

Baylands

Report

2010

Brisbane Baylands Community Advisory Group

# **BBCAG Baylands Report 2010**

## **2005-2010**

### **Introduction**

The California Health and Safety Code contains a provision that allows for the establishment of Citizen oversight committees that provide a public forum and investigate the toxic contamination and planned remediation for land near them. California Regulatory Agencies are supposed to cooperate with them. The Department of Toxic Substance Control provides them with some guidance and limited support. They do not provide technical staff support other than a public outreach specialist and technical specialists to explain their own actions with relation to the toxic contamination. The law calls for representation of diverse interests in the group. Initially DTSC seeks volunteers from various sectors of the effected communities. It allows for a community member to call for the founding of such a group.

The Brisbane Baylands Community Group exists because Brisbane community activist, Dana Dillworth called for the founding of such a group with DTSC. She founded it and led it until January 2008. Our first official meeting was held July 2005. In the Spring of that year, we held organizing meetings.

**What is the Baylands?**

The subject of our inquiry is the areas of toxic contamination on the land known as the Brisbane Baylands. It is primarily owned by one owner, Universal Paragon Corporation and its Subsidiaries, and includes over 600 acres of land and lagoon. The land is located adjacent to the border of San Francisco on the north side, an important fact for several reasons. One of them is that the source of some of the contamination in the northern railyard in Brisbane originates from the closed Schlage Lock facility in San Francisco on that border.

All of The Baylands were underwater until the 20<sup>th</sup> century. It is filled land. It is barely above sea level. It has been the home to industrial uses and wetland and wildlife and it is the area that drains two sides of a mountain watershed from San Bruno Mountain. The Baylands was used, in part, as a Railyard on the north and west sides where its border follows Bayshore Blvd and as the San Francisco Municipal Landfill 1932-1967 which was located on the east side contiguous to Highway 101. The southside of the Baylands is the Brisbane Lagoon, a part of the Bay that was never filled.

The inquiries that we have made have included comments on the planned remediation of Schlage Lock in San Francisco and the clean-up orders issued for the Kinder Morgan Petroleum Distribution Facility and the underground pipelines that enter and leave it. These two facilities are beyond the scope of our Mission Statement but they are either within the Baylands or have contaminated it. The cumulative and overlapping nature of different forms of contamination have been of great concern to us.

**What Are We Doing?**

Our mission statement: *The purpose of the Brisbane Baylands Community Advisory Group is to provide an open forum and community based input from the communities of Brisbane, Daly City and San Francisco and to advise the agencies charged with the remediation actions on three contiguous sites commonly referred to as the Brisbane Baylands.*

Our purpose is related to human and environmental health that may be threatened by the toxic contamination from the sites on the Baylands. We make recommendation intended to safeguard people and the environment. We do not make land use recommendations unless it is related to the safeguarding of human health or the health of the wildlife, soil, air and water quality.

Our sole focus is toxic contamination, planned remediation, how to get the highest level of clean-up to best protect people, now and in the future. We seek and gather information from the public and try to educate the public about the contamination and remediation.

Members of the BBCAG have attended city sponsored, community based organization sponsored and developer sponsored events and meetings to gather information. The BBCAG co-sponsored a Toxic Summit to help raise awareness of environmental contamination. We have attended Visitation Valley Community Advisory Committee to learn about plans for the Schlage Lock Remediation and Redevelopment. We have attended City of Brisbane Meetings to plan the public open space and EIR related meetings. We have attended sessions sponsored by the developer to explain their plans.

BBCAG Secretary Alison Wilson designed and maintains our website allowing access to Agendas, Minutes. Presentations back to 2006 and links to Regulator Sites. This website allows interested citizens to follow our progress and learn from the information presentations outlined there. The BBCAG also using Secretary Wilson's skills, published and distributed a low tech long lasting laminated Bookmark that tells what we are doing and invites the public to join us.

We send out 1700 postcards to announce our meetings. We enlist the City of Brisbane and the Chamber of Commerce to use signboards and Newsletters to announce our meetings. The Visitation Valley newsletter sometimes carries a notice of our meetings.

Education for our members and the public is an essential element in understanding the nature and significance of the toxic contamination and its planned remediation. In order to educate us, we have invited many environmental regulators and scientists. We have also heard from planners and environmental activists and representatives of the developer and environmental clean-up firms. A list of these presenters is found at the end of the report.

It is the knowledge gained from these educational sessions over the past five years that has allowed us to assist the regulators through our comments. In the future, we plan to continue to obtain the best clean-up through our public comments to regulators e.g. City of Brisbane, San Mateo County, State and Federal Regulatory Agencies. The comments we make constitute the advice to regulators that is the primary reason for the existence of this group.

By consensus, the BBCAG agreed to encourage the Regulators to require that the land be cleaned to the highest level. We are also very concerned about cumulative impacts of toxic contamination and about interaction of contaminants with other contaminants either added by humans or naturally occurring.

The activities of the Regulators have provided opportunities for the BBCAG to offer comments on planned remediation ordered by them. Here is a list of comments that we have contributed to the clean-up efforts:

Comments to DTSC on FS/Remedial Action Plan for Schlage OU and San Francisco Portion of UPC OU San Francisco, CA, dated 9/2/09

Comments for the Community Preferred Alternative in the EIR Process for the Baylands Specific Plan Application (3/09 submitted)

Recommendation for RWQCB via UPC to complete the Interim Remediation of the Contaminated Drainage Ditch to Improve the Remaining Existing Wetland and Wildlife Habitat.(3/08)

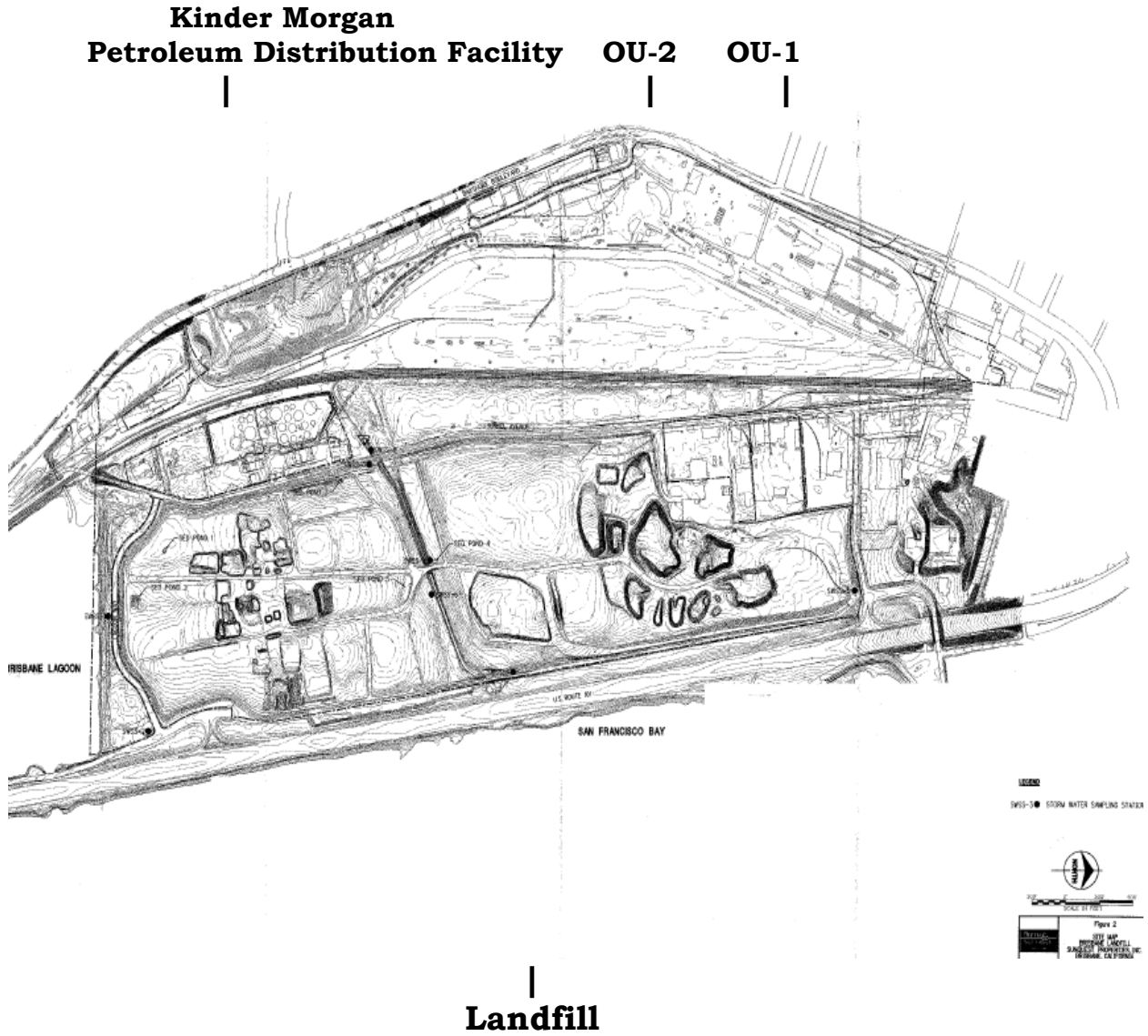
Comments to RWQCB on the proposed RAP for Kinder Morgan-SFPP Partners Petroleum Distribution Facility Tunnel Avenue Brisbane and Additional Comments on Revisions (11/07 & 3/08)

Revised Leachate Management Plan Comments (2/07)

Comments on Brisbane Landfill Leachate Management Plan (2/21/06) and Revised Leachate Management Plan (10/6/06) (12/06)

Appendix I

Brisbane Baylands Map



**Appendix II**

**Speakers**

Here is a partial list of speakers, their agencies and their subjects.

Lenny Siegel, Executive Director, Center for Public Environmental Oversight Topic: Vapor Intrusion in Buildings Above Toxics

Vic Pal, WRCE, SF Bay Regional Water Quality Control Board  
Topic: Landfill Leachate Management Plan (11/09)

Ron Oremland, USGS, Senior Research Scientist, Project Manager, Water Resources Div. Menlo Park Office Topic: Arsenic

John Krause, Biologist, CA Dept of Fish and Game Topic: Wildlife Habitat (9/09)

Wayne Hagen and Karen Toth, CA Dept. of Toxic Substance Control  
Topic: Remedial Action Plan for Northern Railyard and Schlage Lock (9/09)

Contamination- Remediation Update Operable Unit(OU)-2, A  
Regulator's Perspective  
Vic Pal, WRCE, SF Bay Regional Water Quality Control Board (6/09)

DTSC Public Participation Update OU-1 Wayne Hagen, DTSC(6/09)

Update on Baylands EIR Process & Schedule  
Clay Holstine, Brisbane City Manager (4/09)

Review and Update: OU-2 and OU-1, Contamination & Remediation  
Steve Hanson, General Manager and UPC Representatives(4/09)

Update on Brisbane Landfill  
Steve Hanson, General Manager and UPC Representatives (3/09)

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“Brisbane Landfill Characterization Study” Speaker: Mr. Richard Haughey, PE Solid Waste Practice Leader Golder Associates, Inc

“Pier 94, San Francisco, Wetlands Restoration”  
Speaker: Noreen Weeden, Chair, S.F. Conservation Committee  
Golden Gate Audubon Society(1/09)

Study Session Remediation UPC (12/08)

Presentation: “Public Trust Doctrine”  
Speaker: California State Lands Commission Staff (11/08)

Presentation: “Status of the Application for A Specific Plan for The Baylands & An Environmental Impact Report Process Review” Speaker: John Swiecki, Principal Planner, City of Brisbane (10/08)

Brisbane Lagoon and the Baylands, Opinions and Recommendations, A BCDC Perspective by Will Travis, Executive Director, Bay Conservation and Development Commission

Update on Schlage Lock and OU1 contamination and clean-up proposal presented by DTSC and UPC (8/08)\*

Karen Toth Dept of Toxic Substance Control “Background of the history of the Baylands Schlage, OU1 and OU2 Contamination Nature and Extent, possible remediation strategies (5/08)

Dean Peterson. Director of the San Mateo County Environmental Health Department on the department’s new role as the Certified Unified Public Agency for oversight of the above ground tanks at the Kinder Morgan Petroleum Distribution Facility in Brisbane (3/08)

Overview of Plan to complete the Interim Remediation of the Contaminated Drainage Ditch to Improve the Remaining Existing Wetland and Wildlife Habitat. (OU1) Speakers: Sandra Etchell, Biologist and Steven Hanson, UPC – Continued from 1/15/08 and 2/18/08 meeting with a decision and recommendation from the BBCAG (3/08)

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**9.**

Linda Zigler, Office of the State Fire Marshal regarding Kinder Morgan Petroleum Distribution Facility (2/08)

Overview of Plan to complete the Interim Remediation of the Contaminated Drainage Ditch to Improve the Remaining Existing Wetland and Wildlife Habitat. Speaker: Steven Hanson, UPC – Continued from 1/15/08 meeting with a decision and recommendation from the BBCAG (2/08)

Presentation by Karen Toth re: update on Schlage Lock and OU1 (2/08)

Contemplated Baylands EIR Review, Emphasis & Concerns Joan Douglas,ESA and John Nyznyk,CDM (1/08)

Funding for Toxic Investigation, Lenny Siegel, Executive DIR , Center for Public Environmental Oversight (1/08)

Leachate Management Plan S. Hanson, S. Graf-UPC (12/06)

Presentation, Hydrology Baylands Thomas Graf, Formerly with Geosyntec (07/06)

CAG Recommendation to Regional Water Quality Control Board  
Regarding Interim Remediation of Bunker C Oil David  
Elias, CalEPA, (7/06)

UPC Site Tour 6/06

Landfill Closure, G. Schirle and D. Peterson SMC Environmental Health  
Div (5/06)

Update Presentation CA Regional Water Quality Control Board  
David Elias, CalEPA (3/06)

Remediation Techniques 11/7/05 CDM Peer Review Report and Update  
(3/06)

Report written by Clara Johnson