

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

September 2008

The next regular scheduled Board meeting is September 10, 2008.

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

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Chair Muller Receives National Honor for Sustainable Agriculture (Bruce Wolfe)

Board Chair John Muller and his wife Eda were recently honored as winners of the U.S. EPA's Presidential Volunteer Service Award. U.S. EPA Administrator Stephen L. Johnson personally presented the award to the Mullers on August 22 for their leadership in sustainable, urban agriculture.

The Mullers are "hands-on," family farmers, with a 25-acre farm in Half Moon Bay. They grow pumpkins and other crops, emphasizing water conservation, sustainable erosion control and integrated pest management. The couple routinely opens their farm to individuals and groups interested in learning about environmentally-friendly farming.

John Muller was the first pumpkin farmer on the San Mateo Coast to install drip irrigation. Through that technology and his other conservation efforts, he has reduced the farm's water use by 34 percent. The award also recognizes that the Mullers' efforts have reduced pesticide use, soil erosion and sediment in the Monterey Bay National Marine Sanctuary, and improved sensitive habitat along the San Mateo Coast. Congratulations, John and Eda!

Notice of Intent to Sue the Maritime Administration (David Elias)

On August 27, with assistance from the State Water Board's Office of Enforcement and the Attorney General's office, we sent a 60-day Notice of Intent to Sue the U.S. Maritime Administration (Marad) for its continued waste discharges to Suisun Bay from the "Mothball Fleet", and its lack of substantive compliance with our outstanding orders and regulatory requirements. This action comes after approximately two years of unsuccessful attempts to work with Marad towards a cooperative, negotiated solution.

Here are some excerpts from the press release that accompanied the Notice:

“The Mothball Fleet currently consists of 57 highly deteriorated vessels awaiting proper disposal. The vessel hulls are contaminated with PCBs as well as zinc, copper, mercury, lead, hexavalent chromium, tributyltin, and other heavy metals... The vessels continuously shed these contaminants into the Bay...A 2007 federal report on 40 of the vessels states that approximately 19 tons of heavy metals have come off their hulls...The Regional Water Board's decision to initiate litigation comes after more than a year and a half of efforts to work with the federal agencies to address the ongoing discharges from the decaying Mothball Fleet...The Regional Water Board attempted to address the ongoing discharges of pollutants from the ships by requiring the Administration to submit a plan to address the peeling paint, but to date, the Administration has failed to submit a substantive plan—even after the issuance of a notice of violation...Due to this inaction, the Regional Water Board is notifying the federal agencies of its intent to sue. “

Marad, a federal agency, has not responded substantively to our outstanding orders and regulatory requirements. Suing Marad in federal court and obtaining a federal judicial order to comply with the federal Clean Water Act and the State Water Code appears to be our best chance of compelling Marad to resolve its pollution issues. We hope to obtain a firm timetable and enforceable standards for stopping the ongoing discharges from the Mothball Fleet, removing the ships from Suisan Bay in an environmentally sound manner and characterizing the legacy of contaminants that may remain in sediment due to the ships.

The 60-day Notice included information about our previous unsuccessful attempts to cooperatively resolve our issues with Marad, detailed technical information about pollution discharging from the ships, and color photographs of the decrepit state of the ships. Two of the photos are presented below:



Photo #3 – Example of major paint exfoliation of an outboard surface



Photo #4 – Example of major paint exfoliation of an inboard surface

Press coverage has been generally favorable. NRDC, Baykeeper and Arc Ecology, who have filed a citizen's suit against Marad concerning the same subjects that will be raised in our lawsuit, made statements supporting our announced intentions to pursue a judicial resolution of our problems with Marad. While Marad has expressed surprise over the possibility of a lawsuit, and claims it is cooperating with us in trying to reach solutions, as the detailed information in the Notice and the photographs above illustrate, Marad has taken little action.

As this process has moved forward, we have had the opportunity and the need to work closely with the State Lands Commission, DTSC, Cal EPA, the National Oceanographic and Atmospheric Administration, the Attorney General's office, the State Water Board's Office of Enforcement, and numerous legislative and congressional delegations. Although I would wish for a more expedient solution to the water quality threats, I could not be more pleased with the team work exhibited by all these parties.

Palo Alto Storm Drainage Fee Rebate Program (Shin-Roei Lee)

As part of the Storm Drainage Fee Increase ballot measure approved by a majority of Palo Alto property owners in April 2005, a special rebate program to fund innovative stormwater measures was created recently. The program is funded with revenue from monthly Storm Drainage Fees, at a rate of \$125,000 per year. The goal of this program is to help Palo Alto residents, businesses, and City departments implement measures that will reduce the amount of runoff that flows into the storm drain system or improve the quality of that runoff. Example measures include:

- Capturing rainwater in rain barrels or cisterns for use on landscaping and gardens
- Constructing or reconstructing driveways, patios, walkways, and parking lots with permeable paving materials, so that rainwater soaks into the ground
- Constructing a green (vegetated) roof to absorb and filter rainfall

To achieve this goal, starting August 1, 2008, Palo Alto's Storm Drain Utility is offering rebates to residents, businesses, and City departments for the qualifying measures listed above. Funding is on a first come, first served basis, or until funds are depleted. The

amount of rebate can be up to \$1,000 and \$10,000 for residential and commercial land uses, respectively. This innovative program especially creates financial incentives for retrofitting existing impervious surfaces. The cities of Menlo Park and Portland, Oregon have similar programs.

Enforcement - Pending Complaints (Brian Thompson)

The Assistant Executive Officers issued three complaints during the month of August with notices for hearing at the October 8, 2008, Board meeting. Copies of the complaints are on our web site: http://www.waterboards.ca.gov/sanfranciscobay/pending_en.shtml.

- An Administrative Civil Liabilities complaint with a proposed fine of \$1,600,000 was issued to the Sewerage Agency of Southern Marin in Mill Valley (Marin County) for two sewage discharges in January that violated the California Water Code and a National Pollutant Discharge Elimination System permit.
- A Mandatory Minimum Penalty complaint with a proposed fine of \$48,000 and an Administrative Civil Liabilities complaint with a proposed fine of \$25,000 were issued to the owners of Pete's Shop in San Jose for violating its Site Cleanup Requirements and a Cleanup and Abatement Order (CAO), respectively.

Lawrence Livermore Cleanup Budget Restored (Agnes Farres)

The U.S. Congress recently restored the Department of Energy's 2008 budget for the Lawrence Livermore National Laboratory (LLNL), which was cut by 50% last year. However, without additional congressional action, 2009 budget cuts of 30 to 50% are in store.

While operating under a reduced budget this year, over 60% of LLNL's workforce was let go. Furthermore, some cleanup facilities that treat LLNL's contaminated groundwater and soil vapor were shut down or allowed to fail as there was no budget for maintenance. Staff previously reported on this topic in the June 2008 Executive Officer's Report, available on our website:

http://www.waterboards.ca.gov/sanfranciscobay/eo_report.shtml

The good news is that staff can now be rehired and cleanup facilities repaired and restarted. The goal is to have most facilities running again by March 2009, a little more than a year since their shut down. The bad news is that it will take considerable time to rehire trained experts to repair and operate the cleanup facilities. Furthermore, LLNL anticipates it will take two to three years to get the cleanup program back to where it was before the budget cut, and this cycle could happen all over again with budget cuts in 2009.

As a result, restarting the cleanup program will be slow and deliberate. Because it's an election year, LLNL expects little congressional action to fully restore the 2009 budget and is preparing to operate and maintain only the highest priority cleanup facilities. U.S. EPA and Water Board staff will continue to work with the lab to prioritize cleanup facilities and minimize contaminant migration.

Fate of Hangar 1, Moffett Field Naval Air Station (Elizabeth Wells)

Board staff Elizabeth Wells and Alec Naugle attended a public meeting on August 26 regarding the fate of Hangar 1, located at the former Moffett Field Naval Air Station. The purpose of the Navy-organized meeting was to hear public testimony regarding the Navy's evaluation of cleanup options for the Hangar.

Hangar 1 was constructed in 1932 to house the airship (dirigible) U.S.S. Macon, which was part of the Navy's Lighter-than-Air program. The Hangar subsequently was used by both the Army and the Navy for aircraft maintenance, training facilities, and office space. In 1994, Moffett Field was transferred to NASA under the Base Realignment and Closure (BRAC) program and NASA assumed property management responsibility for Hangar 1.



Dirigible inside Hangar 1



Hangar 1 exterior, doors closed

Under the BRAC program, the Navy is responsible for cleaning up soil and groundwater pollution resulting from its operations at the property. Hangar 1 has been identified as a pollution source because its steel siding and structural frame coatings contain toxic compounds, including polychlorinated biphenols (PCBs), lead, and asbestos, which were used to improve insulation and weather/UV resistance. Based on these findings, Hangar 1 was closed to public use in May 2003.

To address risks to human health and the environment permanently, the Navy evaluated 13 possible alternatives, including 1) enclosing the entire hangar inside another structure (deemed technically infeasible); 2) coating the existing siding with acrylic or a rubberized material (~\$49M); 3) stripping or removing the siding materials but leaving the steel frame (~\$26M); and 4) complete hangar demolition (~\$26M). Based on the evaluation, the Navy currently recommends removing the siding materials and leaving the steel frame. Under this alternative, the siding materials would be disposed of off site and the structural frame would be coated to encapsulate the PCBs and lead that have penetrated into the frame.

Although the recommended alternative is a revision to the Navy's initial 2006 recommendation for complete demolition, it was clear from the meeting that the public does not accept it. In addition to cleanup, the public wants the hangar preserved and restored based on its eligibility as a national historic place and its perceived value as a tribute to armed services personnel. The public repeatedly expressed concern regarding leaving a free-standing frame, calling it a "skeleton," "bird cage," "jungle gym," and "carcass," which would be tantamount to complete demolition. Many expressed the desire

to see the Navy re-side the hangar with fabric or other material for future use as an aeronautical museum or similar public use.

Approximately 300 people attended the meeting, including Navy and U.S. EPA representatives and the "Save Hangar One" organization (www.savehangarone.org). The meeting was covered by KCBS radio and KTVU Channel 2 News - the KTVU video clip can be seen at <http://www.ktvu.com/video/17308351/index.html>.

Brownfields Funding Workshop (Randy Lee)

On August 14, U.S. EPA and Cal/EPA agencies sponsored a Brownfields funding workshop held in our Oakland state building. Board staff participated in organizing the workshop. Every year, representatives from the U.S. EPA, DTSC, and the State Water Board hold these workshops at four different locations around the State to inform interested parties, primarily local agencies and non-profit organizations, of the availability of various Brownfields grants. The workshop focused on how to competitively apply for State and federal grants that assist with site assessment and cleanup, moving projects toward the desired redevelopment outcome. The workshop was intended to make the grant funding process as transparent as possible. Workshop attendants also benefited from a discussion of how each application would be scored. There were about 50 attendants, and the workshop was well received. This is the second year this workshop was held in Oakland. Brownfield sites in our Region have been quite successful in obtaining Brownfield grants, in part because of workshops like these.

Staff Presentations

On August 8, Christine Boschen and Chuck Headlee hosted seventeen 8th and 9th grade students for a two-hour presentation about the Water Board and what we do. The students are participating in the SF Rocks program (Reaching Out to Communities and Kids with Science in San Francisco), a program that aims to connect urban youth with earth, environmental, and atmospheric sciences through hands on investigations with San Francisco State University Geoscience faculty. This program gives students from poorer high schools in San Francisco a chance to strengthen their science skills with the goal that the students will go to college and major in the natural sciences. Christine and Chuck held a low-key poster session about the scope of the Water Board's responsibilities and activities and then answered questions for over an hour about how we use science in our jobs. We explained how, as regulators, we have to not only know the scientific aspects of what we do but we are also concerned with the long-term societal benefits of our work. The questions the students asked indicated that they had learned a lot about the Water Board and were genuinely interested in how our work affects their daily lives. This is the second year we have done this presentation with SF Rocks, and the leaders of the programs have told us the students consider their visit here one of the highlights of their summer program.

On August 25, Leslie Ferguson gave a presentation to the San Geronimo community and Marin County for their San Geronimo Creek Salmon Enhancement Plan public meeting. Her topic was "What do Steelhead and Coho really need to survive and thrive". It was a

1/2 hour presentation that focused on informing community members and local government on the steelhead and coho life cycles and their habitat and water quality needs. The overarching purpose was to provide them information to make appropriate planning decisions for development in the Stream Conservation area (within 100 ft) of San Geronimo Creek and its tributaries. Currently there is a one year moratorium on development in this area, while the potential impacts of development in this area are studied and guidelines developed.