

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

May 2008

The next regular scheduled Board meeting is May 14, 2008.

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

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Board Chair Muller Honored by U. S. EPA (Bruce Wolfe)

John Muller was honored April 14 as one of sixteen northern and central California winners of U. S. EPA Region 9's annual Environmental Awards. This is the tenth year Region 9 has honored organizations and individuals for their commitment and significant contributions to protect and preserve the environment in the Region. John was one of 29 selected from over 130 nominees received from businesses, agencies, the media, environmental organizations, and citizens from throughout the Region.

John's award focused on his implementation of sustainable erosion control, water conservation and integrated pest management practices on his 25-acre farm in Half Moon Bay. The award noted that his installation of drip irrigation and other water conservation practices has resulted in a 34 percent reduction in water use on his pumpkin farm. The award also recognized his constant promotion of sustainable urban agricultural practices and his service on the Board, the Half Moon Bay city council, and U. S. EPA's Local Government Advisory Committee. Congratulations, John!

Walker Creek Mercury TMDL Update (Jill Marshall)

In January 2007, the Board adopted a Basin Plan amendment establishing a TMDL and two new water quality objectives for mercury in Walker Creek. Subsequently, State Board staff, while reviewing the administrative record in preparation for an approval hearing by

the State Board later this year, identified three non-substantive, editorial corrections to the amendment that will improve clarity and consistency with other documents. I made the corrections shown below, and have sent the revised Basin Plan amendment to the State Board.

- I corrected “underline and strikeout” revisions to the January 2007 amendment, which, while applicable for revisions adopted by the Board at that time, are no longer accurate with the State Board’s approval of revisions on July 17, 2007 (for the San Francisco Bay Mercury TMDL Basin Plan Amendment).
- In the second correction, I clarified that the newly established water quality objectives in Table 3-4 are for methylmercury concentrations in fish tissue, rather than mercury. When referencing fish tissue methylmercury concentrations, the term “mercury” is commonly used in place of the more precise term “methylmercury”. These corrected water quality objectives are consistent with our TMDL analysis and implementation plan, and reflect the latest U.S. EPA and U.S. Fish and Wildlife Service guidance used in developing the water quality objectives. We have contacted all stakeholders involved in the TMDL development and they agree that this is a non-substantial change. Marin Municipal Water District (MMWD), one of only two commenters on the TMDL, requested that we also update our staff report to reflect the changes. We gladly complied with MMWD’s suggestion that the supporting staff report language should be as clear as the Basin Plan language. U.S. EPA, our only other commenter, also agrees that this a non-substantive change.
- The third correction was made in the “TMDL Targets” section of the amendment. I edited the language in the first bullet, moving the term “average wet weight” so that it follows directly behind the term “fish”.

State Board Wetland and Riparian Area Protection Policy (Ben Livsey)

On April 15, the State Board adopted a resolution directing the development of a statewide policy to protect wetland and riparian areas and the beneficial uses these areas provide (e.g., improving water quality, providing fish and wildlife habitat, storing floodwaters, etc.). The resolution directed State Board staff to develop the policy using a collaborative process. A policy development team, consisting of State and Regional Water Board staff, including our Board staff Dyan Whyte and Shin-Roei Lee, and San Francisco Estuary Project staff Ben Livsey, is being formed. The Development Team’s first tasks are to draft a charter outlining the project scope and schedule and report back to the State Board in July 2008. Our expectation is that the technical work being conducted by staff of the North Coast Regional Water Board and our Board to support development of Regional Stream and Wetland Systems Protection Policy Basin Plan amendments will inform the statewide policy. We are looking forward to participating in this collaborative process.

Non Point Source Projects to Receive Grant Funds (Susan Gladstone)

At its April 15, hearing, the State Water Board approved a statewide list of projects to be funded under the Non Point Source Grant Program, which is money the State annually receives from US EPA. Competing for \$6 million, there were ten proposals that scored well enough to be eligible for immediate funding; two of them are in our Region. The first is to the County of Napa, which will receive \$715,000 to implement channel restoration projects

and erosion control in the Rutherford reach of the Napa River. The second went to Marin Municipal Water District for \$534,000 to improve habitat and reduce sediment, nutrients and pathogens in the Lagunitas Creek watershed.

In order for an organization to be eligible for funding from this federal source, it must implement projects described in TMDL implementation plans or address TMDLs under development, and be able to demonstrate that the project will result in a significant reduction in pollutant loading. Both projects in our Region clearly will do that.

Other Grant News

There are three other active grant programs under way. Proposition 84 bond monies will fund two different programs to be administered by the Water Boards. One will provide \$32 million statewide to projects that eliminate waste discharges into Areas of Special Biological Significance (ASBS) along the coast, in accordance with requirements under the State's Ocean Plan. The concept proposals for this program are due to State Board on May 22, 2008. The most competitive proposals will be invited to submit a more detailed full proposal that will be due in September. ASBS's in our Region include James Fitzgerald Marine Reserve in San Mateo County, and Duxbury Reef and Point Reyes Headland Reserves in Marin County.

A second source of grant funds from Proposition 84 will provide up to \$82 million statewide to address storm water runoff. The guidelines for this program are currently being developed and the solicitation is expected in late 2008.

Lastly, on May 1, the State Board and Department of Water Resources (DWR) released a draft recommended funding list for Integrated Regional Water Management (IRWM) implementation grants under Proposition 50. This jointly administered program funds local agencies that have adopted Integrated Regional or Coastal Water Management Plans addressing both water quality and water supply. The State Board and DWR are accepting public comments on the draft funding list until May 15. Board staff were disappointed to learn that the proposal submitted by the Tomales Bay Watershed Council Foundation was not recommended for funding. We will continue to work with the partners under this Plan to explore other ways to fund the individual projects that were part of the IRWM proposal.

Water Board Requires Electronic Reporting of Spills (Robert Schlipf)

As we reported to the Board last month, we are in the process of improving our sewage spill reporting and tracking system to better meet the public's and the news media's continued interest on this topic. Earlier this month, we imposed new procedures and requirements for addressing spills from sanitary sewer collection systems and unauthorized discharges (e.g., spills and bypasses) from municipal wastewater treatment plants. This involves new procedures for notification, certification, and reporting. Notification refers to making the Board and other agencies aware that a spill has occurred, certification means documenting to the Board that the State Office of Emergency Services and the local health department have been notified, and reporting refers to a final report that has a comprehensive description of the spill.

We are requiring, starting June 1, 2008, that sanitary sewer collection systems and municipal wastewater treatment plants notify the Board and certify that they have also notified the State Office of Emergency Services and the local health department via the Board's online reporting system. The State Board's web-based reporting system will continue to accept spill reports from sanitary sewer collection systems; however, it is not currently configured to accept similar reports from municipal wastewater treatment plants. For this reason, we are also requiring that municipal wastewater treatment plants submit written reports via our Board's online reporting system. This will allow us to comprehensively assess the severity of spills in our Region.

To clarify the multiple levels of notification, certification, and reporting for spills from sanitary sewer collection systems and unauthorized discharges from municipal wastewater treatment plants, we will be holding a public workshop on May 16.

Enforcement Settlement for East Bay Cleanup Site (Cherie McCaulou)

Board staff's collaborative effort with the Alameda County District Attorney's Office has resulted in an April 4 settlement with SHH, L.L.C., for the latter's failure to submit technical reports for soil and groundwater pollution. Under the terms of the settlement, SHH is required to pay a total of \$30,000 up front, half to the State Board's Water Pollution Cleanup and Abatement Account and half to Alameda County, and submit a complete cleanup plan. SHH will be required to pay an additional \$10,000 if it violates the terms of the agreement (i.e., misses the payment schedule).

SHH's site has been impacted by volatile organic compounds (VOC) releases from a prior operator (Romic Chemical) and is part of a cluster of VOC-impacted sites in Newark. The site is subject to a Board-issued site cleanup order but is lagging behind the other sites in its investigation and cleanup work. We have issued several notices of violation for late or inadequate reports, and in 2005 we referred the matter to the Alameda County District Attorney for enforcement.

SHH has since submitted a revised cleanup plan that will allow us to move forward. Staff's next action will be to draft a tentative order (final Site Cleanup Requirements). The tentative order will require site cleanup and will set cleanup standards that are protective of human health and the environment.

JM Enterprizes, Pittsburg (Michelle Rembaum-Fox)

On April 8, Board inspectors and staff from other state agencies and the City of Pittsburg completed a joint inspection of JM Enterprizes, an automotive wrecking yard in Pittsburg. Board inspectors included Michelle Rembaum Fox, Matt Graul, David Elias, Cecil Felix, and Keith Lichten from the South Bay Watershed Management Division.

Board staff teamed up with our sister CalEPA agency, the Department of Toxic Substances Control (DTSC), and waded through rows of old junked automobiles, car

parts, trash and used tires to investigate and sample soil and water that appeared to be impacted by illegal storage and disposal of hazardous waste.

The wrecking yard is covered under the statewide NPDES Industrial Stormwater Permit, which requires the implementation of appropriate Best Management Practices (BMPs) to minimize the discharge of pollutants from industrial activity. At wrecking yards, such BMPs typically include placing the most polluting activities, such as car fluid drainage and car crushing, under cover; using appropriate secondary containment for waste fluid storage, car crushing, and fluid drainage; and properly storing vehicles to prevent and minimize the discharge of waste to land, including paving the vehicle storage area with concrete.

Board inspectors observed pools of oil and other automotive fluids, stained soils, and discharge of potentially hazardous substances to the ground and a storm drain.

Board staff noted numerous apparent permit violations including:

- The facility's storm water pollution prevention plan (SWPPP) was not on-site;
- Appropriate BMPs to avoid and minimize waste discharge were not implemented; and,
- Improper storage of waste fluids/materials.

Results from the Board's and DTSC's soil and water sampling are expected to be available by mid-May. Staff will use this information to complete appropriate follow-up actions on the case, likely focusing on clean-up and returning the facility to a clean operation. I may make a recommendation to refer the case to the Attorney General for a coordinated multi-agency enforcement response.



Engines, trash, and spilled waste fluids were stored on the ground outside the parts dismantling room at JM Enterprizes.

Surface Water Ambient Monitoring Program (Karen Taberski)

From 2000 to 2005, the Surface Water Ambient Monitoring Program (SWAMP) monitored water quality in watersheds based on a rotating watershed design. This year, SWAMP developed a new peer-reviewed monitoring design that we are starting to implement this month. We will be monitoring six reference sites, constituting "least disturbed" conditions, over a long-term period. Reference creeks are Redwood Creek (Marin), Richey Creek (Napa), Mitchell Creek (Contra Costa), Indian Creek (Alameda), Coyote Creek (Santa Clara) and Pescadero Creek (San Mateo). These creeks were chosen to reflect different ecoregions/vegetation, flow regimes, size and geography. We will be monitoring bioassessment (benthic macroinvertebrates and algae), physical habitat assessment (PHAB), basic water quality with continuous monitoring probes (temperature, DO, specific conductance, pH, turbidity), flow and nutrients.

We will also be monitoring a gradient on two urban creeks; Saratoga (Santa Clara) and Las Trampas (Contra Costa). We are monitoring Saratoga Creek because water quality, particularly bioassessment, has been very good despite being in an urban area. We are monitoring this creek, and will add Adobe Creek (Marin) next year, to determine "best attainable conditions" in an urban area. We will also evaluate which specific stressors most degrade water quality. We are monitoring Las Trampas to evaluate whether water quality will become degraded during the development of three subdivisions where BMPs will be used. The same parameters will be monitored as in the reference creeks.

Information gathered from this program will be used to: 1) provide context for monitoring in urban areas, 2) develop biocriteria, 3) evaluate relationships between nutrients and algae for the development of nutrient guidelines, and 4) track changes that may be due to climate change. The monitoring plan is available at http://www.waterboards.ca.gov/sanfranciscobay/water_quality.shtml. In the future we hope to set up a watershed monitoring coalition with the local stormwater programs so that all watershed data can be collected and evaluated in an integrated, coordinated and comprehensive manner.

Basin Plan Triennial Review Initiated (Naomi Feger)

Board staff has initiated the 2008 Triennial Review of water quality standards in its Water Quality Control Plan (Basin Plan), by notifying interested parties and the public about an upcoming public workshop on May 19, 2008, to solicit public input on the Triennial Review. The Board's triennial review will identify those issues that are considered a priority for addressing through basin planning projects. Board staff has identified a list of issues within the Basin Plan for consideration in the upcoming triennial review; the list is available on our web site at

http://www.waterboards.ca.gov/sanfranciscobay/public_notices/public_notice.shtml#basin

Interested parties are encouraged to provide input to assist planning staff in prioritizing Basin Plan amendment projects that will best address the water quality planning needs of our Region. We have established a comment period ending on May 30, 2008, for the public to submit their suggestions about priority Basin Planning projects.

Dry Cleaner Workshop (Roger Papler)

On April 11, the Water Boards and DTSC sponsored an internal workshop that focused on the process of discovering perchloroethene (PCE) releases from current and former dry cleaning facilities. The workshop was put on by the recently created dry cleaner workgroup – a group of staff and managers from the Water Boards and DTSC.

PCE is a highly toxic chlorinated solvent that has been the main cleaning agent used by dry cleaning facilities for the last several decades. A recently passed state law bans the use of PCE by dry cleaners by 2012. There are approximately 1,250 current and former drycleaners in Santa Clara County alone, and we suspect that a large percentage of them have had some sort of PCE release to soil and groundwater from their facilities. PCE is a highly mobile chemical that can move rapidly through groundwater, so it is important to identify these release sites and require investigation and cleanup.

The workshop allowed the agencies to share information about available tools for discovering dry cleaner releases to soil and groundwater. We have summarized the main points below:

- DTSC presented evidence of widespread PCE releases in California:
 - PCE is one of the four most commonly detected contaminants in water supply wells.
 - Los Angeles County has approximately 250 PCE-contaminated water supply wells – far more than most other counties.
 - PCE exceeds the safe drinking water level in 429 water supply wells in California (at least one well in 29 of our 58 counties).
- The Santa Clara Valley Water District presented the results of its dry cleaner study. The study identified all dry cleaner sites that have operated within the District's jurisdiction since the 1950s, and ranked the dry cleaners' potential threat to water quality based on factors including years of operation, solvent usage, location, and proximity to sensitive groundwater and municipal supply wells. This ranking can be used to prioritize further investigation of the sites.
- The Los Angeles Regional Water Board presented the results of its dry cleaner study, which was based on a questionnaire mailed to dry cleaners. Based on responses to the questionnaires, they inspected the sites, identified responsible parties, and required investigation workplans. To save funds, the dry cleaners elected to work together and use one consultant to prepare a master investigation workplan. The investigative results allowed the Los Angeles Board to focus on sites where PCE releases were documented.
- The North Coast Regional Water Board presented the results of its dry cleaner study that focused on the City of Santa Rosa. The North Coast Board used telephone directories and interviews with former dry cleaning operators to compile a list of current and former dry cleaners locations.

The dry cleaner workgroup will continue to meet to share information and discuss regulatory strategies. We will keep you updated on its progress.

Water Board Recruiting Efforts (Mary Rose Cassa)

April was a busy month for staff who have volunteered to represent the Board at university career fairs:

- April 9 at CSU Monterey: Lindsay Whalin and Gina Kathuria
- April 10 at Stanford University: Elizabeth Wells and Elizabeth Allen
- April 11 at San Francisco State University: Mary Rose Cassa and Mark Johnson
- April 22 at UC Santa Cruz: Brian Thompson and John West

Staff who represent the Board at these career fairs generally speak with dozens of science and engineering students, explaining the work we do and the process to obtain a State job, which is quite unlike the process in the private sector and for many public sector jobs as well. Most students do not even know the Water Boards exist as an agency.

Several dozen employers participate in the fairs, representing a wide range of technical and non-technical jobs in the private and public sectors. Resumes collected at job fairs such as these are forwarded to the State Board to assist in recruiting for full-time positions. Contact information collected from students desiring part-time jobs as student interns in our office is made available to staff who are hiring student assistants.

As part of a larger outreach effort for the Board, Mary Rose Cassa will be chairing an in-house recruitment committee. Gina Kathuria coordinated recruitment activities, including participation in more than 15 career fairs, since fall 2006. During the summer this year, Mary Rose will identify committee members, who will then develop a mission statement, identify objectives, and formulate a recruitment strategy that we can implement beginning in late August.

In-house Training

Our April training was on negotiation skills, using an outside trainer through the State Board's Training Academy. Our May training will comprise a field trip to several coastside locations in San Francisco and northern San Mateo counties to see the fruits of our regulatory efforts in sewage treatment, watershed management, and land disposal.

Staff Presentations

On April 23, a number of staff participated in the "Reining in the Rain" workshop held in the State Building's auditorium. Over 200 people attended the workshop, one of four held around the State the week of April 21 and sponsored by the Coastal Commission, the Water Boards, and other agencies and organizations. The goal of the workshops was to share concepts, approaches, successes, and challenges in implementing low-impact developments (LID) and other sustainable practices. Bruce Wolfe spoke about our

Region's ongoing efforts at implementing LID, what the State and Regional Water Board plan to enhance such implementation in the future, and the implementation challenges that need addressing. Susan Gladstone spoke about opportunities for implementing LID using grants and other State-sponsored funding in a session about local implementation of LID, moderated by Tom Mumley. Many Board staff also assisted in workshop organization and staffing.

Tom Mumley gave a presentation on Strategic Routing of Urban Runoff to Wastewater Systems on April 24 at the California Association of Sanitation Agencies' Spring Conference.

Bruce Wolfe testified at the May 6 State Board hearing in support of adoption of an updated State Board resolution on sustainability. The State Board originally adopted a resolution designating sustainability as one of the State and Regional Water Boards' "core values" in 2005. Since that time, the need to address climate change impacts, develop sustainable water supplies, and implement low-impact development schemes to protect water quality has grown, and the original resolution was updated to recognize these needs. Bruce emphasized the need to identify financial incentives in addressing these needs and to work with other agencies in overcoming regulatory hurdles that limit implementation of sustainable practices. The State Board did adopt the updated resolution.