

**Swiecki, John**

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**From:** Steven Johnson [mailto:steven.johnson@ci.brisbane.ca.us]  
**Sent:** Sunday, September 01, 2013 5:08 PM  
**To:** Swiecki, John  
**Subject:** Fw: EIR's comments  
**Attachments:** rs2006\_0008\_rev\_rs88\_63-1.pdf; IMG\_1431.jpg

Dear Mr. Swiecki,

I sent you several emails for EIR's comments because the file with the pictures is too big to be delivered to you. Sorry for the inconvenience.

Steven

----- Forwarded Message -----

**From:** Steven Johnson <steven.johnson@ci.brisbane.ca.us>  
**To:** "eir@ci.brisbane.ca.us" <eir@ci.brisbane.ca.us>  
**Sent:** Sunday, September 1, 2013 4:36 PM  
**Subject:** Fw: EIR's comments

----- Forwarded Message -----

**From:** Steven Johnson <steven.johnson@ci.brisbane.ca.us>  
**To:** "eir@ci.brisbane.ca.us" <eir@ci.brisbane.ca.us>  
**Sent:** Sunday, September 1, 2013 4:10 PM  
**Subject:** EIR's comments

Dear Mr. Swiecki,

I've been made aware of environmental issues at Sunquest's property in Brisbane, and have exchanged several emails with Water Board (see below) to discuss my concern for the upcoming OU2 remediation at the site.

I visited the site through my friend, who was an engineer for the contractor when the oil ditch was being remediated. My friend told me that Sunquest's Project Manager mentioned that some of the oil seems to be mobile in open space( see the pictures below, Sunquest also had those pictures from my friend) , but he wasn't certain because of the complexity of the soil composition. He thought that they could resolve the issue by building a slurry and capping the plume.

From practical perspective, this could be an appropriate approach. However, I've done a little research and I'm not sure if this approach would meet the requirements set in regulations

such as the Draft Low-threat UST Closure Policy (7-14-2011) ( see the link: [http://www.swrcb.ca.gov/ust\\_policy/lt\\_elspley071411.pdf](http://www.swrcb.ca.gov/ust_policy/lt_elspley071411.pdf) ) and State Water Board Resolution No. 2006-008( see attached).

So far, Sunquest has not established any criteria for the soil and groundwater cleanup at OU1. I'm worried that the high concentration of heavy metals such as arsenic and lead in the soil could potentially leachate into the groundwater. The TPH and metals in groundwater should be addressed according to the Risk Assessment and Remedial Action Plan.

Best Regards,

Steven

----- Forwarded Message -----

**From:** "Pal, Vic@Waterboards" <vic@waterboards.ca.gov>  
**To:** Steven Johnson <steven.johnson@waterboards.ca.gov>  
**Sent:** Wednesday, May 1, 2013 3:13 PM  
**Subject:** RE: OU2 remediation at Baylands Project

Hi Steven,

Thanks for sharing your comments regarding the development of the Brisbane Baylands site. Please see my response below:

When finalized, the EIR for the site will provide remedial alternatives for different land uses and therefore exposure scenarios. Once the EIR is certified, it will designate specific land uses for the various areas throughout the site. The Water Board typically does not interfere in land use decisions as we are not a land use agency. However, once land uses are known, remedial approaches and plans will be developed for Water Board review based on assessment of risk for the specific exposure scenarios. The Water Board is aware of current site conditions, and reviews results of ongoing monitoring. Until more information is provided regarding future land uses and development requirements, decisions regarding final remedial requirements are considered premature.

The points you raise in your email are examples of the kinds of review we go through in evaluating remedial alternatives and requirements for a site impacted by residual chemicals. A thorough review of site data and risk assessment will be accomplished for this site during our evaluation of remedial alternatives and subsequent requirements.

**From:** Steven Johnson <steven.johnson@waterboards.ca.gov>  
**Sent:** Friday, April 26, 2013 2:57 PM  
**To:** Pal, Vic@Waterboards  
**Cc:** Roberson, Keith@Waterboards  
**Subject:** Re: OU2 remediation at Baylands Project

Dear Mr. Pal,

Thank you again for your response. I have a few questions and comments, which I have written below in red:

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**From:** "Pal, Vic@Waterboards"  
**To:** Steven Johnson  
**Cc:** "Roberson, Keith@Waterboards"  
**Sent:** Wednesday, April 3, 2013 4:21 PM  
**Subject:** RE: OU2 remediation at Baylands Project

Hi Steven,

Thanks for your email outlining your concerns with respect to the OU2 remediation at the Brisbane Baylands site. I've addressed each item below:

A) The default cleanup standard for most sites are MCLS. However, with respect to petroleum, the State Board has shifted its policy in recent years and now will consider closure of petroleum sites above MCLS provided certain conditions are met. Here is a link to the 2011 Policy document:

[http://www.swrcb.ca.gov/ust/policy/lt\\_clspley071411.pdf](http://www.swrcb.ca.gov/ust/policy/lt_clspley071411.pdf). Additionally, it's not clear at this point whether the groundwater at this location is considered a drinking water source. Total Dissolved Solids have to be below 3000 throughout the site. Given that the Baylands and Landfill are adjacent to the Bay, the TDS might be high enough to exceed that threshold.

a). I am not sure if the new policy (Draft Low-Threat USI Closure Policy) can be applied to the site for the following reasons:

1. The site doesn't meet the items d, e, and f (see below) in General Criteria (see page 3):
  - d. Free product has been removed to the maximum extent practical.
  - e. A conceptual site model has been addressed.
  - f. Secondary source removal has been addressed
2. The site doesn't meet the scenarios 1 and 2 of item 2 (Petroleum Vapor Intrusion to Indoor Air, see page 6) in the Media-specific Criteria, because the TPH concentrations in soil within 30' from the potential foundation at the site are much higher the allowable maximum concentrations.

b) The reports at the City library, prepared by Levin Fricke, showed that the most of TDS concentrations at Railyard were below 3,000 ppm. However, field tests should be conducted to verify the current TDS concentration to determine whether the groundwater at the site can be used for drinking water when necessary.

c) MCLS were deemed necessary to meet remedial goals for Schlage OU. The remedial goal for OU2 should follow this precedent.

B) The mobile fractions of TPH need to be mitigated prior to development at the site. The immobile fractions will need to be evaluated under the previously referenced closure policy.

a). I am wondering how we can determine where the mobile fractions of TPH are, and where the immobile fractions of TPH are during the design stage (RAP). Is it possible to take this approach after the developer cap the site based on the revised OU 2 RAP?

b). See my previous comments regarding whether the new closure policy can be applied to this site.

C) The leaching of metals into groundwater will certainly need to be evaluated, especially if it turns out that groundwater at this site is considered a drinking water source. The Dischargers will need to meet appropriate cleanup numbers (MCLs, Environmental Screen Levels, etc.).

D) To my knowledge, any development above the Bunker C plume will not be residential. If the final approved development plan changes substantially and this area is rezoned to residential, the water board will need to reconsider the potential incremental human health risk.

a) Will the concentration of the Bunker C plume be taken into consideration for any other type of development?

b) How close to a residential area would this plume have to be to be considered a health risk?

Cheers  
Vic

**From:** Steven Johnson  
**Sent:** Friday, March 29, 2013 3:15 PM  
**To:**  
**Cc:**  
**Subject:** Re: OU2 remediation at Baylands Project

Dear Mr. Pal,

Thank you for your explanation. Below are our thoughts for the OU2 remediation approaches after we finished reviewing the revised OU2 RAP:

A. Based on Resolution No. 2006-008, the site could be suitable for municipal or domestic water supply. Under this scenario, the groundwater should be remediated to the MCL level. Is this one of the various mitigation measures being discussed?

B. Based on the pictures I provided, it could be not appropriate to conclude that Bunker C oil is a non-liquid, immobile mass. Additional remedial approach should be taken if the Bunker C cannot be considered as a non-liquid, immobile mass.

C. Does the area impacted with heavy metal in soil over 2,500 ppm concentration need to be remediated because of the leaching issue? Did the owner do the STCL tests to make sure if it could have any potential leaching issues?

D. Is it appropriate to have residential project situated adjacent to the Bunker C impacted area?

Best Regards,

Steven

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**From:** "Pal, Vic@Waterboards" <vic.pal@waterboards.ca.gov>  
**To:** Steven Johnson  
**Cc:** "Roberson, Keith@Waterboards" <keith.roberson@waterboards.ca.gov>; "Seward, Terry@Waterboards" <terry.seward@waterboards.ca.gov>

**Sent:** Tuesday, January 8, 2013 2:05 PM  
**Subject:** RE: OU2 remediation at Baylands Project

Hi Steven,

Thanks for your interest and concern in the matter. I am the project manager for the site. The purpose of the OU2 ditch interim remediation project was to protect the ditch from historical releases of bunker C emanating from the subsurface. The interim measure has been effective in stopping the ongoing releases of bunker C into the ditch. Investigations done over the years has pinpointed the source of the petroleum contamination to several acres within OU2.

In the draft EIR, we included language that identified the petroleum in OU2 and described the various mitigation measures that could be required to mitigate the impairment. I would be happy to hear your thoughts on the matter. However, please note that any email or written comments we receive would be part of the public record. The public and/or the developer would have access to this information.

Cheers

Vic



STATE WATER RESOURCES CONTROL BOARD  
**RESOLUTION NO. 88-63**  
(as revised by Resolution No. 2006-0008)

ADOPTION OF POLICY ENTITLED  
"SOURCES OF DRINKING WATER"

WHEREAS

1. California Water Code section 13140 provides that the State Board shall formulate and adopt State Policy for Water Quality Control; and,
2. California Water Code section 13240 provides that Water Quality Plans "shall conform" to any State Policy for Water Quality Control; and,
3. The Regional Boards can conform the Water Quality Control Plans to this policy by amending the plans to incorporate the policy; and,
4. The State Board must approve any conforming amendments pursuant to Water Code section 13245; and,
5. "Sources of drinking water" shall be defined in the Water Quality Control Plans as those water bodies with beneficial uses designated as suitable, or potentially suitable, for municipal or domestic water supply (MUN); and,
6. The Water Quality Control Plans do not provide sufficient detail in the description of water bodies designated MUN to judge clearly what is, or is not, a source of drinking water for various purposes.
7. On February 1, 2006, the State Board adopted Resolution No. 2006-0008, which amended this policy to establish a site-specific exception for Old Alamo Creek.

THEREFORE BE IT RESOLVED:

All surface and ground waters of the State are considered to be suitable, or potentially suitable, for municipal or domestic water supply and should be so designated by the Regional Boards<sup>1</sup> with the exception<sup>2</sup> of:

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<sup>1</sup> This policy does not affect any determination of what is a potential source of drinking water for the limited purposes of maintaining a surface impoundment after June 30, 1988, pursuant to Section 25208.4 of the Health and Safety Code.

<sup>2</sup> This policy contains general categories for exceptions from the policy. On February 1, 2006, the State Board adopted Resolution No. 2006-0008, which established a site-specific exception from the policy for Old Alamo Creek. The rationale for the site-specific exception is contained in the resolution and in State Board Order WQO 2002-0015, II.A.2.d.

1. Surface and ground waters where:

- a. The total dissolved solids (TDS) exceed 3,000 mg/L (5,000 uS/cm, electrical conductivity) and it is not reasonably expected by Regional Boards to supply a public water system, or
- b. There is contamination, either by natural processes or by human activity (unrelated to the specific pollution incident), that cannot reasonably be treated for domestic use using either Best Management Practices or best economically achievable treatment practices, or
- c. The water source does not provide sufficient water to supply a single well capable of producing an average, sustained yield of 200 gallons per day.

2. Surface Waters Where:

- a. The water is in systems designed or modified to collect or treat municipal or industrial wastewaters, process waters, mining wastewaters, or storm water runoff, provided that the discharge from such systems is monitored to assure compliance with all relevant water quality objectives as required by the Regional Boards; or,
- b. The water is in systems designed or modified for the primary purpose of conveying or holding agricultural drainage waters, provided that the discharge from such systems is monitored to assure compliance with all relevant water quality objectives as required by the Regional Boards.

3. Ground water where:

The aquifer is regulated as a geothermal energy producing source or has been exempted administratively pursuant to 40 Code of Federal Regulations, section 146.4 for the purpose of underground injection of fluids associated with the production of hydrocarbon or geothermal energy, provided that these fluids do not constitute a hazardous waste under 40 CFR, section 261.3.

4. Regional Board Authority to Amend Use Designations:

Any body of water which has a current specific designation previously assigned to it by a Regional Board in Water Quality Control Plans may retain that designation at the Regional Board's discretion. Where a body of water is not currently designated as MUN but, in the opinion of a Regional Board, is presently or potentially suitable for MUN, the Regional Board shall include MUN in the beneficial use designation.

The Regional Boards shall also assure that the beneficial uses of municipal and domestic supply are designated for protection wherever those uses are presently being attained, and assure that any changes in beneficial use designations for waters of the State are

consistent with all applicable regulations adopted by the Environmental Protection Agency.

The Regional Boards shall review and revise the Water Quality Control Plans to incorporate this policy.

#### CERTIFICATION

The undersigned, Acting Clerk to the Board, does hereby certify that the foregoing is a full, true, and correct copy of a policy duly and regularly adopted at a meeting of the State Water Resources Control Board held on May 19, 1988, and amended on February 1, 2006.

A handwritten signature in cursive script, reading "Selica Potter", written in black ink. The signature is positioned above a horizontal line.

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Selica Potter  
Acting Clerk to the Board















