

California Regional Water Quality Control Board
San Francisco Bay Region

Tentative Resolution No. R2-2009-XXXX

Request For State Water Pollution Cleanup and Abatement Account Funds
to Clean Up, Restore and Enhance Aramburu Island
Richardson Bay, Marin County

Whereas, the Richardson Bay Audubon Sanctuary has proposed to clean up and abate past and ongoing discharges of sediments and debris from an approximately 17-acre island site in Richardson Bay;

Whereas, the improper discharge of excavation waste, construction debris, and dredge spoils in the late 1950s and early 1960s created the 17-acre Aramburu Island. The unforeseen water pollution problems from this discharge are that the island currently offers marginal to poor quality habitat that continues to degrade over time, while the need for high quality habitat and refuge areas for wildlife in the Richardson Bay area has grown tremendously over the last three decades. Sediment and other discharges from the island continue to degrade water quality in Richardson Bay, where they adversely impact fish, aquatic mammals, eelgrass beds, and estuarine habitat;

Whereas, the Richardson Bay Audubon Sanctuary has developed the Aramburu Island Clean Up, Restoration and Enhancement Project (Project), a plan to clean up, restore and enhance Aramburu Island in order to clean up and abate the effects of the ongoing discharges while providing multiple benefits to water quality and aquatic habitats in Richardson Bay;

Whereas, the unique position of Aramburu Island within Richardson Bay, and its topographic and substrate variability, offers a rare opportunity to clean up and restore a variety of habitats that will have great biological value while maintaining resiliency to rising sea levels;

Whereas, the Project will contribute to the regional baylands restoration efforts presented in the Baylands Ecosystem Habitat Goals Report, which specifically recommended restoration and management actions for “Strawberry Spit” (of which Aramburu Island was formerly a part) and Richardson Bay. These restoration and management actions have been incorporated into the Project’s conceptual design;

Whereas, on August 11, 2008, the Regional Water Board’s Assistant Executive Officer issued Administrative Civil Liability Complaint No. R8-2008-0070 to the Sewerage Agency of Southern Marin (SASM) for unauthorized discharges into Richardson Bay, proposing a penalty of \$1,600,000;

Whereas, on February 13, 2009, the Regional Water Board’s Prosecution Team and SASM signed a settlement agreement for Complaint No. R8-2008-0070 in which SASM

agreed to pay \$800,000 to the State Water Pollution Cleanup and Abatement Account and, in addition, implement two Supplemental Environmental Projects: Phase I of the Project costing \$200,000, and a private sewer lateral replacement program costing \$600,000. As part of the settlement agreement, the Regional Water Board's Prosecution Team agreed to propose a resolution requesting State Water Pollution Cleanup and Abatement Funds to implement Phase II of the Project;

Whereas, the Richardson Bay Audubon Sanctuary has secured, and continues to pursue, additional funding to implement Phase II of the Project; and

Whereas, the Regional Water Board does not have adequate resources budgeted to undertake this project.

Therefore, be it resolved that the Regional Water Board requests that the State Water Resources Control Board consider this request and supporting documentation and authorize the release of up to \$965,000 from the State Water Pollution Cleanup and Abatement Account to fund Phase II of the Aramburu Island Clean Up, Restoration and Enhancement Project.

I, Bruce H. Wolfe, Executive Officer, do hereby certify that the foregoing is a full, true and correct copy of a Resolution adopted by the California Regional Water Quality Control Board, San Francisco Bay Region, on April 8, 2009.

Bruce H. Wolfe
Executive Officer