

Brisbane Baylands Community Advisory Group
c/o 41 Humboldt Rd Brisbane, CA 94005

November 16, 2007

TO: Alec Naugle, Engineering Geologist
Regional Water Quality Control Board, San Francisco Bay Region
1515 Clay Street, Suite 1400
Oakland, CA 94612

**SUBJECT: BBCAG Comments on
Remedial Action Plan Dated 6/29/07
Kinder Morgan, Operating Partner
SFPP, L.P. Brisbane Terminal
950 Tunnel Avenue
Brisbane, CA 94005**

Dear Mr. Naugle

Our comments on the proposed Remedial Action Plan follow. As you will read, we have many concerns about the lack of action required by this plan. We believe that the best interests of the environment and the public would be served if you would require Kinder Morgan to take action to protect the San Francisco Bay, its wildlife and its people rather than to wait and watch what happens. It is the adopted policy of the Brisbane Baylands Community Advisory Group to seek the highest possible level of the clean-up of toxic contamination and the proposed remedial action plan does not meet that standard.

The BBCAG believes that using naturally occurring bioremediation and a wait and see monitoring plan is not the appropriate remedial action plan for the Kinder Morgan/SFPP LLP. Brisbane Terminal. Natural attenuation is being attempted on land that the SFPP-Kinder Morgan LLP. does not own and does not have the right to enter or monitor or test. How can the level of natural attenuation be effectively determined under these circumstances, particularly when the specific pathway for the attenuation has not been identified, its efficacy for higher volume spills has

not been determined and point sources are vague, unknown and/or not identified?

The site is a 21 tank petroleum storage and distribution facility that stores gasoline, diesel and aviation fuel. It receives the fuel by underground pipeline (a pipeline that runs under the bay from Richmond). The facility loads outgoing tanker trucks and pumps aviation fuel to SFO in an underground pipeline. It is located less than ¼ mile from a lagoon of San Francisco Bay and it is less than 2.

½ mile from the shore of the Bay itself. There is tidal action in a tributary to the Bay (timber lined channel) located adjacent (nw side) to the petroleum storage facility. The abandoned section of petroleum pipeline northwest of the facility has been ignored as a possible source of leaking hydrocarbons. More than 1 million gallons of fuel passes through this facility daily. A two lane road separates the Kinder Morgan-SFPP petroleum storage and distribution facility from a 300 acre closed landfill that was used by the City of San Francisco from 1933-1967. The landfill lies between the petroleum storage facility and the Bay.

MTBE has been found in the landfill in an area consistent with a bay ward flow from upland, where the Kinder Morgan-SFPP terminal facility is located. The MTBE was in the vicinity of where the Kinder-Morgan petroleum pipelines coming from Richmond are located and down slope from the aforementioned abandoned pipeline section. Why hasn't a chemical profile of the petroleum carrying the MTBE been done?

There is a history of spills and leaks at the petroleum facility. RWQCB has monitored the spills and leaks and has required some actions to clean them up but there has not been adequate characterization of the extent of the impacted soils. There need to be more offsite monitoring wells in the landfill and between the tank farm and the lagoon.

There seems to be little understanding or attention given to the manner or speed which the hydrocarbons move through un-engineered refuse. Is there

research on this subject that has been reviewed by the RWQCB? The RWQCB issued Supplemental Instructions to expand on the interim guidance issued Dec. 8, 1995 regarding leaking underground fuel tanks. The interim guidance was based on the findings of a report issued by the Lawrence Livermore National Laboratory. Does the RWQCB know whether the referenced Lawrence Livermore Lab remediation guidance included a case study where hydrocarbons were moving through un-engineered refuse in the studies it used to support the remediation guidance conclusions?

There is also no mention of the possibility of small leaks occurring at connecting points along the petroleum pipelines. Is there a history of pressure testing? Is that testing history available? An SFPP Partners pipeline filled with aviation fuel is located near S.F. Bay's Brisbane Lagoon. Is it monitored for leaks? If it is monitored, does the monitoring pick up small but long term leaks? The tanks and valves at the storage facility and the pipelines are aging. The

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facility is more than 40 years old. How do we know whether they are leaking? While many of these inspections may be the responsibility of the State Fire Marshall (SFM), the logical nexus between failed infrastructure and ensuing potential damage to public waters establishes the need for the final RAP to include a requirement for the owner to provide copies of inspections conducted by SFM and other responsible regulators to the RWQCB as they are completed.

The procedures at the Kinder Morgan-SFPP petroleum facility allow the same type of spills to occur over and over again. There is no indication that the RWQCB requires them to improve their procedures or replace or reconfigure their equipment to prevent the spills and leaks. The approximate volume of all spills should be a required item in reporting the spill or leak in writing. Tank and valve inspections should be required with a written report every 90 days.

The age of the equipment justifies the scrutiny.

The rains of October 2007 left a 20 foot by 50 foot puddle in the northwest are of the tank farm and a couple of rain puddles that measured 10 feet by 30 feet. All of this water is sitting on hydrocarbon soaked asphalt. It is going to evaporate into the air or seep into the ground not far from the tributary into the Bay. Does this water go through an oil-water separator? Why isn't this facility required to grade its asphalt to control and catch runoff? Why are best NPDES practices not enforced here?

The RWQCB should aggressively regulate this facility that has more than one million gallons of fuel flowing through it a day. This terminal was once classified as a toxic hot spot by the Bay Area Air Quality Management District because of the emissions from the large volume of fuel. The final Remedial Action Plan should include requirements for copies of required reporting to other agencies, such as the BAAQMD, to ensure that there is no "gap" between the responsibilities of the RWQCB and other regulators. There should also be a requirement that all regulators including the City of Brisbane and the facility operator meet publicly once a year to resolve issues of jurisdiction and enforcement. The leaks that are occurring have enough variety of contamination to be called a hydrocarbon stew. Why hasn't there been a requirement for a risk assessment in case of natural disaster e.g. earthquake or rising sea level?

The tidal influence in some of the monitoring wells can be shown by comparing the tide charts for October 2006 with the movement of groundwater in the wells. This relationship has been discounted with the claim that pressure release valves malfunctioned and showed changes in barometric pressure.

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Barometric pressure changes take place over a narrow range but the changes in the well levels were over a wider range and took place more or less twice a day at regular intervals with one cycle having a greater variation than the adjacent one. It looks a lot like the tidal influence. No proof was offered for the valve

malfunction assertion. If there are malfunctioning valves, they should be fixed or replaced and then do the study again to be certain of what the cause is.

Currently there is inadequate evidence to make a conclusion that there is no tidal influence.

If there is tidal influence, then the hydrocarbons may be spreading through the un-engineered waste in unpredictable ways and at an unknown rate. Some of the tidal influence testing was done 1993. Is the mean high tide higher today, 14 years later?

Levine-Fricke states that there are groundwater flows from east to west from the landfill to the tank farm's loading dock 5. It seems like there would be a tidal influence implicated with this flow opposite the usual groundwater flow and it raises questions. How large is the area affected by this anomaly? Are additional monitoring wells needed on the west side of the petroleum facility? What happens when it rains and the flow is reversed (west to east)? Does it pick up some of the hydrocarbons and take them back across the street adding to the load headed for the Bay? Has there been soil disturbance upland that may have affected the shallow aquifer in the last 14 years?

Some of the monitoring wells(1,2,3,4,5,16,17,24,25,27) are placed in refuse over bedrock making it especially important to understand the dynamics of hydrocarbons moving through refuse. Where is the evidence that these dynamics are understood?

What is going on with MTBE? In March 2007, the following wells had a spike in the detection of MTBE: MW1, 24, 29, 30. There was a spike in Benzene in

MW30 also. What is the source? All the wells should be tested for MTBE, TBA and Benzene? What is the basis used to determine monitoring well depth? Is it related to known contamination areas and the depth of the contaminated material?

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Who has the responsibility to determine whether these 40 year old tank: walls, bottoms, tops, welds and valves are intact and retain structural or functional integrity? If this is not the responsibility of the RWQCB, then due to the logical nexus between failed infrastructure and ensuing potential damage to public waters, the final RAP should include a requirement for the owner to provide copies of these inspections to the RWQCB and The City of Brisbane as they are completed.

There is a weak link in the coordination of regulation and police power responsibility over this facility. It isn't clear to the public who is responsible for what at the Kinder-Morgan-SFPP Terminal.

The security of the tank farm should be improved. The perimeter fence is sagging and the intended height of the current fence is still inadequate to stop someone determined to enter the site. The site is inadequately lit at night. There does not seem to be anyone monitoring the entry gate when gasoline tanker trucks enter and leave. The potential for malicious intruders to intentionally damage the facility infrastructure, which could result in potential damage to public waters, seems to provide a nexus for the RWQCB to require proof of an adequate security plan for the facility. The facility's uninterrupted operation would seem to be an issue of Homeland Security.

The Baylands Subarea includes the SFPP-Kinder Morgan Partners Terminal and the land surrounding it. The Brisbane General Plan adopted in June of 1994 determined that the 560+ acre Baylands land use changed to a designation of Trade Commercial with Planned Development. This means that no new permanent industrial uses would be allowed there. The only other possible uses included are open space and open areas. Any trade commercial specific plan that is approved for this area will, no doubt, bring thousands of people close to this petroleum distribution facility. We object to leaving a toxic remnant of the industrial past in the midst of a

future trade commercial development. We hope that the alternative of closing the facility will be considered. The future will see many sensitive receptors near this facility.

A Specific Plan for a Trade Commercial development is being considered by the City of Brisbane. A popular land use choice for the former landfill across Tunnel Avenue from this petroleum distribution terminal is recreation, including recreation for children. There will be plenty of sensitive receptors very close by if this popular choice is realized.

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SFPP-Kinder Morgan LLP should take stronger faster action to clean up on this site and beyond its boundaries where it has polluted the land. It should take stronger more effective action to prevent spills and it should be required to develop an emergency plan that makes sense when there are planned public recreation and commercial activities nearby.

In Summary,

1. there is a lack of adequate characterization
2. there may be groundwater impacts. Groundwater patterns are not well understood in the immediate terminal area.
3. the site does present a significant risk to the: public, environment, bay aquatic life, wetlands and wildlife.
4. the landfill may provide vertical conduits which could act as preferential pathways for a dissolved plume and should be evaluated
5. tidal influence testing was primarily done 14 years ago and needs to be completely updated.
6. regulatory oversight is inadequate for the facility as a whole and disaster risk has not been adequately addressed.
7. security at the facility is inadequate.
8. zoning for adjacent areas will encourage the presence of sensitive receptors

The proposed natural attenuation through bioremediation and monitoring remedial action plan is inadequate and does not meet RWQCB guidelines.

The BBCAG appreciates your careful consideration of our comments and eagerly awaits your response.

Sincerely

Dana Dillworth
Chair, BBCAG cj

cc: Bruce Wolfe, RWQCB	Assemblyman Gene Mullin
State Senator Leland Yee	City of Brisbane
North County Fire Authority	Office of the CA State Fire Marshall
Congressman Tom Lantos	City & County of San Francisco
City of Daly City	Visitacion Valley Planning Alliance
BAAQMD	CA. DTSC
San Mateo County Environmental Health	
SMC County Supervisor Adrienne Tissier	