

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
SAN FRANCISCO BAY REGION**

**RESOLUTION NO. R2-2022-00XX**

**ADOPTION OF MITIGATED NEGATIVE DECLARATION for:**

**SITE CLEANUP REQUIREMENTS for:**

The offshore property located between:

**PIER 39 AND PIER 43½  
SAN FRANCISCO  
SAN FRANCISCO COUNTY**

**WHEREAS:**

1. On July 24, 2014, the San Francisco Bay Regional Water Quality Control Board (Regional Water Board) issued a water quality certification for the Port of San Francisco's maintenance dredging program through 2023. This water quality certification included, as Condition 11, a Water Code section 13267 requirement for a technical report characterizing the potential threat to water quality and risk to aquatic life posed by polycyclic aromatic hydrocarbons (PAHs) found in sediment at the Pier 39 Marina.
2. On June 26, 2015, the Port of San Francisco submitted the report entitled "PAH Fingerprinting Study Data Report" to the Regional Water Board. The study determined that the sources of PAHs in Pier 39 sediment likely include manufactured gas plant (MGP) waste, urban runoff, soot, and possibly creosote from treated piles. In many samples, the chemical signature was strongly indicative of MGP waste.
3. Pacific Gas & Electric Company (PG&E) retains responsibility for MGP waste from the former Beach Street MGP and subsequently took the lead in investigating the extent of MGP-derived PAH impacts in Pier 39 sediment.
4. Between 2015 and 2018, PG&E conducted extensive offshore sediment investigations between Piers 39 and 45, supplemented with upland soil and groundwater investigations along the shoreline to determine the extent of MGP-related PAH impacts and evaluate the threat to water quality and risk to aquatic life posed by PAHs.

5. Subsequent to the adoption of this Resolution, the Regional Water Board will adopt a Site Cleanup Requirements Order (SCR Order) and Water Quality Certification under section 401 of the federal Clean Water Act (Certification) for the final remediation of sediment between Piers 39 to 43½ in San Francisco, San Francisco County, referred to as the Project. Both the SCR Order and the Certification will rely on the findings in the Initial Study/Mitigated Negative Declaration adopted through this Resolution.
6. The Regional Water Board has assumed the lead agency role for approving the Project under CEQA (CEQA at Public Resources Code § 21000 et seq.), conducted an Initial Study in accordance with California Code of Regulations, title 14, section 15063, and prepared a Mitigated Negative Declaration in accordance with California Code of Regulations, title 14, section 15070 et seq.
7. The Initial Study preliminarily identified potential significant environmental effects associated with implementing planned remediation activities for biological resources, cultural and tribal resources, recreation, and transportation. These potentially significant environmental effects will be avoided or will result in less than significant impacts with the incorporation of mitigation measures, such as coordinating with relevant stakeholders to develop a plan to address impacts on boating businesses as a result of construction activities. The Regional Water Board will enforce implementation of the mitigation measures by including them as required tasks in the SCR Order. As required under California Code of Regulations, title 14, section 15074, a Mitigation Monitoring and Reporting Program (MMRP) has been prepared and is attached to the Mitigated Negative Declaration and will be adopted with this Resolution.
8. On October 20, 2021, the Regional Water Board provided an electronic Notice of Intent to adopt the Mitigated Negative Declaration (MND) and an electronic copy of the MND to the State Clearinghouse's CEQA Submit website, opening a 30-day public review period, that ended on November 19, 2021. During that same period the Notice of Intent, which included a link to the Draft MND on the State Water Resources Control Board's GeoTracker website, were made available on the Regional Water Board's public notices and documents for review website for public comment.
9. On November 17, 2021, the Regional Water Board made the draft resolution available on the Regional Water Board's public notices and documents for review website for public comment, opening a 30-day public review period, that ended on December 17, 2021.
10. The Regional Water Board finds that on the basis of the whole record that there is no substantial evidence that the Project, as mitigated, will have a significant effect on the environment.
11. The Mitigated Negative Declaration reflects the independent judgment and analysis of the Regional Water Board.

**THEREFORE BE IT RESOLVED**, that the Regional Water Board hereby adopts the Mitigated Negative Declaration and MMRP for the Project.

I, Michael Montgomery, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Francisco Bay Region, on \_\_\_\_\_.

\_\_\_\_\_  
Michael Montgomery  
Executive Officer