



TIME SENSITIVE - IMPORTANT

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November 28, 2001

From: West Contra Costa Unified School District
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To: Billie Blanchard, CPUC
C/o Environmental Science Associates
225 Bush Street, Suite 1700
San Francisco, California 94104-4207

Subject: 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 Declaration CPUC Application Numbers: 00-05-035 and 00-12-008

Thank you for the opportunity to review and respond to the above indicated Draft Mitigated Negative Declaration. The West Contra Costa Unified School District (WCCUSD) has a direct interest and concern about the proposed sale of the pipeline because several existing schools in the district (Lake Elementary, Peres Elementary, Seaview Elementary, and Verde Elementary) are within 0.4 miles of the project, and the pipeline is adjacent to a site in Hercules that the WCCUSD is proposing to purchase. The WCCUSD has reviewed the Mitigated Negative Declaration and finds that this document does not present sufficient

information to address impacts under CEQA Statutes (Public Resources Code, Division 13, Sections 21000-21177) and CEQA Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3 Sections 15000-15387 and Appendices A-K). More importantly, the Draft Mitigated Negative Declaration does not adequately address impacts to the existing and proposed schools within our school district. Our comments are provided below.

CEQA Guidelines (Section 15072) – Notice of Intent Procedure

The Mitigated Negative Declaration does not indicate that the CPUC provided a “preconsultation period” via the “Notice of Intent to Adopt a Negative Declaration or Mitigated Negative Declaration,” (Section 15072 of the CEQA Guidelines.) Nor is there documentation of the posting of the Notice of Intent with the county clerk of “each county within which the proposed project is located.” (Section 15072 [d].) When queried (November 15, 2001, 3 PM Public Meeting at Hercules City Hall Council Chambers) the representatives of the CPUC and the preparers of the Draft Mitigated Negative Declaration indicated that the Notice of Intent period did not result in any comments. The WCCUSD would like documentation of the Public Notice on the “Notice of Intent,” the distribution list, and the documentation of the filing of the Public Notice with the county clerk (Contra Costa County).

H1

Consultation with the School District CEQA Statute (Section 21151.4)

Under Section 21151.4, the CEQA statute requires consultation with the schools if the facility (construction or alteration, we consider this an “alteration”) is within .25-mile of a school that *might reasonably be anticipated to emit hazardous or acutely hazardous air emission, or which would handle acutely hazardous material in a quantity...which may pose a health or safety hazard to persons who would attend or would be employed at the school, unless both of the following occur:*

- (a) *The lead agency preparing the environmental impact report or negative declaration has consulted with the school district having jurisdiction regarding the potential impact of the project on the school.*
- (b) *The school district has been given written notification of the project not less than 30 days prior to the proposed approval of the environmental impact report or negative declaration.*

H2

The WCCUSD and the affected schools were not given this written notification. This is an action that would affect about 1,500 students, teachers, and support staff in these schools. Their consideration of the proposed action may directly affect them. We feel that each

school in our district and other districts should be given the opportunity to provide comment on this action.

Lack of Technical Detail – CEQA Guidelines (Section 15147)

During our review, we noted that the figures did not show in a large-scale route of the pipeline. Understandably, the 35 miles that this pipeline traverses may have required a number of figures; however, the figures in the Draft Mitigated Negative Declaration were on such a small scale (ranged from about 1-inch equaling 3 miles to 1-inch equaling 2,000 feet) that the precise location of the pipeline could not be determined. In addition, the lack of labels of places (including the storage tanks) and roads did not provide the reviewers with the specific land uses that would have identified potential impacts to sensitive receptors. Under Article 10 (relating to the preparation of EIRs and Negative Declarations): *The information contained in an EIR shall include summarized technical data, maps, plot plans, diagrams, and similar relevant information sufficient to permit full assessment of significant environmental impacts by reviewing agencies and members of the public.*

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The WCCUSD first priority is the probable impacts that this proposed sale has to our existing schools and proposed Hercules school site, subsequently, the remainder of our comments focuses on the specific issues on our schools.

(1) The proposed project description does not address two major considerations, the first is what specifically will be conveyed in the pipeline and storage tanks, and secondly, where will the contents of the pipeline be transported (to and from). The CEQA Guidelines, Section 15063 (a)(1) states: *All phases of project planning, implementation, and operation must be considered in the initial study of the project.* The importance of this information is that it provides concerned parties like the WCCUSD with an opportunity to determine if any future foreseeable plans would impact schools.

H4

(2) On page I-8 it was stated that, “Maintenance and repair activities on the pipeline could range from excavating certain sections to allow welding a full encirclement weld sleeve over impacted areas of the pipe (with wall thickness loss or other anomalies for relatively localized problems), to replacement of entire sections of the pipeline. Usually the replacements occur within five feet of the existing pipeline and within the existing easement.” However, on page VII-2, it was stated that, “Based on maintenance procedures and the results of the most recent smart-pig test, the integrity

H5

of the pipeline is sound and could be re-activated without the need for repair or modification.” These two statements paint different pictures of the pipeline’s condition and we would recommend that these statements be reviewed and a determination made of which statement correctly identifies the condition of the pipeline.

- (3) On page VII-2 it was stated that: *The ASTs are built in conformance with National Fire Protection Agency (NFPA), state, and federal standards, and were recently inspected by the Rodeo-Hercules Fire Marshall for regulatory compliance.* The results of the inspection should be provided. Also, if the ASTs were built in conformance with the most recent standards then why was contamination found in the Phase II ESA. It should be mentioned that these ASTs are about 1,000 feet south of the proposed Hercules school site. The pipeline is located next (on the west side on San Pablo Avenue) to the proposed school. The WCCUSD had a risk analysis prepared for the oil pipeline and the storage tanks and the risk analysis determined that based on the present allowable limits, the pipeline and storage tanks do not pose a substantially great risk. However, we are concerned that the reactivation of the pipeline and ASTs may change the parameters used in this risk analysis. We feel that the long period of non-use of the pipeline and the ASTs and the recent plans for commercial, residential, and school uses are inconsistent uses. Two areas relating to risk need to be addressed in the Draft Mitigated Negative Declaration: preparation of a risk assessment of the pipeline, pump station and heating facilities, and ASTs to human health and the environment including the use of risk scenarios (e.g., accidents and criminal actions), and risk perception (e.g., impacts of the proposed project on human perception of risk including the devaluation of future home prices). This information should provide identification the type of petroleum product or other hazardous material to be conveyed or stored.

H6

H7

- (4) As mentioned previously, four existing WCCUSD schools and one proposed school is within the near vicinity of the pipeline. Page VII-6, identifies California Code of Regulations, Title 5 that requires a risk analysis study be performed if a school site is within 1,500 feet of the easement for a pipeline that can pose a safety hazard. A risk analysis study was prepared for the proposed Hercules school site. However, the proximity of the existing four schools to the pipeline may result in the WCCUSD performing risk analyses for each of the school, or may result in the limiting or restricting additional structures at the present schools. This will place a financial

burden on the school district. This economic impact is not addressed, nor are there any mitigation measures or compensation to the school district provided that such impacts may occur.

H8

- (5) The transport of fuel oil, the operation of the Hercules Pump Station, and the acknowledgement of nearby schools are mentioned on page VII-7; however, the impacts are dismissed as “less than significant.” The proposed action will result in the reuse of a pipeline that has basically not been used in about 20 years. In that sense, the existing schools have been in continual operations over a longer period of time and potential impacts should not be considered “existing.” This consideration should also be given under the discussion of the land use and planning (page IX-5). The statements made in this section appears to indicate that the City of Hercules allows the ASTs and pumping station uses with sufficient buffers. However, at the same public meeting mentioned above (November 15, 2001, 3 PM, City of Hercules City Hall Council Chambers) a meeting summary will show that the representatives of the City of Hercules were concerned about the reuse of the pipeline and ASTs next to the approved New Pacific Properties development.

H9

- (6) On page IX-11, it states: *The school siting criteria used by the West Contra Costa Unified School District would not specifically prohibit the proposed location of the school, but would require adequate setbacks and buffers, as well as safety precautions. The school site could also be exchanged with other potential land uses within the Specific Plan area.* The WCCUSD is not aware of any required setbacks or buffers required by the California Department of Education. The requirement for the school site was to prepare a risk analysis, and that has been done. Also, the location of the school on the Specific Plan was carefully sited and located and the WCCUSD finds that this location provides an optimal location for the school site; an exchange of this site for another location within the Specific Plan is not under consideration.

H10

- (7) Under the transportation and traffic section (beginning with page XV-1) we found no information on the traffic to be generated at the AST /pumping station location. The WCCUSD is concerned about truck/car traffic along San Pablo Avenue. We feel that discussion of trips and impact on San Pablo Avenue should be included especially since elementary grade school children may need to cross San Pablo Avenue and pedestrian safety issues are one of our foremost concerns.

H11

(8) Finally, we feel that the mitigation measures proposed should include, in appropriate sections, consultation and agreement with the WCCUSD.

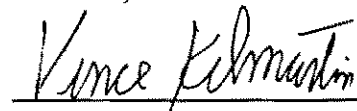
- relocation/maintenance of any pipeline section that is required next to WCCUSD existing or proposed schools
- air quality emissions and any emergency procedures for the pipeline and/or the ASTs/pumping station/heating equipment
- hazards and hazardous materials, preparation of a risk analyses for each existing and proposed school site and mitigation measures
- add traffic study and pedestrian safety concerns to the mitigation measures.

H12

The WCCUSD finds that the Draft Mitigated Negative Declaration does not provide sufficient information to determine probable impact. The document fails to understand that the non-use of the pipeline is essentially the existing situation. That the maintenance and permits that were kept current does not provide sufficient reasons to determine "less than significant impacts," because other uses and projects have continued or moved forward in the 20 years that the pipeline has been basically inactive. We would urge the CPUC to deny these applications until substantive information is made available to identify impacts. Also, that given the potential impacts that the CPUC reconsider its decision and have a full environmental impact report for the proposed action.

In closing, we continue to affirm our objections and protests to Application No. 00-12-008, filed with the CPUC on January 16, 2001.

If you have any questions or require further information, please contact our project representative Caroleen Toyama, at the IT Corporation 4005 Port Chicago Highway, Concord, California 94520-1120 - Phone number (925) 288-2042.



Date: November 28, 2001

Vince Kilmartin, Associate Superintendent
West Contra Costa Unified School District