

EXECUTIVE OFFICER'S REPORT

A Monthly Report to the Board and Public

January 2012

NEXT MEETING: January 18, 2012

WEBSITE: <http://www.waterboards.ca.gov/sanfranciscobay/>

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Birds Return to Aramburu Island (Sandi Potter)

In August, we celebrated the groundbreaking of the Aramburu Island Shoreline Protection and Ecological Enhancement Project in Richardson Bay. The Project's goal is to maximize the ecological functions and values of this 17-acre island that was created from excavation waste and construction debris in the 1950s and 60s. The Project received significant funding from the State Water Board's Cleanup and Abatement Account and penalties assessed by this Board to the Sewerage Agency of Southern Marin for its 2008 sewage spill violations. The Project is sponsored by the Richardson Bay Audubon Sanctuary and the County of Marin.

We have good news to report! Bird surveys conducted on December 14, 2011, documented the following bird species using the new shoreline on Aramburu Island:

- 17 Double-crested Cormorants
- 6 Brown Pelicans
- 2 Black Turnstones
- 1 Heermann's Gull
- 1 Snowy Egret
- 1 Great Egret
- 5 Black-bellied Plovers

Ornithologists at Richardson Bay Audubon report that they have never seen cormorants or

brown pelicans on Aramburu before. Preliminary post-restoration data indicates that more birds are using Aramburu since the reconstruction of the shoreline to a more stable configuration and addition of appropriately-sized beach material. The next phase of the Project will entail removing non-native and invasive plant species and revegetating the Island.



Birds enjoying the Aramburu shoreline

SFO Runway Safety Area Project (Sandi Potter)

Like many airports throughout the country, the San Francisco International Airport (SFO) is undertaking Runway Safety Area (RSA) improvements to comply with new Federal Aviation Administration requirements. RSAs allow an aircraft to safely overshoot, undershoot, or otherwise veer off a runway, if needed.

SFO has limited space to comply with the new requirements because it is constrained to the east by San Francisco Bay and to the west by U.S. Highway 101. To meet this challenge, SFO formed a RSA Study Working Group who helped SFO develop an RSA project proposal that reduces environmental impacts, including the need to fill the Bay, as well as overall costs.

In order to allow for shifting runways, taxi ways, and supporting infrastructure at SFO, SFO proposed that a small area of tidal marsh along the shore, seasonal wetlands between runways, a portion of the concrete-lined Millbrae canal, and several constructed wetlands would be filled. Because wetlands and riparian areas attract wildlife, especially birds, they are often not compatible with airport use. To avoid "bird-strikes" to aircraft, SFO already implements wildlife management practices to discourage bird use in the vicinity of the runways. Rather than mitigate for wetland losses onsite and possibly increase bird-strike risk, Board staff and other permitting agencies encouraged SFO to develop a mitigation plan as part of the RSA project that included offsite, in-kind mitigation to compensate for wetland losses.



Example of seasonal wetland between runways slated to be filled



Section of Millbrae Canal that will be placed in culvert

As a result, as part of its application to the Board for Water Quality Certification, SFO submitted a comprehensive mitigation plan that called for purchase of tidal wetland credits at a ratio of about 5:1 at the Deepwater Island Slough project in Redwood City. SFO has also entered into a Memorandum of Understanding with the Presidio Trust to fund about 7.5 acres (mitigation ratio of about 2:1) of planned wetland and riparian restoration projects, including Quartermaster Marsh, YMCA Reach, and Mountain Lake East Arm at the San Francisco Presidio. This mitigation plan is consistent with Board staff's expectations for RSA project mitigation.

The RSA project will also include a new underground storm drain system that will direct all "first flush" runoff to an onsite wastewater treatment plant. This will significantly improve the quality of stormwater from the airfield, which has the potential to convey industrial pollutants to the Bay. First flush stormwater treatment was selected because other "low impact development" stormwater management strategies are not feasible.

Board staff publicly noticed SFO's application for Water Quality Certification, and no comments were received. I issued the Water Quality Certification on December 21, 2011. The Bay Conservation and Development Commission is now evaluating SFO's RSA project application.

Background Arsenic Soil Concentration Quantified (Mary Rose Cassa)

At Board staff's suggestion, a student at San Francisco State University recently completed an analysis of background soil arsenic concentrations in our region. The analysis is contained in Dylan Duvergé's master's thesis. The proposed upper estimate for background arsenic is 11 mg/kg. This analysis presents the first regional estimate of background arsenic concentrations in the San Francisco Bay Region.

Arsenic is a naturally-occurring element in soil. In many locations, if background concentrations exceed health-based standards, we require cleanup only if a site's arsenic concentrations exceed background concentrations. Prior to this study, dischargers would often cite arsenic-background studies that did not adequately represent their sites or our regional conditions. We in turn would usually require dischargers to prepare site-specific background studies. This step may no longer be necessary.

Duvergé compiled soil data from the State Water Board's GeoTracker online database to determine the background levels and variability of arsenic concentrations across our region's geologic units. Arsenic analyses of approximately 1,500 soil samples across 80 sites were screened for inclusion in a project-specific database.

This work is also significant because the methods used can be repeated for other chemicals of concern. The increasing accessibility of environmental data in multiple, easily-queried formats presents opportunities to develop better information to support regulatory decisions. For purposes such as establishing regional estimates of background concentrations of other naturally-occurring metals (for example, nickel, cadmium, selenium), publically available environmental databases such as GeoTracker provide an efficient and cost-effective resource.

Board staff Mary Rose Cassa suggested the study topic and was a member of the thesis committee. For more information, contact the author, Dylan Duvergé, at dylanduvg@gmail.com.

In-house Training

Our December training was on our new Writing Style Guide, completed in December and prepared in-house with assistance from the State Water Board's Training Academy. We have no training scheduled for January.

Recent Penalty Enforcement Complaints and Settlements (Lila Tang)

The following tables show newly issued complaints, recently proposed settlements, and settled actions for assessment of penalties as of the last report. All active cases are available at: http://www.waterboards.ca.gov/sanfranciscobay/public_notices/pending_enforcement.shtml

| New Complaints | | | |
|--|-----------|------------------|------------------|
| These items are open for public comment | | | |
| Discharger | Violation | Penalty Proposed | Comment Deadline |
| No new complaints issued since the last report | | | |

| Proposed Settlements | | | |
|---|---|------------------|------------------|
| The following are noticed for a 30-day public comment period or, if no comment deadline is shown, settlement discussions are underway. If no significant comments are received by the comment deadline, the Executive Officer will sign an order implementing the settlement. | | | |
| Discharger | Violation | Penalty Proposed | Comment Deadline |
| City of Napa, Trancas Crossing Park | Failure to obtain permit coverage and inadequate erosion controls | \$20,000 | January 3, 2012 |
| Rodeo Sanitary District, Wastewater Treatment Plant | Effluent limit exceedance | \$3,000 | January 16, 2012 |

| | | | |
|--|--|-----------|--|
| Lehigh Southwest Cement Co., Cement Plant in Cupertino | Unauthorized discharge | \$10,000 | |
| Novato Sanitary District, Wastewater Treatment Plant and collection system | Sewage overflows, other unauthorized discharges, and effluent limit exceedance | \$331,800 | |

| Settled Actions | | | |
|---|---|----------|------------------------------------|
| Discharger | Violation | Penalty | Supplemental Environmental Project |
| County of Alameda, Castro Valley library | Failure to obtain permit coverage and inadequate erosion controls | \$35,000 | Not applicable |
| Trash TalkFCM, in Herba Buena Gardens San Francisco | Unauthorized discharge of red balloons | \$7,000 | Not applicable |

The State Water Board's Office of Enforcement includes a statewide summary of penalty enforcement in its Executive Director's Report, which can be found on the State Board website: http://www.waterboards.ca.gov/board_info/eo_rpts.shtml

Presentations

On December 9, I participated in a media event on the banks of the Napa River with U.S. EPA Regional Administrator Jared Blumenfeld, Congressman Mike Thompson, County Supervisor Diane Dillon, and other local representatives to announce a U.S. EPA grant to Napa County for restoration of a portion of the Napa River to improve steelhead habitat and reduce bank erosion and sediment runoff. In my remarks, I highlighted how this project helps implement the Board's Napa River sediment TMDL and congratulated Napa County on the success of its Napa River flood control project that is based on its "Living River" principles.

On December 13, I spoke as part of a presentation to the Oakland City Council's Public Works Committee on the initiation of a private lateral sewer ordinance that goes into effect in January 2012. I noted that such an ordinance has long been needed, is being initiated in all cities in the East Bay MUD sewershed, and will help Oakland comply with its federal consent decree requiring control of sanitary sewer overflows. This presentation was part of ongoing outreach efforts by East Bay MUD and the cities to publicize the initiation of these ordinances that U.S. EPA's Alexis Strauss and I are participating in.