



Department of Toxic Substances Control



Winston H. Hickox
Agency Secretary
California Environmental
Protection Agency

Edwin F. Lowry, Director
700 Heinz Avenue, Suite 200
Berkeley, California 94710-2721

Gray Davis
Governor

November 19, 2001

Ms. Billie C. Blanchard
California Public Utilities Commission Energy Division
c/o Environmental Science Assoc.
505 Van Ness Avenue, 4th Floor
San Francisco, California 94102-3298

Dear Ms. Blanchard:

Thank you for the opportunity to comment on Pacific Gas and Electric Company's Application to Sell the Richmond-To-Pittsburg Pipeline and Hercules Pump Station and San Pablo Bay Pipeline Company's Application to Own and Operate These Assets Draft Mitigated Negative Declaration [SCH #2001102139 and CPUC Application Numbers 00-05-035 and 00-12-008]. As you may be aware, the California Department of Toxic Substances Control (DTSC) oversees the cleanup of sites where hazardous substances have been released pursuant to the California Health and Safety Code, Division 20, Chapter 6.8. As a Resource Agency, DTSC is submitting comments to ensure that the environmental documentation prepared for this project to address the California Environmental Quality Act (CEQA) adequately addresses any required remediation activities which may be required to address any hazardous substances release.

The proposed project is the sale of a heated fuel oil pipeline and pump station from one utility company to another. The pipeline would be sold as is, with all existing faults; however, it is anticipated that a 4,000-foot replacement section of pipeline will be constructed in the City of Martinez by the purchaser. The Draft Negative Declaration identifies several mitigation measures for the pipeline replacement under the Hazards and Human Health section. The measures indicate that future mitigation measures will be based on a Phase I and potentially Phase II Environmental Site Assessments that have yet to be conducted. We strongly recommend that the assessments be conducted now in order to determine whether hazardous substance have been released, and then specific issues can be identified which will need to be addressed in the Negative Declaration.

For example, if the remediation activities include the need for soil excavation, the CEQA document should include: (1) an assessment of air impacts and health impacts

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associated with the excavation activities; (2) identification of any applicable local standards which may be exceeded by the excavation activities, including dust levels and noise; (3) transportation impacts from the removal or remedial activities; and (4) risk of upset should be there an accident at the Site

E1 cont.

Another mitigation measure states that impacted soil generated by the remediation and construction activities will be contained on-site and may be potentially re-used at the project site. The mitigation measure does not identify the criteria that will be used to determine if the soil is appropriate for on-site reuse and what regulatory agency will be providing approvals and oversight.

E2

We would also like to clarify that DTSC has not delegated authority to Contra Costa County to implement California Health and Safety Code, Chapter 6.8. Unless Contra Costa County enters into an enforceable agreement with a responsible party and has notified both DTSC and the Regional Water Quality Control Board of its intent to do so, cleanup actions overseen by the county may be subject to additional state action.

E3

Finally, page VII-8 states that the site at 401 Ferry Street, Martinez was reviewed and no remediation was deemed necessary. Please specify who reviewed and made this determination.

E4

DTSC can assist your agency in overseeing characterization and cleanup activities through our Voluntary Cleanup Program. A fact sheet describing this program is enclosed. We are aware that projects such as this one are typically on a compressed schedule, and in an effort to use the available review time efficiently, we request that DTSC be included in any meetings where issues relevant to our statutory authority are discussed.

E5

Please contact Lynn Nakashima of my staff at (510) 540-3839 if you have any questions or would like to schedule a meeting. Thank you in advance for your cooperation in this matter.

Sincerely,



Barbara J. Cook, P.E., Chief
Northern California - Coastal Cleanup
Operations Branch

Enclosure

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cc: without enclosure

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