

California Regional Water Quality Control Board  
San Francisco Bay Region  
**EXECUTIVE OFFICER'S REPORT**  
A Monthly Report to the Board and Public

**May 2010**

*The next regular scheduled Board meeting is May 12, 2010.*

See <http://www.waterboards.ca.gov/sanfranciscobay/> for latest details and agenda

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**Mothball Fleet Litigation Comes to a Close** (David Elias)

On April 14, Judge Garland E. Burrell of the United States Eastern District of California Federal Court signed the proposed Consent Decree we negotiated with the U.S. Maritime Administration (Marad), thereby agreeing to enforce through his court the cleanup, maintenance, and removal of the Marad-owned mothball fleet's 57 so-called "non-retention" vessels from Suisun Bay by 2017.

In summary, the Consent Decree requires:

- Within 14 days, Marad will submit a Notice of Intent to comply with the Statewide NPDES Industrial Stormwater General Permit and will submit a comprehensive pollution prevention plan, which has already been reviewed and approved by all of the parties. Marad has completed this requirement.
- Within 120 days, Marad will remove the exfoliated paint from all of the ship decks. Marad has recently completed this work on about 20 of the non-retention fleet's 57 ships and has collected approximately 120 tons of paint and debris from these ships;
- By September 30, 2011, Marad will remove all of the exfoliating paint from both all horizontal and vertical exterior surfaces on the 25 vessels that are in the poorest condition;
- By September 30, 2013, Marad will remove the 25 worst vessels from the fleet for scrapping;

- By 2015, Marad intends to have removed a total of 44 of the vessels; and
- By September 30, 2017, Marad has committed to removing all of the 57 currently moored non-retention vessels.

New vessels may arrive, but they will arrive in good condition and will be maintained to minimize environmental impacts.

On April 21, David Elias met with Marad to discuss the full implementation of its stormwater and remediation program. Marad's contractors are planning to mobilize to the site immediately and plan to begin removing paint from the ship topsides, including all vertical and horizontal surfaces above the waterline, by early May.

On a related note, the company Allied Defense Recycling is moving forward with its plans to reopen two of Mare Island's closed drydocks as a ship maintenance and scrapping facility. This facility could serve as an alternative to the BAE Systems' in drydock San Francisco for ship cleaning and maintenance. Additionally, it could allow scrapping of some vessels within the Bay Area, avoiding the need to transport them through the Panama Canal to Brownsville, Texas, the current scrapping location.

Beth Christian completed the necessary Clean Water Act (CWA) Section 401 Water Quality Certification for Allied Defense Recycling to dredge sediment from in front of the Mare Island drydock gates. This certification clears the way for the U.S. Army Corps of Engineers to issue its CWA Section 404 permit, and for the Bay Conservation and Development Commission to issue its permit, which is tentatively scheduled for the May 20 Commission meeting. On July 9, 2008, the Board issued an NPDES permit to Allied Defense Recycling to regulate the discharges associated with the facility's potential future operation.

In addition, I met with a team of Irish ship dismantling representatives to discuss likely Board requirements, should they employ a floating drydock at the fleet for ship dismantling. Their proposal currently includes using some of the ships as housing for wind, solar, and wave energy production on the Irish coast.

David Elias has also received inquiries regarding setting up a ship dismantling operation in the City of Richmond. We will continue to inform interested parties of applicable regulatory requirements and to refer them, as appropriate, to Marad for follow up.

### **Sonoma Creek Watershed Sediment TMDL (Jim Ponton)**

On April 20, the State Board unanimously approved the Sonoma Creek Watershed Sediment TMDL and Habitat Enhancement Plan Basin Plan amendment. This Basin Plan amendment was adopted by our Board on December 10, 2008. The State Board will now send the Basin Plan amendment to the Office of Administrative Law and U.S. EPA for their approvals.

Since Board adoption in 2008, staff effort has been directed towards preparing draft conditional waivers of waste discharge requirements for vineyard facilities and grazing

operations, both identified as sediment source categories in the Basin Plan amendment. The scope of the waiver program includes both Sonoma Creek and Napa River watersheds, with the grazing strategy modeled after the Board's existing conditional waiver for grazing operations in the Tomales Bay Watershed. Both waivers will be hinged on owner's or operator's completion of a comprehensive inventory and assessment of natural resources and land management practices (farm plans), identification of land management issues, and development of a schedule and corrective action plan for identified problems.

We have begun stakeholder outreach and anticipate bringing draft waivers to the Board for its consideration in mid-year 2011.

**2010 International Low Impact Development Conference: *Redefining Water in the City*** (Keith H. Lichten)

The American Society of Civil Engineers' 2010 International Low Impact Development (LID) Conference was held over four days in April in San Francisco. It was designed to help further our thinking about how we can design cities' stormwater infrastructure to be more sustainable and use those designs to achieve other goals, like using water more efficiently, reducing surface water pollution, reducing energy use, and making cities safer and cleaner. The conference attracted more than 400 attendees from the U.S., Canada, and around the world, including as far away as China, Australia, Western Europe, and South Africa.

Keith Lichten co-chaired the conference, noting, "the goal in bringing this conference to San Francisco was to allow California urban stormwater professionals access to the latest worldwide thinking on LID, while also making others aware of our own work in the Bay Area. Thanks to the conference team's efforts, attendees were engaged by a broad spectrum of practitioners, academics, and information both in presentations and in the field."

Key conference features included:

- The presentation of almost 150 technical papers and more than 100 posters on LID and changing stormwater management in urban areas, including the latest advances in green roofs and bioretention systems, water re-use, lab and field testing results, local and international successes and lessons learned, and more;
- Lunchtime presentations from international speakers, including renowned urban designer and landscape architect Herbert Dreiseitl, a presentation on SWITCH<sup>1</sup>, the European Union's worldwide project on the future of sustainable water management in cities, and a presentation by British professor Richard Ashley on challenges associated with stormwater retrofitting and global climate change in Britain;
- A community service day where attendees braved driving rain and deep puddles to help San Francisco State University construct sustainable stormwater infrastructure;

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<sup>1</sup> Sustainable Water Management Improves Tomorrow's Cities' Health

- Two technical tours to Bay Area LID infrastructure, including San Jose's new LEED Silver Roosevelt Community Center, San Francisco's Leland Avenue green street retrofit in Visitacion Valley, and the ultra-urban Old Mint Plaza; and,
- A day of workshops on LID tools and approaches, including a free "LID 101" workshop organized by the California Stormwater Quality Association and talks by Bob Pitt of the University of Alabama and Bill Hunt of North Carolina State University, whose work has been foundational in the field of urban stormwater management.

Notable in the conference as compared to past events was a significant shift from "this is LID" talks to talks on how built LID projects were working and how they were being coordinated with other urban efforts—from pedestrian safety to better managing cities to address global climate change impacts. Also notable was an increase in the number and range of cities focusing on LID, from drought-stricken Australian cities, to European cities addressing combined sewer overflows, to ultra-urban New York City.

The Board was a cooperating organization for LID 2010. Sponsoring organizations included the California Stormwater Quality Association, the City of San Francisco, Stopwaste.org, and the San Francisco Estuary Partnership. The next international LID conference will be held in September 2011 at Villanova University in Philadelphia.



An international group of LID 2010 participants views a Harrison Street greenway site in San Francisco's Mission District during one of the half-day technical tours.

**Enforcement – Complaints and Settlements (Brian Thompson)**

The Board's Prosecution Team issued two administrative civil liability (ACL) complaints to Alameda County for storm water infractions. Copies of the complaints can be found on our web site:

[http://www.waterboards.ca.gov/sanfranciscobay/public\\_notices/pending\\_enforcement.shtml](http://www.waterboards.ca.gov/sanfranciscobay/public_notices/pending_enforcement.shtml)

- One complaint proposes a \$522,429 fine and alleges that Alameda County violated provisions of its NPDES Municipal Storm Water Permit by failing to incorporate revised standards and guidelines and to implement site design and source control measures within its jurisdiction.
- The other complaint proposes a \$102,600 fine and alleges violations of Alameda County's NPDES Municipal Storm Water Permit and the NPDES General Permit for Storm Water Discharges in association with two construction projects located in Castro Valley and unincorporated Alameda County (on Fairview Avenue).

I have publicly noticed one tentative order setting ACL for a case in which the Board's Prosecution Team reached a settlement with OG Property Owner, LLC, in association with the Wilder Project development site in Orinda (Contra Costa County). OG Property Owner, LLC, has agreed to pay \$530,000 in accordance with the settlement agreement. I intend to sign the agreement and issue the ACL order if no significant comments are received within the 30-day comment period. A copy of the tentative order can be found on our web site at:

[http://www.waterboards.ca.gov/sanfranciscobay/public\\_notices/pending\\_enforcement.shtml](http://www.waterboards.ca.gov/sanfranciscobay/public_notices/pending_enforcement.shtml)

In February, the Board's Prosecution Team issued 47 ACL complaints to industrial facilities for failing to submit annual reports required by the Statewide Industrial Storm Water General NPDES Permit. A number of these complaints are on the agenda to be heard at this month's Board meeting. Dischargers at 23 of the facilities (listed below) did not contest the ACLs and have paid or are in the process of paying the proposed liabilities.

- **Alameda County** - American Auto Dismantler (\$2,825), Atlanta Auto Dismantling (\$3,300), Columbia Cosmetics Mfg. Inc. (\$3,225), Five Star Lumber Co (\$2,850), Gruma Corporation - Mission Foods Hayward Facility (\$5,800), Oak Harbor Freight (\$3,150), Parking Co. of America Airports (\$4,725), and Sebring Transport (\$3,200)
- **Contra Costa County** - B & D Auto Parts (\$2,850), Quality Carriers Inc. (\$5,400), and Royal Trucking (\$3,500)
- **Napa County** - CA Auto Dismantling Inc. (\$2,950), Eng Bros Wood Products (\$2,950), and Rutherford Hill Winery (\$4,100)
- **San Francisco County** - Hornblower Yachts Inc. (\$3,925)
- **San Mateo County** - Eureka Chemical Co. (\$3,850)
- **Santa Clara County** - Alzeta Corporation (\$3,500), DS Waters of America Inc. (\$4,075), JT Truck Center (\$2,950), and San Jose Unified School District (\$3,025),
- **Solano County** - Cemex Construction Materials Pacific LLC – RMC Cemex facility (\$5,075)

- **Sonoma County** - C & W Auto Wreckers (\$3,325) and Pacific Wine Partners LLC -- Blackstone Winery (\$3,200)

The Board's Prosecution Team issued two more industrial storm water ACL complaints in April (also for failing to submit annual reports by July 1, 2009). One complaint proposes a \$13,300 fine to Transbay Container Terminal I in Oakland, and the other proposes a \$3,675 fine to Nica Metals in Livermore. Copies of the complaints can be found on our web site:

[http://www.waterboards.ca.gov/sanfranciscobay/public\\_notices/pending\\_enforcement.shtml](http://www.waterboards.ca.gov/sanfranciscobay/public_notices/pending_enforcement.shtml)

### **Lion Creek Crossings, Oakland - Cleanup Completion (Cleet Carlton)**

On April 12, Board staff issued a case closure letter for Lion Creek Crossings Phase IV in Oakland, signifying the completion of cleanup activities and allowing full restoration of this Brownfield site. Brownfields are sites where known or perceived soil and groundwater pollution has the effect of blocking full economic use of the property. The site originally comprised 11 mixed-use parcels (part of the former "Coliseum Gardens") near the Oakland Coliseum BART station. Past activities at the site included concrete block manufacturing, machine shop, vehicle repair, and wrecked auto storage. The East Bay Asian Local Development Corporation (EBALDC) is overseeing the site's redevelopment into affordable condominiums. Phase IV is the final phase of this development.

Between April and December of 2009, EBALDC pursued an aggressive environmental investigation, followed by interim clean-up actions in order to attain an efficient and rapid case closure for the redevelopment. Contaminants of concern at the site included metals, petroleum compounds, and volatile organic compounds from multiple on-site sources. The investigation included soil and groundwater sampling and a soil vapor survey. One underground gasoline tank was located and removed from the site. Residual petroleum fuel, along with contaminated soil and groundwater, was also removed from the site and replaced by clean imported backfill. Groundwater remaining on site with low concentrations of petroleum-based compounds was chemically treated with an oxygen-releasing compound and monitored for three months to verify the effectiveness of the clean-up action. No rebound in the compounds was observed in groundwater. As an added measure of caution, EBALDC prepared a site management plan to provide a waste handling and disposal protocol in the event unanticipated contamination is exposed during excavation activities for site redevelopment. Board staff supported EBALDC's aggressive cleanup strategy, which resulted in rapid progress from case initiation to case closure in just over a year.

### **Diridon Caltrain Station Renovation (Adriana Constantinescu)**

On April 5, Board staff approved the completion of soil investigation and cleanup at the Diridon Caltrain Station in San Jose. This action clears the way for station renovation.



*Photograph by Judith Silva, courtesy of the City of Santa Clara*

Diridon Station (formerly the Cahill Depot or the Southern Pacific Depot) is the central passenger rail depot for San Jose. The station has been operating since 1935 and is on the U.S. National Register of Historic Places.

Soil at the station was polluted with petroleum from historic train maintenance activities. Soil cleanup at the station consisted of excavating over 3,000 cubic yards of impacted materials. All excavated materials were disposed of at Altamont and Kirby Canyon landfills. For areas where impacted material extended beyond the excavation limits, an oxygen-releasing compound was applied to soil to enhance aerobic biodegradation. The impact of residual petroleum on groundwater quality will be delineated during a subsequent investigation phase to be coordinated with the construction of new platforms.

After the Peninsula Corridor Joint Powers Board renovates the station, it will become the largest transportation hub in northern California by connecting light rail, Caltrain, Amtrak's Capitol Corridor, the proposed BART extension, and the proposed high-speed rail. We also oversee the investigation and cleanup at the adjacent BART extension project.

### **Electronic Reporting System (Gina Kathuria & Johnson Lam)**

On April 21, Johnson Lam gave a presentation at the 2010 California Water Environmental Association Conference in Sacramento. His topic was Electronic Reporting for NPDES Permit Compliance – A 10-Year Anniversary for the San Francisco Bay Region. It was a highly attended presentation, with an audience of over 100 people. Monitoring and reporting is an important issue for the regulated community. For permit compliance, our Region's municipal and industrial dischargers, collectively, spend over 25 million dollars annually for sampling, testing and data reporting.

Many dischargers and Board staff from outside our region, were eager to hear what we learned from the past ten years of implementing our region's Electronic Reporting System (ERS). Specifically, we learned the following features were important in maximizing the efficiency and effectiveness of the ERS: (1) intuitive user interfaces for data input, (2) real-time permit compliance checking (with built-in permit limits), (3) robust data review and retrieval tools, and (4) detailed electronic receipt/online certification for the dischargers.

Johnson also presented alternatives to streamline NPDES reporting. California dischargers face significant data reporting redundancies. They are required to submit a monthly self-monitoring report (SMR) to us and the State Board; and a monthly Data Monitoring Report (DMR) to US EPA. Johnson believes streamlining is achieved by replacing three State and federal paper reports into one electronic submittal. In our opinion, technologies are available today to combine the SMR and DMR into one

electronic submittal. For over five years, other states (e.g., Michigan and Florida) have replaced the paper DMR with electronic submittal, resulting in substantial monetary savings and operational efficiency. California is very behind in this effort.

### **State Environmental Databases Workshop (Randy Lee)**

On April 22, staff of the State Board and the Department of Toxic Substances Control (DTSC) co-hosted a workshop in our building's auditorium to showcase two State environmental databases. These two databases, namely the State Board's Geotracker and DTSC's Envirostor, are widely-used databases designed to track environmental cleanup projects. The workshop in Oakland was part of a series of workshops held state-wide, intended to publicize these multi-functional databases and inform the public how to obtain information on permitted facilities, environmental investigations, and cleanup projects. About 20 people attended, mostly from the consultant community. Board staff helped to provide necessary logistics for the workshop. In recent years, these databases have been upgraded in order to make our cleanup decisions more transparent. The public makes substantial use of Geotracker, thereby reducing file-review requests to our office.

### **In-house Training**

Our April training was on Adobe Acrobat software, something we use extensively to manage electronic documents and cut down on our use of paper files. Our May training will be a field trip to the Guadalupe River watershed. Brownbag seminars included an April 29 session at which we showed "Saving the Bay – Part 2" (second of a four-part series that aired recently on KQED).

### **Staff Presentations**

On April 13, Fred Hetzel gave an invited presentation at the Sediment Management Work Group meeting in Chicago, as part of the contaminant source tracking panel. The presentation focused on the PCB source tracking work performed during the development of our PCB TMDL, and highlighted the studies performed by the Bay Area Stormwater Management Agencies Association and the San Francisco Estuary Institute.

On April 13, Stephen Hill represented the Water Boards at a meeting of the Brownfield Revitalization Advisory Group. The Group was formed by our sister agency, the Department of Toxic Substances Control, and includes various Brownfield stakeholder groups. The April 13 meeting was at the Department's Berkeley office. Performance measures were a key topic at this meeting, and Stephen described the Water Boards' performance measures for its cleanup programs and contrasted them with those of the Department.

On April 22, I spoke at a press conference called by the City of Oakland to celebrate the completion of a federal stimulus program-funded trash capture project at Lake Merritt. I noted that this was one of 109 projects statewide that the State Board had arranged federal stimulus funding for and that, upon completion of the project, Oakland was the first



city in our region to comply with the trash capture requirements of the Municipal Regional Stormwater Permit the Board adopted last fall.

*Polanco Redevelopment Act Training Webinar* – On April 28, Chuck Headlee represented the Board and other environmental regulatory agencies on a webinar about the Polanco Act and how to use it. The Polanco Act is a tool California redevelopment agencies can use to compel cleanup of blighted properties that are located within a redevelopment zone. It provides immunities for the redevelopment agency and subsequent developers and buyers of the property. Because we have participated in numerous successful applications of the Polanco Act in our Brownfields efforts, we were asked to present a regulatory perspective of how to work with the Polanco Act. The webinar was attended by over 200 people – mainly redevelopment program managers and staff, attorneys, and environmental consultants.

On April 29, Wil Bruhns met with a delegation from Denmark to discuss Bay Area water issues and potentials for cooperation. The delegation represented six Danish companies and industrial associations working in water management. The meeting was set up by Innovation Center Denmark, Silicon Valley, which is a joint effort between the Danish Ministry of Foreign Affairs and the Ministry of Science, Technology and Innovation.