

*STATE OF CALIFORNIA*

**REGIONAL WATER QUALITY CONTROL BOARD  
SAN FRANCISCO BAY REGION**

MEETING DATE: November 12, 2014

ITEM:       **5**

SUBJECT:    **EXECUTIVE OFFICER'S REPORT**

# EXECUTIVE OFFICER'S REPORT: *November 2014*

A Monthly Report to the Board and Public

**NEXT MEETING:** November 12, 2014    **WEBSITE:** <http://www.waterboards.ca.gov/sanfranciscobay/>

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## **Travis Air Force Base Cleanup Accelerated (Adriana Constantinescu)**

The Air Force recently awarded \$21.3 million to Travis Air Force Base, located in Solano County, to accelerate soil and groundwater cleanup. This is the most funding Travis Air Force Base has received in the last 10 years, significantly increasing its cleanup budget by a factor of five. The funding follows the signing of an important milestone: the final Record of Decision (ROD) for 19 groundwater sites at the Base. U.S. EPA, the California Department of Toxic Substances Control, and the Water Board worked together with the Air Force to complete the final ROD in June. The funding will allow for a speedy transition from the current interim remedial actions to the implementation of the final groundwater remedial alternatives, with an emphasis on both enhanced and natural bio-attenuation. In addition, two soil-contaminated sites that had been slated for industrial use will be cleaned up to unrestricted land use status.

## **Nutrient Wastewater Loads Updated (Naomi Feger, Tong Yin)**

In 2012, I issued a Water Code section 13267 order requiring municipal and industrial wastewater dischargers to submit the results of a two-year data collection effort designed to improve our understanding of nutrient loading in treated wastewater discharges to the Bay. The final reports for this effort were submitted in July, and, thus, the requirements of the 2012 order have been fully satisfied. Future nutrient data collection is now required as part of the baywide nutrient NPDES permit the Board adopted in April. The 2012 order was successful in informing both dischargers and Board staff about treatment facility performance and the current status of nutrient loading to the Bay. In their final reports, three municipal wastewater treatment plants reported significant reductions in their loadings of both nitrogen and phosphorus due to treatment plant optimization efforts. Further evaluation of opportunities for

treatment plant optimization and upgrades will be completed by the facilities under the nutrient NPDES permit. We will keep the Board informed about the results of these studies.

### **TCE Vapor Intrusion Guidance Document Released (Uta Hellmann-Blumberg)**

On October 17, we posted the "Interim Framework for Assessment of Vapor Intrusion at TCE-Contaminated Sites in the San Francisco Bay Region" on the Water Board's website. The interim framework is intended to help Board staff utilize new information about trichloroethene (TCE) toxicity and the variable nature of vapor intrusion, pending the establishment of more formal guidance from Cal/EPA.

For background, vapor intrusion refers to the migration of solvent vapors from soil or groundwater into occupied buildings, which can cause unhealthy solvent concentrations in indoor air. TCE is a solvent that's commonly encountered at cleanup sites. U.S. EPA Region 9 recently established very stringent short-term action levels for TCE in indoor air, based on some animal-study evidence that TCE may cause fetal heart defects in pregnant women. Other Cal/EPA agencies, notably the Office of Environmental Health Hazard Assessment and the Department of Toxic Substances Control, have provisionally accepted the short-term action levels pending further review. This new information means that regulators need to require more robust evaluations of vapor intrusion and more rapid responses when TCE action levels are exceeded. The interim framework will help staff do this. The interim framework is posted on our website at the following location:

[www.waterboards.ca.gov/sanfranciscobay/water\\_issues/programs/sitecleanup/TCE\\_Interim\\_VI\\_Framework.pdf](http://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/sitecleanup/TCE_Interim_VI_Framework.pdf)

### **Prosperity Cleaners Order Amended (Ralph Lambert)**

On September 26, I administratively amended the site cleanup order for the Prosperity Cleaners site, adopted by the Board in February, to speed up offsite investigation work. Prosperity Cleaners is a former dry cleaner located in San Rafael that released perchloroethylene (PCE) to soil and groundwater. A key task in the February order requires defining the offsite extent of the groundwater contamination plume. Board staff approved the offsite investigation workplan in May but implementation of the workplan has been delayed by an access dispute between the order's named discharger (Marinwood Plaza LLC) and an offsite property owner (Silveira Ranches). The February order set a contingent deadline for submittal of the offsite investigation report, but the access dispute has meant the deadline never passed. The amendment to the order sets a hard deadline for this report and should help resolve the access dispute. I provided a 15-day public comment period, and I responded to comments by Marinwood Plaza LLC prior to administratively issuing the amendment. Board staff would like the offsite investigation work completed before wet-weather conditions further delay the work.

### **San Francisquito Creek Permitting Meeting (Dyan Whyte)**

On October 31, Board Chair Young, Board Member Ajami, Board Member Abe-Koga, Dyan Whyte, Keith Lichten, Tamarin Austin, and I participated a publicly-noticed meeting in which the Board invited the San Francisquito Creek Joint Powers Authority (JPA), State and federal regulatory and resource agencies, elected officials, and the public to discuss next steps in certifying the San Francisquito Creek Flood Reduction, Ecosystem Restoration, and Recreation Project that was the subject of the Board's August workshop. In order to make this meeting

more convenient for those in the South Bay, Board Member Ajami arranged for Stanford's Water in the West and Bill Lane Center to host the meeting. Approximately 60 people attended.

At this meeting, I stated that, based on additional project design information submitted by the JPA in October, the certification application is now complete. I committed to issuing water quality certification for the project once the U.S. Army Corps of Engineers issues its public notice for the project. I also clarified that since I will be issuing the certification prior to the federal resource agencies completing their biological opinions that evaluate the project's endangered species impacts and prior to the finalization of mitigation, monitoring, and maintenance plans for the project, our certification will include conditions requiring compliance with those agencies' requirements and completion of the plans prior to project construction.

### **In-house Training**

Our October in-house training was on Bay Area salmonid conservation. The training covered historic salmon runs in the Bay Area, how and why those runs have declined, and efforts to re-establish salmonid habitat in our region. Our November training will be on "Working with Difficult People." Brownbag seminars included an October 28 session on high-resolution site assessment technologies and in-situ groundwater cleanup practices.

### **Staff Presentations**

On October 8, David Elias participated on a panel at the State Lands Commission's Prevention First conference in Long Beach. The panel's topic was titled, "The Present and Future of Regulating In-water Vessel Hull Cleaning in California." David was invited to participate due to his co-authorship with Bill Johnson of our In-water Vessel Hull Cleaning BMP fact sheet, which is currently the only regulatory guidance on the topic available in the State.

On October 9, Carrie Austin (and Central Valley Board staff Michelle Wood) spoke at the California Lake Management Society's annual conference at UC Davis on their work on the statewide reservoir mercury control program. Plenary speaker Professor Marc Beutel, of Washington State University, provided an overview of mercury cycling and results of his studies of lake oxygenation on methylmercury. The second speaker, Maia Singer of Stillwater Sciences, presented mercury and methylmercury findings in SoulaJule Reservoir (Board staff is working on SoulaJule Reservoir with the Marin Municipal Water District, which recently issued a request for proposals for pilot tests of mercury and methylmercury controls in that reservoir). Carrie and Michelle gave presentations describing the developing statewide mercury control program for reservoirs and answered questions during an hour-long interactive session. The conference included a field trip to Camanche Reservoir, where UC Berkeley Professor Emeritus Alex Horne and EBMUD staff explained the oxygenation system, which improves water quality for the fish hatchery immediately downstream.

On October 15, Mark Johnson gave a presentation to the Contra Costa Clean Water Program, a county agency that represents Contra Costa permittees regulated under the Board's Municipal Regional Stormwater Permit. He explained how county stormwater inspectors can identify equipment and operations that may contain polychlorinated biphenyls (PCBs). This presentation is part of a cross-divisional project to address the loading of PCBs to stormwater runoff from contaminated sites.

On October 15-16, several Board staff participated in the Groundwater Resources Association of California's annual conference. Uta Hellmann-Blumberg gave a presentation that discussed new health concerns regarding trichloroethene (TCE) and Board staff's interim guidance document on TCE vapor intrusion (see above TCE Vapor Intrusion Guidance Document Released item). Alyx Karpowicz moderated a session titled "Drought – our Dependence on Groundwater," and Kevin Brown moderated a session titled "Wastewater Reuse and Recycling." Alyx Karpowicz also served as co-chair for the conference.

On October 18, Stephen Hill participated on a panel at the California Bar Association's environmental law conference at Yosemite. The panel focused on vapor intrusion issues at cleanup sites and also included representatives from U.S. EPA Region 9, the consulting sector, and the environmental law sector. Stephen discussed the Water Board's approach to vapor intrusion, both in general and in light of U.S. EPA Region 9's recent guidance on the topic. All the panelists noted the increased prominence of this issue due to U.S. EPA Region 9's establishment of very stringent indoor air action levels for the chlorinated solvent TCE.

On October 29, I participated on a panel at the Bay-Delta Science Conference with senior management of other State agencies that focused on the policy implications of designing and managing for resilient landscapes in the face of climate change. I noted that our regulatory processes under the federal Clean Water Act and the State Water Code are reactive and not designed to take the proactive measures we will need to address sea level rise and other impacts of climate change. I emphasized that we must use the soon-to-be-released Baylands Ecosystem Habitat Goals Update Report as a vehicle for moving forward with resilient landscape design and management. We will plan a presentation to the Board on the Goals Update Report once it is released.

### Penalties Imposed (Lila Tang)

The following show a final action that imposed penalties last month. There is also one complaint from last month that proposed penalties; Board staff and the discharger are in settlement discussion. That complaint is available at [http://www.waterboards.ca.gov/sanfranciscobay/public\\_notices/pending\\_enforcement.shtml](http://www.waterboards.ca.gov/sanfranciscobay/public_notices/pending_enforcement.shtml).

<b>Final Actions</b>			
On behalf of the Board, the Executive Officer approved the following:			
<b>Discharger</b>	<b>Violation</b>	<b>Penalty Imposed</b>	<b>Supplemental Environmental Project</b>
Contra Costa County Department of Public Works	Unauthorized flood control maintenance in creeks including 49 tons of rip rap in Green Valley Creek in Danville	\$10,000	none

The State Board's Office of Enforcement includes a statewide summary of penalty enforcement in its Executive Director's Report at [http://www.waterboards.ca.gov/board\\_info/eo\\_rpts.shtml](http://www.waterboards.ca.gov/board_info/eo_rpts.shtml).