

Responses to Questions about Certification Condition on Removal of Abandoned Gas Line
Bruce Wolfe – May 1, 2015

1) *Why is this a condition? What relationship does the abandoned line have with the project?*

The certification condition that requires the JPA to submit plans to remove the section of the abandoned gas pipeline that runs beneath the creek channel at least 60 days prior to starting the removal project is necessary to avoid or minimize the water quality impacts associated with abandoning the pipeline in place. These water quality impacts include the potential to constrain the creek channel's movement post-construction, to increase channel sedimentation and/or channel erosion post-construction, to disturb or delay regrowth of endangered species' habitat post-construction, and to directly impact the creek channel and the habitat it provides during the activities to abandon the line in place. Since the abandoned gas line no longer serves any purpose, these impacts can be avoided by its removal during project construction.

Additionally, based on our experience with similar attempts to abandon utility lines in place, leaving such hard infrastructure in place typically reduces a project's ability to function as designed and ultimately results in a decision to remove the abandoned infrastructure post-construction. For flood control projects like this one, that means that abandoned infrastructure commonly has been found to limit flood flow capacity and increase maintenance expenses leading to a decision to remove it. Post-construction removal results in increased water quality impacts, increased habitat disturbance, both of which increase project mitigation requirements, and increased project costs. These can all be avoided by removing the unnecessary line during project construction.

Finally, as demonstrated by the recent spill of cement to a creek in the Oakland hills during an attempt to abandon a water line in place under a creek, the consequences of directly impacting a creek channel during abandonment in place are severe both environmentally and financially.

2) *Is it typical for conditions such as this be attached to certificates of approval? If so, can you share examples of previously approved projects by the RWQCB with such conditions?*

It is the Water Board's standard approach to condition certifications to require removal of abandoned infrastructure that may constrain the permitted project and/or impact water quality and to require location (or relocation) of live utility lines and other infrastructure to minimize the potential for impacts. Typically, this is accomplished through the applicant's submittal of a complete project design, so that the condition of certification simply requires construction of the accepted design.

Examples of past projects where this type of condition was part of the certification include a new high-voltage PG&E line to Silicon Valley along the East Bay shoreline, which was required to run around (rather than across) the Don Edwards wildlife refuge; utility line crossings under Alameda Creek and Arroyo de la Laguna; and SFPUC's Water System Improvement Project water pipeline replacement under, rather than over, the Bay at Dumbarton Point.

Certification conditions requiring advance submittals of plans that will implement measures protective of water quality vary from project to project. Ideally, the certification would recognize plans already prepared to the Water Board's satisfaction, but we recognize that, for infrastructure projects such as this one, such plans are still in flux and, so as to avoid any delay in issuing certification, we include conditions requiring advance submittals such as the plans for removing the abandoned gas line. This gives the applicant flexibility in how it meets the conditions of certification.

- 3) *Why was the line not part of any previous conversations on the project? It is our understanding that SFCJPA staff only learned of the line when it was included in the draft certificate on February 2nd.*

After the January 7, 2015, joint Water Board-JPA staff tour of the project site, Board staff asked for verification of the plans and locations of the various utility line relocations identified during the tour. Initially, the depth of the new gas pipeline was indicated to be at a depth of 25 feet below grade but the depth of the line to be abandoned was not specified – Board staff assumed it was at a similar depth. However, on January 28, the Water District staff assisting the JPA indicated that the depth of the line was less than 5 feet below the channel. Based on this information, Board staff recommended to me that a condition requiring the removal of the abandoned be included in the draft certification, and I agreed. Given the JPA's desire to receive the draft certification as soon as possible, we moved forward to send the JPA the draft certification with this condition included on February 2. In response to the JPA's comments on this condition, we clarified the length of the abandoned pipeline that would need removal, which resulted in a reduction in length from that specified in the draft certification.

- 4) *The SFCJPA has identified a third-party consultant (the same agreed upon by the JPA and the RWQCB last year) to investigate the future hydraulic performance with the pipeline in place. This offer was rejected with little scientific basis for the removal request provided by staff. Why was this offer rejected?*

JPA staff did suggest performing a feasibility study on whether the abandoned line could remain in place and using a third-party to perform the feasibility study. Based on the work previously submitted as part of the project application, the expertise of the third party suggested focuses on hydraulic modeling and does not include necessary expertise in fluvial geomorphology and sediment transport. At the same time, the JPA board sent me a letter requesting expedited issuance of the certification without any mention of this issue. Since I felt it would take significant time and expense to complete a feasibility study and associated project re-design that would demonstrate that leaving the abandoned line in place would minimize water quality impacts, I proceeded to issue the certification with the clarified condition in place.

We recognize that the JPA is still working with the other permitting and resources agencies on project approval and that further modifications to the project's design are likely. We commit to working with the JPA and those agencies to amend the certification as appropriate to make it consistent with those agencies' requirements once they have resolved whether further modifications are necessary. Should such further modifications result in a design that minimizes the water quality impacts from abandoning this gas line in place, we would amend the certification as appropriate.