

Attachment E

Response to Comments

Response to Comments on the Initial Study/Mitigated Negative Declaration

This document contains comments received during the public review period of the Sediment Remediation Project (the Project) at Pier 39 to 43½ (the Project Area) Draft Initial Study/Mitigated Negative Declaration (IS/MND) and provides responses to those comments. The IS/MND analyzed the recommended alternative for remediation as described in the Feasibility Study/Remedial Action Plan (FS/RAP) prepared by Haley & Aldrich, Inc. (Haley & Aldrich 2021) on behalf of Pacific Gas and Electric (PG&E). The FS/RAP underwent concurrent public review.

Background

The San Francisco Bay Regional Water Quality Control Board (Regional Water Board), as the lead agency, released the October 18, 2021, IS/MND for a 30-day public review and comment period that began on October 20, 2021, and ended on November 19, 2021, pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15102. The FS/RAP, IS/MND, and supporting documents were made available on the GeoTracker¹ website at: <https://geotracker.waterboards.ca.gov>. The Notice of Availability of Public Review and Intent to Adopt a Mitigated Negative Declaration was published in the San Francisco Chronicle on October 20, 2021, and public notice mailers were mailed to residents and businesses within 1,000 feet of the Project Area and within a 1,000-foot radius of the proposed Pier 96 material handling facility (MHF).

List of Commenters

A list of public agencies and private parties that provided comments on the IS/MND is presented below. Each commenter has been assigned a role.

Individual comments within each communication have been numbered so comments can be cross referenced with responses. Following the list, the text of the communication is reprinted and followed by the corresponding response.

¹ Under "Tools," click on "Advanced Search" and enter Case ID number: T10000007367; then click on "Site Maps/Documents."

Commenter	Commenter Code
Private Party Karen Pierce, Member of San Francisco Port Southern Advisory Committee of the Port of San Francisco/Resident of Bayview Hunters Point (received via email on November 18, 2021) ²	PIERCE
State Agency Craig Shuman, California Department of Fish and Wildlife (received via email and State Clearinghouse on November 30, 2021) ³	CDFW

Response to Comments

In accordance with CEQA Guidelines Sections 15073 and 15074, the Regional Water Board, as the lead agency must consider the comments received during consultation and review periods together with the negative declaration. Although not required by CEQA or CEQA Guidelines for IS/MNDs,⁴ the Regional Water Board has provided the following responses to the comments received on the IS/MND.

The comments reproduced in the following pages follow the same organization used in the List of Commenters.

Private Party

Karen Pierce (PIERCE)

PIERCE-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 to PIERCE-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, an

² Note: This commenter did not indicate whether the comment provided was on the FS/RAP or the IS/MND. The comment is addressed herein with respect to its applicability to the CEQA analysis. A separate response to this comment is provided in the responses to comments on the FS/RAP.

³ Note: 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.

⁴ CEQA Guidelines Section 15088 requires responses to comments only for Environmental Impact Reports.

environmental justice community. 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 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 MHF 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 comments document for the FS/RAP⁵. 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 PIERCE-2 and to PIERCE-3, respectively).

PIERCE-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 to PIERCE-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 miles 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

⁵ Available at the GeoTracker website at: <https://geotracker.waterboards.ca.gov>. Under “Tools,” click on “Advanced Search” and enter Case ID number: T1000007367; then click on “Site Maps/Documents.”

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, 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.

PIERCE-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 to PIERCE-3

During project planning, the use of a system of barges for sediment drying was considered infeasible. Responses to comments on the FS/RAP⁶ (which are incorporated here by reference) explain (1) the feasibility of drying sediments on barges, and (2) why Pier 96

⁶ Available at the GeoTracker website at: <https://geotracker.waterboards.ca.gov>. Under "Tools," click on "Advanced Search" and enter Case ID number: T1000007367; then click on "Site Maps/Documents."

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): 1

- 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 potential impacts on habitat (e.g., shading). Hence, 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 structural integrity and condition.

As mentioned in Response to PIERCE-1 above, the FS/RAP incorporates controls and 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.

State Agency

California Department of Fish and Wildlife (CDFW)

CDFW-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 to CDFW-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.

CDFW-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 to CDFW-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.

CDFW-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 (CNDDDB). Information on submitting data to the CNDDDB can be found at: <https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>.

Response to CDFW-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 CNDDDB.

CDFW-4

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 to CDFW-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.