

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

August 2011

*The next regular scheduled Board meeting is September 14, 2011.
See <http://www.waterboards.ca.gov/sanfranciscobay/> for latest details and agenda*

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Aramburu Island Ground Breaking Ceremony (Dyan Whyte)

On August 16, I, along with Board member Steve Moore and key Board staff, attended a groundbreaking ceremony for the Aramburu Island Shoreline Protection and Ecological Enhancement Project in Richardson Bay. Project supporters gathered on the Island and at the Richardson Bay Audubon Center to recognize the significant ecological benefits of the Project and celebrate that the Project is being implemented in a relatively short time: the Board requested funding for the Project from the State's Cleanup and Abatement Account in 2009, the State Board approved that funding in 2010, and construction is now underway. This is largely due to the excellent Board staff work by Marla Lafer and Sandi Potter.

The Board is playing a significant role in the Project, which will restore the 17-acre island that was initially formed by excavation waste and construction debris in the 1950s and 60s. As noted, in 2009, the Board requested approximately \$800,000 from the Cleanup and Abatement Account; it reached settlement with the Sewerage Agency of Southern Marin (SASM) on SASM's 2008 sewage spill violations, such that SASM has provided approximately \$200,000 for the first phase of the Project as a "supplemental environmental project"; and Board staff, in coordination with Marin County Parks, prepared the permits and environmental impact documents the Project needed.

At the ceremony, I noted that this is the first time that the Cleanup and Abatement

Account has been tapped for such a restoration project, and that, while the size of this restoration project is small compared to the 15,000 acres of salt ponds being restored around the Bay or even the nearby 900-acre Hamilton Airfield Wetland Restoration Project, this project is key to the protection and enhancement of Richardson Bay and its species. I emphasized that we need to continue to identify and partner on such opportunities for restoration around the Bay, no matter what their size.



Heavy equipment moving on to Aramburu island



With shovels in hand, Marin County supervisor Kathrin Sears, Board member Moore, Dyan Whyte, Bruce Wolfe, and Audubon Director Brooke Langston break ground.

The 34th America's Cup Races (Xavier Fernandez)

The City of San Francisco and the America's Cup Event Authority plan to host the 34th America's Cup in San Francisco Bay. The America's Cup is a series of international sailing races that will be held July through September 2012 (World and Youth Series) and July through September 2013 (Youth, Louis Vuitton Cup, America's Cup Challenger Series, potential Defender Selection Series, and Final Match).

A number of venues in and around the Bay will need to be created or upgraded to accommodate the America's Cup. Facilities are needed for team bases, media operations, and hospitality services, in addition to entertainment and spectator venues. Several of the venues proposed for the America's Cup are under the jurisdiction of and managed by the Port of San Francisco, including certain piers (Pier 80, Piers 30-32, Piers 26-28, Pier 9 and Pier 23), and water basins/water areas (Open Water Basins 32-36 and 14-22 ½). Various other venues are proposed for spectator-related activities, including Crissy Field, Marina Green, Fort Mason, Aquatic Park, Alcatraz Island, Fort Baker, Herb Caen Way (from AT&T Park to Fisherman's Wharf), the Civic Center, Union Square, and Justin Herman Plaza.

Board staff are currently participating in an Inter-Agency Task Force to evaluate the potential impacts associated with the America's Cup and develop mitigation for these impacts. Potential water quality impacts associated with the America's Cup may occur prior to the races (e.g., construction and dredging-related activities) or during the events (e.g., introduction or spread of invasive species via spectator boats, illicit discharges of sewage from spectator boats, trash and debris discharges from spectator areas, and maintenance and repair of racing yachts). As a result, the America's Cup project will need to obtain both a Section 401 water quality certification from the Board and coverage under the State Board's General National Pollutant Discharge Elimination System (NPDES) Permit for Industrial Activities, and may need to obtain coverage under the State Board's General NPDES Permit for Construction Activities. To date, we have commented on the America's Cup draft environmental impact report and asked for additional information on the initial water quality certification application we received from the America's Cup project proponents. We'll continue to keep you informed as we move forward with the permitting process.

North Richmond Brownfield Site Cleaned Up (Barbara Sieminski)

On August 10, Board staff issued a case closure for a leaking underground storage tank site located at 1300 Filbert Street in North Richmond. This case closure is notable because State and federal Brownfield grants were used to cleanup this abandoned former gas station. The site will now be redeveloped for low-income housing by the Community Housing Development Corporation of North Richmond.

As part of the cleanup, all underground features associated with the former gas station were removed. Approximately 2,250 tons of petroleum-impacted soil were excavated and replaced with clean, imported material. Groundwater was cleaned up using in-situ oxidation. A vapor barrier and a passive venting system will be installed beneath the site's future buildings as a conservative measure to prevent subsurface vapor intrusion to indoor air. Cleanup work was funded jointly by the State Board's Orphan Site

Cleanup Account program and U.S. EPA's Petroleum Sites Brownfield program.

Jet Fuel Spill at San Francisco International Airport (Laurent Meillier)

Despite budget challenges, we continue to staff and operate our spill/complaint response program, which allows us to check for and appropriately respond to spills and complaints not only during work hours, but also on evenings and weekends. Recently, we responded to two spills—a diesel spill into Lake Merritt, which the City of Oakland expeditiously responded to and cleaned up, and the discharge of jet fuel from a taxiing 747 onto the ground at the San Francisco International Airport (SFO). Our response to the jet fuel spill is described in more detail below.

On July 4, a United Airlines 747 spilled about 520 gallons of jet fuel onto the ground as it taxied to its takeoff runway. All 321 passengers were deplaned in the middle of the airfield and taken to safety. United Airlines defueled the aircraft and removed pooled fuel from the taxiway.

On July 5, the incident was reported to the California Emergency Management Agency (CalEMA), and CalEMA notified the Board. Board spill program duty officer Laurent Meillier immediately followed up with representatives of SFO, the cleanup contractor, and United Airlines, evaluating the impacts from the spill.

Cleanup consisted of the excavation of jet fuel-contaminated asphalt and soil from the taxiway (see photos 1-3). The inspection allowed Board staff to identify appropriate cleanup standards and potential contamination pathways, and to review the work that had been completed so far. It also opened a line of communication with the cleanup staff at United Airlines and SFO, which will enable us to expedite any further cleanup that may be necessary.



Photo 1. *Excavated Taxiway Paving*



Photo 2. *Excavation Pits with Dark Patches Showing Jet Fuel*



Photo 3. *Junction Boxes and Soil Saturated with Jet Fuel - Further Cleanup Being Evaluated*

Wastewater NPDES Permit Backlog Hits Record Low (Bill Johnson)

The wastewater NPDES permit reissuance backlog is at an all-time low. Although expired NPDES permits normally remain fully enforceable, federal requirements call for reissuing them every five years to keep them up-to-date with current regulations. In the past, many permits expired before reissuance. Keeping them all updated is a challenge because, as the Board reissues permits, other permits continue to expire. In 2006, we

made NPDES permit reissuance a priority, and after five years of sustained effort, we have virtually eliminated the reissuance backlog.

The NPDES Wastewater Division oversees 85 individual and general NPDES permits for municipal, industrial, and other types of discharges. Currently, only three permits are expired, and the Board will consider reissuing two of these in September. The remaining permit covers a discharge that ceased some time ago, and we expect to recommend that the Board rescind it next year.

Our success comes from collaborative teamwork, internal discipline and accountability, working closely with dischargers and stakeholders, and sticking to clear schedules. Maintaining this low backlog will be challenging as we face competing program priorities with fewer staff than we've had in the past.

U.S. EPA Approves Bacteria Objectives (Richard Looker)

On August 16, the U.S. EPA approved the enterococcus water quality objectives included in our Basin Plan amendment you adopted last year, establishing these objectives to protect water contact recreation in marine and estuarine waters of our region. The State Board unanimously approved this amendment on April 5 of this year and the State Office of Administrative Law approved the amendment in July. In its approval letter, U.S. EPA complemented both the State Board and us on our outreach to stakeholders potentially affected by the Basin Plan amendment.

Enforcement: Complaints and Settlements (Brian Thompson)

The Board's prosecution team issued two administrative civil liability (ACL) complaints. Copies of the ACL complaints can be found on our web site:

http://www.waterboards.ca.gov/sanfranciscobay/public_notices/pending_enforcement.shtml

- Friendly Cab Company, Inc. (Oakland) - A \$100,400 fine is proposed in a complaint issued on June 28 for alleged reporting and Best Management Practice violations of the State Board's General NPDES Permit for Industrial Activities.
- Union Oil Company of California and Atlantic Richfield Company (Oakland) - A \$154,307 fine is proposed in a complaint issued on July 1 for allegedly failing to submit an acceptable remedial action plan in accordance with Site Cleanup Requirements Order No. 90-133, as amended by Order No. R2-2006-0084.

Two dischargers have agreed to conditional offers to settle mandatory minimum penalty violations through the Board's Expedited Payment Program. The following payments will be made to the State's Cleanup and Abatement Account for alleged violations after payment agreements circulated for a 30-day public comment period did not generate opposition to accepting the offers.

- West County Agency and City of Richmond - \$24,000
- East Bay Municipal Utility District - \$21,000

The Board's advisory team issued two ACL orders after the dischargers reached settlement agreements with the Board's prosecution team and 30-day public comment periods did not generate any opposition to issuing the orders.

- The City of San Bruno will pay \$325,550 of a \$621,100 settlement to the State's

Cleanup and Abatement Account and spend the remaining liability on Supplemental Environmental Projects for a private sewer lateral program (\$199,622) and for the Marine Mammal Center (\$95,928).

- Alameda County will pay \$20,720 to the State's Cleanup and Abatement Account.

In-house Training

We had no in-house training in July and have none scheduled for August; training will resume in September with a session on water rights.