

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

June 2009

*The next regular scheduled Board meeting is June 10, 2009.
See <http://www.waterboards.ca.gov/sanfranciscobay/> for latest details and agenda*

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2009 U.S. EPA Brownfield Grant Awards (Randy Lee)

On May 8, the U.S. Environmental Protection Agency (USEPA) announced the availability of about \$112 million in Brownfield grants to local communities across the country. This amount includes about \$3 million for Brownfield sites in our region.

Each year, USEPA makes funds available to help communities clean up sites known as Brownfields. Brownfields are sites where redevelopment or reuse may be complicated by the presence of surface or subsurface contamination. A revitalized Brownfield site reduces threats to human health and the environment, creates jobs, promotes community involvement, and attracts investment in local neighborhoods.

For 2009, USEPA awarded about \$112 million in Brownfield grants, to be shared by communities in 46 states, four tribes, and two U.S. Territories. This year's grant is more than usual, as it is bolstered by \$37 million in federal stimulus funds from the American Recovery and Reinvestment Act of 2009. In all, 252 applicants were selected to receive 389 grants. The funds will be awarded to eligible entities (public agencies and non-profit organizations) through job training, assessment, revolving loan fund, and cleanup grants.

California as a whole received about \$10 million in Brownfield grant awards, of which \$3 million is for communities in our region. These will assist in soil and groundwater site cleanup in: Emeryville (\$1.4 million), Oakland (\$0.8 million), Petaluma (\$0.4 million), and San Pablo (\$0.4 million). Board staff has in past years assisted local communities competing for these grants by issuing letters of support. We will continue this effort, particularly during the current economic downturn.

Enforcement – Complaints (Brian Thompson)

In the past month, the Assistant Executive Officers issued two administrative civil liability (ACL) complaints with notices for public hearings at upcoming Board meetings:

An ACL complaint with a proposed fine of \$982,350 was issued to OG Property Owner, LLC, for stormwater and construction-related discharges at its Wilder Project in Orinda (Contra Costa County).

An ACL complaint with a proposed fine of \$199,350 was issued to the California Water Service Company in San Mateo (San Mateo County) for an unauthorized discharge of potable, chloraminated water into Polhemus Creek that resulted in a fish kill.

Copies of these complaints can be found on our web site:

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

Napa River Sediment TMDL (Mike Napolitano)

Board staff are recirculating the Napa River Sediment TMDL and Habitat Enhancement Plan for another round of public comment. We plan to bring the Basin Plan amendment that would incorporate this TMDL and plan back to the Board for adoption in September.

The Board adopted a Basin Plan amendment incorporating a TMDL for sediment in the Napa River watershed in January 2007. However, when the State Board sent the Basin Plan amendment out for comment as part of its approval process last spring, it received stakeholder comments on our CEQA analysis that I determined merited revisions and additional public review. In fact, the draft Basin Plan amendment and staff report released on May 19 are being circulated for comment for the second time since then.

In addition to changes to the CEQA analysis, substantive changes to the Basin Plan amendment adopted in January 2007 are:

- a) Addition of a performance standard that requires vineyard owners/operators to control increases in stormwater runoff
- b) Extension of compliance deadlines for pollution control permits by two years, to account for the delay in final approval of the TMDL and the impact of the freeze in State spending on bond-funded projects

In June, Board staff will be meeting with several stakeholder groups in the watershed to provide an update on the TMDL and answer questions.

Staff are also developing draft waivers of Waste Discharge Requirements for vineyards and grazing activities in both the Napa River and Sonoma Creek watersheds, and expect to bring these before the Board next year. The requirements of these waivers will apply to operations in the Napa River and Sonoma Creek watersheds and address many issues in our sediment TMDLs for both watersheds.

Environmental Justice Tour and Workshop (Mark Johnson)

On May 8 and 9, Mark Johnson of Board staff participated in an Oakland environmental justice event staged by our sister agency, the Department of Toxics Substances Control. Environmental justice is defined by California statute as "the fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of all environmental laws, regulations, and policies." The Department sponsored a bus tour of about 25 selected East Oakland sites on May 8, and hosted a workshop the next day. The bus tour and workshop included staff from various local, State and federal agencies, local residents, business owners, and community groups.

The Board oversees a site cleanup at one of the properties visited on the bus tour, the former IMO/Delaval site. This former 60-acre engine manufacturing site has been cleaned up and put back into productive use. The site now includes a large Federal Express sorting facility, USPS/US Customs facility, the Just Desserts Company, and other commercial uses. The Board also oversees the Statewide industrial stormwater permit coverage for several businesses that were visited during the bus tour.

Community members raised various issues about the sites visited, including air quality, water quality, and trash accumulation. The Department will host a followup meeting in September to discuss agency progress on the issues identified during the bus tour. The Department asked the participating agencies to respond at that time. Board staff are following up on three sites with respect to stormwater runoff issues.

Sonoma County Water Agency (Abigail Smith)

On May 7, Sonoma County Water Agency (SCWA) staff presented an overview of SCWA's Stream Maintenance Plan (SMP) to Board staff. Sonoma County is regulated by both the North Coast and San Francisco Bay Water Boards. SCWA is currently applying to the North Coast Board for a permit to cover its maintenance activities related to flood control. SCWA will also be applying to our Board for a general permit for the same activities this fall and plans to rely on the SMP in carrying out its maintenance activities. The only other flood control district that has developed an SMP in this region to guide its stream maintenance is the Santa Clara Valley Water District. SCWA consulted with the District and reviewed many of its documents during the development of SCWA's SMP.

SCWA's SMP works to minimize environmental impacts from SCWA's sediment and vegetation removal activities, and its bank stabilization projects. For example, SCWA is focusing on identifying specific sediment disposal sites where sediment consistently settles out in a stream and removing sediment from those targeted sites instead of conducting sediment removal throughout an entire reach of a stream. SCWA has also prepared a vegetation management plan that details how it will assess the need to specifically remove vegetation versus just thinning or pruning it. The vegetation plan also includes SCWA's new approach to reducing the need for future sediment removal and restoring native habitat by planting native riparian trees that encourage a canopy to shade out in-stream vegetation, such as cattails that trap and cause sediment to accumulate in the channel. SCWA also plans to plant native in-stream vegetation that will not reduce the hydraulic

capacity of the stream channel as part of the SMP. Staff expects to bring SCWA's general permit before the Board later this year.

In-house Training

Our May training comprised a field trip to coastal San Mateo that included a discussion by Chair Muller on sustainable agriculture and the challenges of continuing agriculture in an increasingly urbanized region. We have no training planned for June.

Staff Presentations

On May 16, I gave a presentation at the Community Workshop for the San Jose/Santa Clara Water Pollution Control Plant Master Plan (Plant Master Plan), emphasizing the opportunity and the responsibility the public has to provide input on the Plant Master Plan. The Plant Master Plan is the subject of Item 8 on the Board's June agenda.

On May 19, Heather Ottaway made a presentation at a training event organized by the Bay Area Pollution Prevention Group to provide local agencies with information and tools to assist them in conducting one-time or ongoing pharmaceutical collection programs. Her talk focused on encouraging wastewater agencies to implement pollution prevention efforts, such as pharmaceutical collection programs, to control these contaminants before they reach wastewater treatment plants.

On May 27, Beth Christian gave a presentation on the status of beneficial reuse of dredged material at the Dredged Material Management Office (DMMO) Annual Meeting held at the Port of San Francisco. Her presentation emphasized that a significant volume of dredged material has been diverted from in-Bay disposal to upland beneficial reuse projects in the last few years as intended under the Long-Term Management Strategy for the Placement of Dredged Material in San Francisco Bay Region. However, while this diversion includes three million cubic yards (mcy) to the Montezuma Wetland Restoration Project and three mcy to the Hamilton Wetland Restoration Project, soaring costs and the logistical challenges of getting material from the dredge sites to the restoration sites is jeopardizing the completion of these projects. The future of dredged material beneficial reuse, especially for large tidal marsh habitat restoration projects like Montezuma and Hamilton, depends on finding a workable solution to the cost/logistics challenge of getting large volumes of dredged material into the right locations and at the right elevations to create desired types of habitat.

On May 30, I spoke as part of a regulatory panel at a public workshop hosted in Petaluma by Assemblyman Huffman. The workshop addressed the Dutra Haystack Landing Asphalt and Recycling Facility proposed adjacent to the Petaluma River immediately south of Petaluma. While the Board has yet to receive any application for the proposed facility, I described the Board's jurisdiction, noting that the Board would need to consider the facility's potential impacts to the River and adjacent wetlands, as well as its potential for stormwater runoff pollution during facility construction and operation. There is significant public concern over the proposed facility's location and its potential air quality impacts.