation.

Response 2: The Regional Water Board notes that PG&E, as the project sponsor, plans to consult with the agency regarding the Pacific herring work window. Specific AMMs would need to be determined yearly based on the exact type of work being proposed during each spawning season and could be further discussed within the framework of a Fish and Game Code 2081 Incidental Take Permit consultation.

As stated in Section 4.9 Permits, Approval, and Notifications, PG&E will consult with the agency on receiving the Incidental Take Permit and receiving a waiver from the agency to conduct activities outside of the work window. In addition, Section 5.4, Biological Resources recognizes that the Pacific Herring are known to occur in the Project Area vicinity. In recognition of this, the IS/MND sets forth plans, controls, and AMMs and Mitigation Measures BIO-1A and BIO-1B, which will be implemented to reduce disturbances on special-status fish. With implementation of these plans, controls, AMMs, and requirements imposed through the permitting process, the potential Project-related impacts on intertidal and subtidal habitats would be less than significant.

Comment 3: Environmental Data: CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database, which may be used to make subsequent or supplemental

environmental determinations. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDB). Information on submitting data to the CNDDB can be found at: https://wildlife.ca.gov/Data/CNDDB/Submitting-Data.

Response 3: The Regional Water Board notes that PG&E will submit environmental data used or generated by the Project through the implementation of the IS/MND to the CNDDB.

Comment 4: Environmental Data: The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by Department. Payment of the fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

Response 4: CDFW has summarized statutory responsibilities related to filing fees. The Regional Water Board will remit the appropriate fees to the CDFW upon filing the Notice of Determination for the submission of the Final IS/MND.