

*STATE OF CALIFORNIA*

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

MEETING DATE: April 8, 2015

ITEM: **4**

SUBJECT: **EXECUTIVE OFFICER'S REPORT**

## EXECUTIVE OFFICER'S REPORT: *April 2015*

A Monthly Report to the Board and Public

NEXT MEETING: April 8, 2015

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

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### **New Stream Projects Fact Sheet (Ben Martin, Brian Thompson)**

We recently completed a new fact sheet titled *Stream Maintenance and Enhancement Projects* that is now posted on our website. The goal of the fact sheet is to clarify regulatory requirements regarding work performed in and near streams. The fact sheet describes the types of activities that require prior notification to Board staff and, potentially, a permit from the Board. It includes information on the permitting process, guidance resources for stream projects, and instructions for using EcoAtlas to find the locations of restoration and enhancement projects. It also provides notification of the consequences of conducting unauthorized work.

To improve our participation in stream projects, staff is sending our new fact sheet to Bay Area flood control districts, watershed stewardship groups, and applicable Lyris email groups. You can find the fact sheet on our website under the “Announcements” section.

### **Renewal of Conditional Waiver for Dairies (Laurie Taul)**

The Tentative Conditional Waiver of Waste Discharge Requirements (WDRs) for Dairies is currently being circulated for public comment with comments due by April 17. The Tentative Waiver proposes to renew the Board’s expired 2003 Conditional Waiver of WDRs for Dairies.

On April 2, Board staff will attend a meeting of the Animal Resource Management Committee at Two Rock Station in Sonoma County, to inform stakeholders about the Tentative Waiver and encourage public comment.

There are approximately 40 dairies enrolled under the expired Conditional Waiver that plan to re-enroll. Proposed revisions to the 2003 Conditional Waiver include requirements for addressing grazing lands associated with dairies; for developing site-specific nutrient management plans; and for sampling groundwater and surface water in the vicinity of each dairy. The Tentative Waiver also proposes to align permit requirements with those recently established for dairies in the North Coast Region and, thus, provide more consistency across the Water Boards' regional boundaries.

Conditional waivers of WDRs expire every five years, whereas general WDRs remain in place indefinitely. When the next conditional waiver expires, Board staff intends to recommend regulating these facilities under the Board's general WDRs for confined animal facilities. In the near future, we will be noticing a reissuance of these general WDRs that will be tailored to regulate a broader suite of confined animal facilities in addition to the dairy facilities covered under the waiver.

Associated with the Board's regulation of dairies, on March 13, Board staff Naomi Feger, Laurie Taul, and Jim Ponton attended a meeting organized by the State Water Board's Fee Unit for dairies in our region and the North Coast Region. Currently, dairies enrolled under the conditional waivers of WDRs in these two regions do not pay fees. The meeting was an opportunity for the State Board to present potential fee changes for the coming fiscal year. Dairy owners, operators, and other stakeholders, including the Western United Dairymen association, expressed concerns about charging fees for pasture-based dairies, including organic dairies, and emphasized that this industry has limited capacity to absorb additional production costs. Stakeholders urged the State Board to consider the significant differences between the two regions' pasture-based dairies and the large operations in the Central Valley in terms of potential water quality impacts and their ability to pay fees.

State Board members Tam Doduc and Steve Moore attended the March 13 meeting. The State Board members provided some background on the need for fees and challenged the dairy owners to propose alternative options, including working more closely with the California Dairy Quality Assurance Program of the Western United Dairymen association.

### **Planetary Ventures to Use Moffett Field and Restore Hanger 1 (Elizabeth Wells)**

The National Aeronautics and Space Administration (NASA) signed a lease with Planetary Ventures, LLC, a subsidiary of Google, on November 10, 2014, to manage a portion of the former Naval Air Station Moffett Field known as the Leasehold. The Leasehold covers 1,000 acres at Moffett Field in Mountain View (Figure 1a). The U.S. Navy operated Moffett Field from the 1930s until 1994, when ownership was transferred to the NASA Ames Research Center. Since then, NASA has operated and maintained Moffett Field, including the Leasehold.



**Figure 1a:** *Moffett Field and Location of Planetary Ventures MFA Leasehold in Mountain View.*

NASA elected to lease the area in an effort to reduce costs and shed surplus property; it estimates the agency will save \$6.3 million annually in maintenance and operational costs. At the same time, the lease will provide \$1.16 billion in rent over the 60-year initial lease period. The lease also includes three possible 12-year extensions and a requirement to re-side the iconic Hangar 1 (Figure 1b). According to the press release, Planetary Ventures plans to operate the airfield and renovate the hangars for research, development, assembly, and testing in the areas of space exploration, aviation, rover/robotics, and other emerging technologies.



**Figure 1b:** *Hangar 1, to be resided by Planetary Ventures as a requirement of its lease with NASA.*

Planetary Ventures requested “comfort letters” from U.S. EPA and the Board affirming that the agencies will not pursue Planetary Ventures as a responsible party as long as NASA and the Navy continue to uphold their primary responsibilities for environmental cleanup and monitoring of the Leasehold, and Planetary Ventures allows them unfettered property access to do so. This is important because the Leasehold includes several environmental sites, such as Hangar 1, two closed landfills, numerous solvent-contaminated groundwater plumes, and several petroleum cleanup sites.

To facilitate issuance of our comfort letter, Planetary Ventures prepared an Environmental Issues Management Plan summarizing the current condition and status of the environmental sites within the Leasehold. Planetary Ventures’ plan also outlines: 1) procedures to protect existing environmental site remedies; 2) handling contaminated media, if encountered; and 3) addressing unexpected environmental conditions. After extensive deliberations, U.S. EPA and Board staff concurred with the plan and issued comfort letters.

### **Federal Facility Agreement for NASA Ames Research Center (Elizabeth Wells)**

The long overdue Federal Facility Agreement (FFA) among U.S. EPA, the Water Board, and NASA became effective on March 11. The FFA, which is a requirement of the cleanup process for federal facilities, is an agreement for how the federal and State regulatory agencies will work together to oversee cleanup at the NASA Ames Research Center, located adjacent to the former Naval Air Station (NAS) Moffett Field (Figure 2). The FFA is the result of a two-year negotiation process. While I signed the draft agreement last fall, it was not effective until completion of the public comment and response period conducted by U.S. EPA.



**Figure 2:** Aerial view of NASA Ames Research Center (foreground) and former NAS Moffett Field.

In 1994, NASA’s Research Center was expanded when the Navy transferred all of NAS Moffett Field to NASA. As a result of the Moffett Field land transfer, some of the Navy’s environmental cleanup responsibilities were also transferred to NASA. For example, at two closed Navy landfills, NASA is required to maintain land use control, prevent breaching of the landfill covers, and allow access for the Navy to conduct monitoring and maintenance.

At the same time, NASA has its own environmental sites that pre-date the 1994 Moffett Field

transfer. Regulatory oversight for most of these sites had been under individual directives or voluntary cleanup agreements. Now, NASA's historic and inherited sites are mostly consolidated under the FFA. The FFA clarifies NASA's responsibilities, establishes a framework and schedule, ensures cleanup completion, and facilitates cooperation and information exchange among the agencies and public stakeholders. It also outlines a dispute resolution process should one be needed. NASA continues to conduct its community meetings concurrent with the Navy's public process for Moffett Field.

### **Prosperity Cleaners – March Public Forum Followup (Ralph Lambert)**

The Prosperity Cleaners site is located in the Marinwood neighborhood north of San Rafael in Marin County. Releases of solvents, notably perchlorethene (PCE), from past dry cleaning operations have impacted soil and groundwater. During the March Board meeting's public forum, the Board heard from five Marinwood residents who were concerned about cleanup progress. We provided a partial response at the March meeting and agreed to provide a fuller response in this report. Below is a summary of the comments and our responses.

*Health effects on Marinwood residents:* Residents expressed concern that site contamination could be causing health effects in their community, noting six cancer diagnoses in their neighborhood. We find no basis for this assertion. The Marinwood residential area is located southwest of Marinwood Plaza, where the dry cleaner releases occurred (Figure 3). Soil, soil vapor, and groundwater monitoring at the site shows soil contamination in two "hot spots" at the Plaza (both more than 250 feet from the residential area) and a plume of contaminated groundwater extending eastward from the Plaza (and away from the residential area). Our environmental screening levels (ESLs) are set at concentrations that prevent acute effects and unacceptable risk of cancer (less than a "one in a million" risk). The ESLs are not exceeded west of the Plaza; we therefore conclude that current residents are safe from this exposure pathway.

*Offsite investigation:* Residents were concerned that the investigation to determine the extent of the site's groundwater contamination plume east of Highway 101 was slow and incomplete and that the plume might be affecting drinking water wells at the nearby Silveira Ranch. We agree that the offsite investigation has been delayed and is not yet complete, but current information suggests that offsite impacts are limited. The December Executive Officer's Report noted that delays in the offsite investigation were due to an access dispute between the discharger and Silveira Ranch. We understand that this has been resolved. The December groundwater investigation found PCE at a concentration of 11 ug/L approximately 100 feet onto the Silveira Ranch property at one of the eastern-most sampling points (see Figure 43). For comparison, the drinking water standard for PCE is 5 ug/L, and the current onsite maximum for PCE is 47 ug/L. Since the investigation did not determine the eastward extent of the plume, additional investigation is needed. We required this in a February 27 letter and expect this work to be done by mid-June. Two drinking water wells at the Silveira Ranch are located over 400 feet from the 11 ug/L detection location, and recent sampling of those wells detected no PCE.

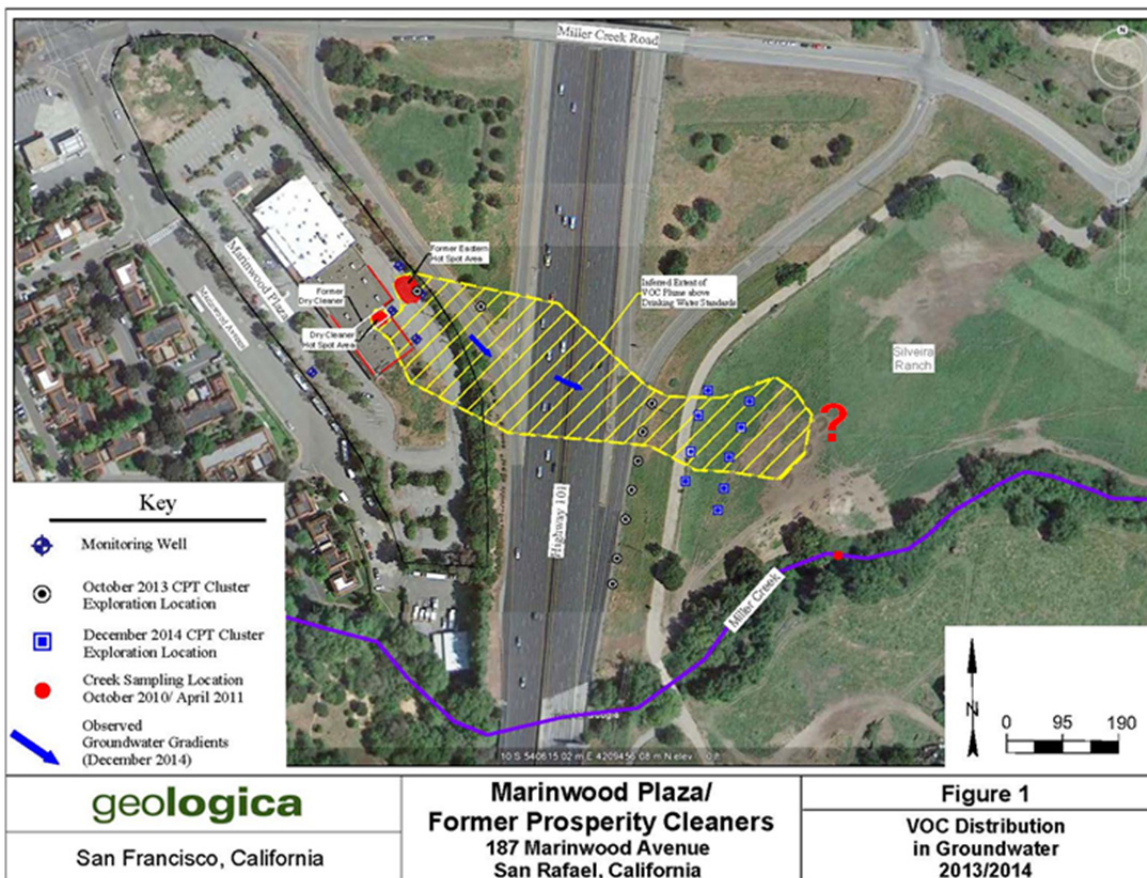


Figure 3. Map of dry cleaner releases site.

*Pace of site cleanup:* Residents stated that active cleanup of site contamination should be happening faster, particularly at the solvent “hot spot” under the dry cleaner building. The Board considered this issue when it adopted Site Cleanup Requirements (SCRs) for the site in 2013. The threat posed by the hot spot area under the building pertains to indoor air at the onsite liquor store. This exposure pathway is limited and being addressed via a vapor extraction system operated to protect store workers that may be in the building for long periods of time. The source of the groundwater contamination plume appears to have been the eastern hotspot outside and close to the freeway. Interim remediation at this location has reduced soil and soil gas contamination levels by 90%. Additional data regarding the groundwater plume is still being gathered, but lacking trend information, it is unclear whether the plume is spreading and whether the concentrations are increasing or decreasing in the area closest to a domestic well.

While the SCRs allow us to require more interim cleanup if necessary in the short term, we do not believe this is warranted as investigations are still ongoing. The discharger is required to submit a final cleanup plan within six months of Marin County’s approval of the proposed redevelopment of the site – but no later than January 1, 2016. This provision allows the discharger to dovetail the cleanup and the redevelopment (which is more economical and effective) while still providing a hard deadline in the event of delays. This redevelopment project includes a significant number of affordable residences, which has generated controversy and discussion about appropriate land uses and impacts to schools. As such, redevelopment *has* been delayed. Nonetheless, the discharger is still required to comply with

the requirement to submit a final cleanup plan by January 1, 2016.

In sum, the Board's 2013 SCRs continue to provide a useful framework for completing necessary work at this site and we do not recommend any changes at this time. We will continue to update the Board on significant new information about this site.

### **GeoTracker Compliance Project (Ben Martin, Cheryl Prowell)**

Earlier this year, we launched a joint project between the Board's Toxics Cleanup Division and the Enforcement Section to help improve compliance with GeoTracker reporting requirements. GeoTracker is the Water Boards' data management system for sites that impact, or threaten to impact, groundwater. These include sites in the Underground Storage Tank (UST) Program, the Site Cleanup Program, and the Department of Defense Program. GeoTracker provides most of the public records for these sites, including uploaded documents and groundwater data that are easily accessible to all interested parties.

State law has required electronic submittal of information to GeoTracker since 2005. Since the UST Cleanup Fund will not reimburse dischargers if GeoTracker uploads are not current, sites in the UST Program are generally compliant with electronic reporting requirements. However, there are no analogous safeguards for the Site Cleanup Program. Recent checking found that over 40 percent of the cases in the Site Cleanup Program are not compliant with GeoTracker reporting requirements. This limits our ability to fully utilize the reporting and prioritization features available within GeoTracker.

To remedy the problem, on March 18, we sent notices to 183 sites in the Site Cleanup Program that fell into one or more of the following categories:

- 1) A Responsible Party or its consultant had "not claimed" the site in GeoTracker, which is the first step in the electronic submittal of information process;
- 2) No documents were uploaded within the last 3 years; or
- 3) No analytical groundwater data was uploaded within the last 3 years.

The notices provide information about what is required to be uploaded to GeoTracker and resources for parties that need help in uploading. The notices also discuss the potential consequences of continued non-compliance. If a GeoTracker record is not brought into compliance by April 20, we plan to issue a notice of violation and investigative order to each of the responsible parties. Formal enforcement would follow if the responsible parties remained out of compliance. The goal of this effort is to increase awareness of GeoTracker requirements and the level of compliance so that we can more effectively use Geotracker as a management tool.

### **UTC Property Transfer and Deed Restrictions (Keith Roberson)**

Over 1,800 ridgeline acres on the western side of the former United Technologies Corporation (UTC) rocket motor testing/production facility southeast of San Jose have been donated to the Santa Clara County Open Space Authority. This large parcel formerly served as a buffer zone between UTC's industrial areas in the valleys east of the ridgeline and the more populated agricultural areas along the Highway 101 corridor to the west. The donated land was not impacted by chemicals from UTC's operations and is designated as habitat for the threatened



bay checkerspot butterfly. We will soon be amending UTC's 2012 site cleanup requirements to reflect the revised property boundary.

We are not aware of any final decisions regarding future uses of the remaining 3,300 acres of the UTC property. In January, UTC filed deed restrictions with Santa Clara County that place limitations on future land use activities for interior portions of the property where residual subsurface contamination requires ongoing risk management.

### **In-house Training**

Our March training was on effective presentations and briefings, led by two outside trainers. Our April training will be on the regulatory implications of severe drought, a timely topic. Brownbag seminars included a March 11 technical session on active and passive soil gas sampling at contaminated sites.

### **Presentation to South Korean Water Quality Delegation**

On February 27, Laurent Meillier, Carrie Austin, and Bill Johnson gave an overview to a South Korean delegation on the Water Board's role in protecting water quality. They met with 21 South Korean water quality experts that included public officials and technical professionals from the Gangwon Province, located east of Seoul. The delegates from Gangwon's water quality conservation division and its research institute were particularly interested in learning about our work. The discussion covered defining non-point and point source pollution sources, regulating stormwater discharges, protecting our urban water supply, and enhancing native anadromous fish habitat.

### **Staff Presentations**

In February, Board staff and the City of Richmond Parks Department co-sponsored a field training on how to install environmentally-sensitive "soil bioengineering" plantings to stabilize stream banks. Corie Hlavaty and Rebecca Nordenholt, the Board's Watershed Stewardship Program staff, organized the event at Baxter Creek in Richmond. Sixteen participants planted willow and dogwood posts, stakes, and fascines along the Baxter Creek channel. Participants included staff and volunteers from the San Mateo County Acterra Environmental Center, Marin Municipal Water District, Point Reyes National Seashore, and the Richmond-based Watershed Project and Green Collar Corps. The City of Richmond hopes to continue co-sponsoring these workshops with Board staff assistance.

On February 26, A.L. Riley conducted an afternoon workshop for the maintenance and facilities design division of PG&E, located in San Ramon. The division is headed by former Board senior engineer Gina Kathuria. The workshop provided training on how to avoid impacts to streams near PG&E facilities and how to design environmentally-sensitive slope and erosion control projects.

On March 9, I participated in the Santa Clara Valley Water District's Reverse Osmosis Concentrate Management Alternatives Workshop. This day-long workshop brought technical, regulatory, and resource agency stakeholders together to discuss how best to manage the high salinity concentrate produced during the purification of treated wastewater for reuse projects in Santa Clara County, including planned indirect and direct potable reuse projects. I spoke with

State Board Member Steve Moore on the opportunity this issue presents for regional cooperation among all stakeholders and the need for creative solutions that can promote watershed health while producing a more sustainable water supply. Steve and I also participated on a multi-agency panel that reviewed the opportunities and constraints associated with concentrate management alternatives where I encouraged the Water District to take the lead in developing a regional solution feasible both for the three wastewater treatment facilities that discharge into the South Bay and for the resource agencies managing watershed-wide projects such as the South Bay Salt Pond Restoration Project.

On March 10, Keith Lichten gave a lecture to UC Berkeley's graduate hydrology for planners seminar on the history of urban design for clean water, current urban runoff regulation, and next steps in protecting urban waters, including advances in low impact development and green infrastructure planning.

On March 11, A.L. Riley and Leslie Ferguson participated in the annual Salmonid Restoration Federation Conference, which included over 600 participants. Ms. Riley was a key note speaker for the opening day and spoke on the evolution and interactions of different schools and traditions of restoration project design, how conflicts have arisen between these traditions, and how many of the best designed projects integrate numerous different schools to inform design. She also conducted a day long workshop on urban stream restoration. Ms. Ferguson gave a presentation on the Napa River flood protection project that has involved relocating structures in flood prone areas, constructing two underground bypass channels, and cleaning up and restoring the floodplain.

Board staff participated on the steering committee that assisted the San Francisco Estuary Partnership in organizing the annual Bay Area Watershed Network meeting. The meeting was held on March 19 and, as usual, drew a wide range of participants. Keith Lichten, Chief of the Watershed Division, presented the latest on the Board's Municipal Regional Stormwater Permit, greening urban areas, and new development designs for stormwater management. Marianna Aue, a water rights attorney for the State Board, presented on the basics of water rights as they relate to instream flows and habitat needs. The meeting also featured the City of Oakland's innovative urban greening plans and projects.

### Penalty Enforcement Actions Proposed (Lila Tang)

The following tables show a newly issued complaint and proposed settlements for assessment of penalties. There are two other complaints issued in November 2014 for which Board staff and the dischargers are in settlement discussions. All complaints and proposed settlements are 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>New Complaints</b>			
These items are open for public comment.			
<b>Discharger</b>	<b>Violation</b>	<b>Penalty Proposed</b>	<b>Comment Deadline</b>
OG Property Owner LLC, Wilder Project, in Orinda	Unauthorized discharge of sediment laden storm runoff resulting from inadequate erosion control and detention basin.	\$753,000	April 16, 2015

<b>Proposed Settlements</b>			
The following are noticed for a 30-day public comment period. If no significant comments are received by the comment deadline, the Executive Officer will sign an order implementing the settlement.			
<b>Discharger</b>	<b>Violation</b>	<b>Penalty Proposed</b>	<b>Comment Deadline</b>
Sonoma Valley County Sanitation District, Wastewater Collection System, in Sonoma	Unauthorized sanitary sewer overflows.	\$732,300 <sup>1</sup>	April 16, 2015
Samsung America Headquarters (Device Solution) Project Samsung E&C America Inc., in San Jose	Failure to timely submit three discharge reports in 2013 and 2014.	\$60,000	April 13, 2015
North Marin Water District, Wild Horse Storage Tank, in Novato	Unauthorized discharge to Vineyard Creek of over 200,000 gallons of potable water.	\$38,100 <sup>2</sup>	April 9, 2015

1 Includes \$315,000 to stabilize Ash Creek to reduce sediment discharges to the creek and downstream tributaries, and \$50,000 to incentivize repair of defective sewer laterals at single family residences.

2 Includes \$14,000 to replace invasive plants with native vegetation along Vineyard Creek in conjunction with the Novato Unified School District.

The State 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](http://www.waterboards.ca.gov/board_info/eo_rpts.shtml)