BBCAG
Brisbane Baylands
Community Advisory Group

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FEB 1 2011
Comm. Dev. Dept. Brisbane

January 30, 2011

John Swiecki
Planning Director
City of Brisbane
50 Park Place
Brisbane, CA 94005

Dear Mr. Swiecki,

Please find attached comments complied by the members of the Brisbane Baylands Community Advisory Group (BBCAG) for inclusion in the EIR scoping on the development of the Brisbane Baylands.

The BBCAG group is educated in the current state of the contaminants in the baylands. They review test results reported to state agencies as well as first-hand questioning and presentations by regulatory and remediation professionals.

The BBCAG also furthers their depth of knowledge by bringing in third party reporting on these initial scientific reports, so that results, tests and reports are better understood by the lay person and the public.

The group has and is following the process of the Schlage Lock area redevelopment process, both through permitting and remediation. Observations of that redevelopment are well along in process provide additional education to the group.

The BBCAG is organized under the Department of Toxic Substances, State of California, and is supported by that staff. These comments were written by the individuals and then organized into categories, and approved as a whole at the January 2011 meeting.

Please bring these comments forward to appropriate parties involved, as they address issues in development reviews, remediating, redevelopment and post development actions at the redevelopment area.

Respectfully submitted,

Cris Hart

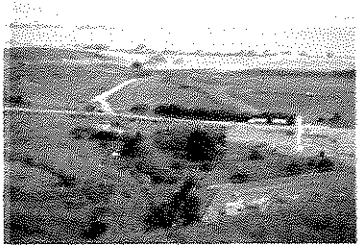
Cris Hart
President, BBCAG

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Date: 1/29/11

To: **John Swiecki, Planning Dir. City of Brisbane**
From: **Brisbane Baylands Community Advisory Group**
Subject: **Comments for EIR Scoping, Brisbane Baylands**

COMMENTS:

Air Quality Impacts

Since the project includes residential buildings built above and near soil and groundwater that is contaminated with VOC's, the EIR should examine whether that circumstance should be allowed at all and it if it is allowed, then monitoring below the residences should be required and maintained for as long as the buildings exist. Monitoring in all occupied buildings should be required.

The Greenhouse Gas Analysis required by CEQA as of 1/1/11 should note that project alternatives include extensive wetlands providing high carbon sequestration and good oxygen producing values.

Biological Resources

The EIR should consider the impacts of releases from the landfill and Kinder-Morgan on all forms of aquatic life. So far, the bio-accumulation in aquatic life, especially aquatic life that serves as a food source for higher organisms, has not been considered.

Human activity in the Baylands has irreparably changed the composition of the resident species which presently can be found in the Baylands. The EIR should evaluate prospects for reintroduction of formerly resident species, for example, shellfish in the lagoon and native wetlands vegetation

The EIR should have a holistic approach to actual and potential habitat, including addressing nonnative species that have a negative impact on habitat potential (Spartina is an important example.) The City's document mentions "biological resources including species of concern. That phrase suggests analyzing impacts to rare, threatened or endangered species when the entire ecosystem is of concern.

Financial Viability and Guarantees

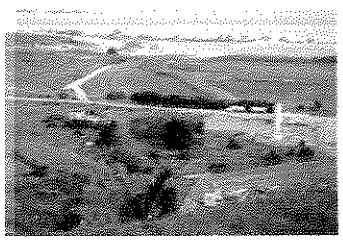
The EIR should include, as required by the Brisbane General Plan of 1994, a short and long term fiscal analysis of the impacts that the project and its

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many necessary conditions, mitigations and monitoring will have on the City of Brisbane and its Redevelopment Agency.

Since the protection of public health and environmental quality depend on the enforcement of the regulator and City required conditions, mitigations and monitoring, the EIR should require an insurance guarantee to pay for those items and a bond for the infrastructure that would be required to meet those conditions, mitigations and monitoring.

Geologic Conditions and Hazards

The EIR should examine the potential release of contaminants of concern to the waters of the Lagoon, Interior Drainage Canal and the North Ditch in the event of an earthquake

The EIR should consider whether Kinder Morgan RPDF needs an updated analysis of the risk hazard when people are close by and in light of the age of the tanks, pipes and valves of the tanks farm and its pipelines.

The EIR should address whether contaminants left in place will bubble to the surface in a great earthquake caused liquefaction and create hazards in the soil and in the air if they are volatile.

The EIR should clarify and identify the elevations of all areas of the project as well as the intended uses. How can you analyze impacts without knowing where it is in space and what its use will be? It seems essential to utilities, road connections, transit, air quality transportation and capacity issues on all of the above.

Hydrology, Stormwater and Water Quality Impacts

The EIR should recognize that the site's hydrology has been inadequately characterized. Detailed definitive studies have not been done. In addition, plume boundaries have not been identified with certainty.

The EIR should consider that Stormwater runoff monitoring has been inadequate in general. In particular, runoff from the debris crushing operation may contain VOC's from caulk, but has not been tested.

Impact Reduction

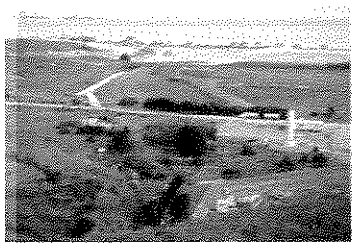
Because of the concerns included in these comments and others, the EIR should consider an alternative which includes a wide area of restored wetlands, including freshwater, brackish water and saltwater wetlands draining the Brisbane, Crocker Park areas as well as the Daly City-San Francisco watersheds. The Baylands wetlands should serve as a seasonal

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flood plain that will buffer the effects of sea level rise and extreme weather conditions that are likely to result from global climate change.

Kinder Morgan et al Regional Petroleum Distribution Facility

The EIR should consider the impacts of Kinder Morgan's operations on the area around it. Stormwater runoff continues to move pollutants to the surrounding area. Offsite air quality impacts should be considered including those from the waste gas burner and from underground hydrocarbon spills and leaks. Major toxic releases are possible from failures in tanks and the main pipeline from the Bay and subordinate pipes. Current active leaks should be addressed immediately not later when the project is built.

Lagoon

The EIR should consider the Lagoon which is shown in Figure 3 of the Notice of Preparation as outside the remediation areas and outside the landfill area, but within the planning boundary. If the Lagoon is expected to be a planned use within the project, then some consideration/study must be given to consider its receipt of leachate from the landfill and contaminants from 50 years of municipal stormwater flows to ensure its proposed use has been examined for health and safety requirements.

There is an unknown amount and variety of contaminants in the mud of the Lagoon that would not show up in water samples but which could impact benthic organisms in the Lagoon. The EIR should identify and quantify these and assess their impacts and determine if the sedimentation interaction of the Bay and its Lagoon will carry the contamination out into the greater Bay.

Monitoring

The site will require independent third-party monitoring forever. The EIR should explore ways to structure and fund such monitoring.

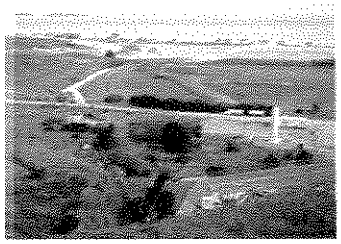
The EIR should require that the Baylands be re-examined every five years (just as the EPA requires a re-examination of certain polluted areas to determine if the level of the MCL's has been lowered by regulators and to see if some harmful chemicals present have become Contaminants of Concern for the regulators or to see if the additive and cumulative impacts of the harmful chemicals will have become a regulated impact at that time.

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The EIR should require that an independent (no conflict of interest) community based oversight body with funding to retain expert advisors be created to review the operation and maintenance of the systems required to keep contaminants of concern separated from the public and from the environment. The City has repeatedly stated that it becomes a partner when the project is approved and would therefore be inappropriate for this role.

The EIR should require peer review of DTSC's decisions regarding the position depth and frequency of monitoring wells surrounding areas that contain VOC contamination. Specifically, the areas affected by Schlage contamination in northernmost OU1 is outlined in a way that appears that projections were used to calculated some of the contamination boundaries rather than monitoring wells results being used. In OU2, there is an area of VOC contamination that has an unknown source and further investigation should be done.

Noise and Nuisance

The EIR should analyze the potential impacts of any light industry or any other use that creates noise, vibration, intense light, smells, fumes, soot, grit or dust on the properties surrounding the development.

The EIR should consider that the Noise Exposure Map of SFO is projected to grow in the direction of the project. The plan now contains 4400 units of housing. This raises issues of noise exposure. There is added noise from the traffic on Bayshore Blvd. and Hwy101, railroad trains, future high speed trains and Muni Trains.

No Project

The EIR should consider that any commercial/residential project of 10 million square ft or more in CA has an impact that can not be completely mitigated given insufficient: water supply, traffic capacity and air and water quality and open space degradation. It may be that all of these factors as well as the lack of capacity in the marketplace for commercial space, retail sales and residential space do not contain sufficient need to justify the impacts.

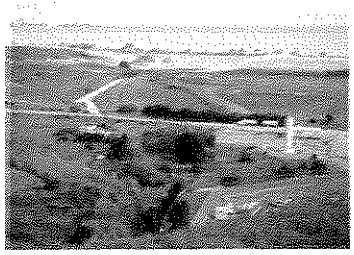
An analysis should include the possible levying of fines for abatement, clean-up and restoration programs. It could be an alternative to suffering the impacts of the planned development in order to achieve those ends.

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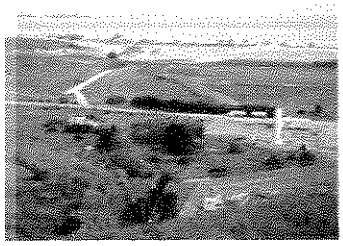
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Proposed Rail Maintenance Facility, HSRA

The EIR should consider the impacts of a high speed rail maintenance yard on the adjacent areas. The impacts of several possible locations for the maintenance yard should be considered unless a final site has been established.

Removal vs Remediation in Place

The project executive summary describes approx 550,000 cubic yards of soil to be trucked to offsite locations, and another 3,645,000 cubic yards of soil materials to be moved within the project site. A heavy dump truck carries approximately 15 cubic yards. The total to be moved is close to 4 million cubic feet, 279,000 dump trucks worth. 36, 000 truckloads would be leaving the site, and 243 thousand dump truck trips crossing from one side of the landfill to another. The cross filling would about 100 round trips per day if spread over a 5 day work week in a 10 year period if dump trucks were used, less if heavier equipment is used. The impact of capping versus in-place remediating should be discussed in the EIR, as should the effects of trucking itself.

Risk Assessment

Based on the known residual concentrations of contaminants at the site, The EIR should include an environmental risk assessment which would determine the need for additional investigation and possible additional remediation. It might also include a risk management plan to manage any significant residual pollution and include: a deed restriction prohibiting water supply wells or sensitive uses (e.g. residential use, a requirement for vapor barriers in new buildings and passive ventilation systems to mitigate possible vapor migration into new buildings (generally not allowed for residential use) and a health and safety plan for construction workers who will be doing subsurface work or working near others doing subsurface work at the site.

The EIR should adequately assess the risk to human health and the environment by using methods that assess the cumulative, synergistic and exponential impacts of industrial substances and harmful chemicals. Requiring testing for all of the possible industrial substances present would provide a first step to understanding what the actual impacts might be rather than understating them. If the industrial substances are judged to be of concern in the future then identifying them would expedite their remediation.

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Instead of assessing danger to the environment in terms of "risk assessment", the EIR should evaluate methods for removing contaminants with the goal of reducing exposure to the maximum extent possible. This would include investigation of cutting edge and innovative remediation methods.

Seal Level Rise

The EIR should require the evaluation of potential sea level rise changes and the extensive contamination in nearly all areas of the site and so all agencies, Federal, State and Local should be informed of the risks that may exist when the groundwater affected by tide rises under the Baylands. Maps created to show the impact of even 1 meter of rise show that the northwestern part of the site where there are heavy metals that are planned to be left in place and where there are residual VOC's, will be inundated.

Workers Health Risk

The EIR should require that a plan for worker safety be created, implemented and monitored for workers excavating or working near excavations. The plan should include very specific requirements that are enforceable with the methods of enforcement articulated as well as who is responsible for them. It should include some public access to the record of that enforcement.

Respectfully submitted,

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