

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

May 2009

The next regular scheduled Board meeting is May 13, 2009.

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

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Status of Bond-funded Grants (Susan Gladstone)

On April 22, the Governor's office issued a press release announcing that thousands of state-funded projects on hold since December would be restarted, thanks to the sale of \$6.8 billion in State bonds. This announcement set a flurry of phone calls and emails in motion among our local bond-funded grantees and Board staff who had been notified on December 17 that all grant work must stop due to the dire situation of the State budget. Although it does appear that the grantees will eventually be paid for work completed prior to the December cutoff date, a timeframe for restarting their projects is still uncertain.

The uncertainty at the State and Regional Boards for payment of back invoices and restarting projects is due to the numerous organizations and types of projects statewide that have been affected and that are in the queue. Some grantees with grants from other agencies are already getting paid. According to an update from State Board Division of Financial Assistance (DFA) staff on April 30, the first water quality projects to be reimbursed will likely be those in the Small Community Wastewater Grants and Integrated Regional Water Management Programs. Another State bond sale is expected soon, which should provide additional cash flow down to the level of our water quality grants. DFA anticipates paying back invoices prior to notifying grantees on hold to restart their projects. Apparently, the multiple accounting steps of moving the dollars from the bond sales to the issuance of warrants from State Controller's Office could take several weeks.

As of May 1, DFA staff are awaiting a budget letter to trigger the payment process. Even when grantees are given the go-ahead to restart their projects, the Board's grant managers will be encouraged to work with grantees on quick and efficient completion of their projects. The tenuous situation with having enough bond funds available to allow

every grant project to get completed, and the lack of staff resources at the Regions to manage the grants, forces us to minimize our role in the projects. Staff will likely need to focus on grant projects that have water quality implications for our office's highest priorities, such as TMDLs.

As I noted in my March Report to you on the federal stimulus funds for water quality projects, the American Recovery & Reinvestment Act of 2009 (ARRA) has made funds available to support some of the frozen bond-funded grants. The dollars that will be available to our grant projects will be funded to the State Board via USEPA. Although I previously reported to you of twelve grants in our Region that were invited to apply for ARRA funds, that number has been reduced to nine on-the-ground implementation or construction projects. Earlier this month, USEPA notified us that monitoring and research projects could not be funded under ARRA. The nine ARRA grantees must agree to comply with ARRA requirements and must be ready to start their projects by May 17. The challenge for the grantees is that ARRA requirements have not yet been published. Due to the uncertainty of the ARRA details and bond restart process, some grantees are simultaneously processing their paperwork for both programs.

I will keep you updated as new information becomes available.

ARRA list as of 4/30/09:

Suisun Creek watershed program
Olema Creek sediment reduction project
Napa River sediment reduction and habitat enhancement plan
Improving water quality in coastal San Mateo watersheds
Taking action for clean water Bay Area TMDL implementation
Conserving our watersheds ranch water quality improvement project
Napa River Rutherford reach restoration
Tomales Bay wetlands restoration and monitoring program
Pier 45 Drainage Improvement/Herring Water Discharge

Report on Contaminants in Fish from Lakes in California (Karen Taberski)

The State Board has just released a report, "Contaminants in Fish from California Lakes and Reservoirs", that presents initial results from an extensive statewide survey conducted by the Surface Water Ambient Monitoring Program (SWAMP). A press release, fact sheet and FAQs were part of the release package. The monitoring indicates that concentrations of mercury in indicator species are above human health thresholds across much of the State. PCBs were second to mercury in exceeding thresholds, although far fewer lakes reached concentrations that pose potential health risks. Concentrations of other pollutants were generally low and infrequently exceeded thresholds.

The report presents findings from the first year of a two-year study. This Lakes Survey marks the beginning of a new program that will track sport fish contamination in California's lakes, rivers, streams, and coastal waters.

The Lakes Survey sampled more than 200 of the most popular fishing lakes in the state and also conducted a random sampling of 50 of California's other 9,000 lakes to provide a statistical statewide assessment. This survey is a preliminary screening of contamination in sport fish from these lakes. The species selected for sampling are known to accumulate high concentrations and to be good indicators of contamination problems. This study is not providing consumption advice - this would require more detailed monitoring (with a broader array of species and larger numbers of fish analyzed) and a much higher level of funding.

The report presents results from monitoring in 2007. In 2007, the study team collected over 6,000 fish from 150 lakes and reservoirs. The team sampled another 130 lakes in 2008. Results from this second round of sampling will be available in 2010. Fish tissue concentrations were evaluated using thresholds developed by the California Office of Environmental Health Hazard Assessment (OEHHA) for methylmercury, PCBs, dieldrin, DDTs, chlordanes, and selenium.

Lakes were considered "clean" if all average pollutant concentrations in all species were below all OEHHA thresholds. Only 15% of the lakes sampled in 2007 were in the clean category. In general, high elevation lakes, where trout were caught, had the lowest levels of contaminants in this statewide study. Low elevation lakes in Northern California had the highest mercury concentrations, while low elevation lakes in Southern California had the highest PCB concentrations. In this Region, fish caught from Upper San Leandro, Anderson, Soulejoule, Lower Crystal Springs, Stevens Creek, Lake Chabot (San Leandro) and San Pablo reservoirs and Oiger Quarry Ponds had the highest mercury concentrations. Lake Chabot (San Leandro) was one of six lakes with the highest PCB concentrations in fish from the first year of this study.

This data will be assessed in the next 303(d) listing cycle. Additional sampling may be conducted by our Region's SWAMP to gather enough data for fish consumption advisories at lakes that were high in contaminants but do not currently have advisories in place.

TMDL Implementation in Tomales Bay and Guadalupe Creek (Susan Gladstone)

In April, two watersheds got a boost from the federal Non-Point Source Grant Program (commonly called 319(h) grants) to implement TMDLs over the next three years.

In Marin County, staff received good news from Nancy Scolari, Executive Director of the Marin County Resource Conservation District (RCD) announcing awards from three funding sources to address compliance with the Tomales Bay Grazing Waiver you adopted last July. The funds, totaling \$860,000, were awarded from the following: a 2008-09 319(h) grant for \$800,000; a Water Board TMDL contract in the amount of \$30,000; and, from Western United Dairyman/CA Department of Food and Agriculture, \$30,000. The funds will be used to: assist 60% of landowners with grazing waiver submittals and other requirements; develop ranch water quality plan templates and model ranch plans that are replicable across the state; hold a series of workshops for ranch plan development; and, visit ranch sites and provide technical assistance in identifying priority restoration sites. This work will be conducted primarily by the UC Cooperative Extension. Funds will also be

used to follow up on ranch plans with project proposals, rank projects, develop restoration design plans, permitting, seek contractors, and construct projects. This construction-related work will be conducted by the RCD, Prunuske Chatham Inc., Students and Teachers Restoring a Watershed, and various contractors and ranchers.

The Tomales Bay Grazing Waiver addresses the pathogen TMDL, the mercury TMDL for Walker Creek watershed, and anticipated sediment and nutrient TMDLs for Tomales Bay.

In the South Bay, ABAG received a 2008-09 319(h) grant in the amount of \$315,000 to work with the Mid-Peninsula Open Space District for remediation of mercury-contaminated sediments and restoration in the Hicks Flat Area of Guadalupe Creek. This effort will help implement the TMDL for mercury in the Guadalupe River watershed.

Electronic Information at Leaking Fuel Tank Sites (Chuck Headlee)

Board staff recently ramped up efforts to check discharger compliance with the State's requirement for electronic submittal of information from cleanup sites, particularly leaking underground fuel tank sites.

Since 2001 State regulations have required dischargers to submit site information electronically, via uploads to the GeoTracker website. These regulations were developed in response to a 2000 State law (AB 2886), which required electronic reporting of analytical data. The State law was intended to make site data more readily available to the public and regulators. The regulations took effect on September 1, 2001. The regulations initially applied only to analytical data at leaking underground fuel tank sites but were expanded in 2005 to apply to all data and reports at all cleanup sites.

One of the new performance measures in the Underground Storage Tank program is how well we have managed to bring dischargers into compliance with this requirement. As of July 2008 60% of our cases were compliant. Since then, we have reviewed the list of non-compliant parties and developed a compliance strategy. Non-compliant sites fall into two main categories: (i) sites that are truly non-compliant and (ii) sites that are ready for closure (where non-compliance is less of an issue). For category (i) sites, we have sent out non-compliance letters and given them until the end of May to "claim" their sites in GeoTracker and upload data and reports pertaining to their sites. For category (ii) sites, we are working diligently to issue case-closure letters by June (the end of this fiscal year). To date we have increased our compliance rate to 75%. We expect that by the end of the 2009-2010 fiscal year, we will be as close to 100% compliance as is possible (new cases are automatically out of compliance until they perform their first data upload). We intend to expand this effort to non-fuel cleanup sites in future, building on the lessons learned with the leaking fuel tank sites.

Enforcement - Complaints, Settlements, and Penalties (Brian Thompson)

In the past month the Assistant Executive Officers issued three administrative civil liability (ACL) complaints with notices for public hearings at upcoming Board meetings. The ACLs propose a fine of \$8,900 to ConGlobal Industries, Inc., in Alameda and fines of \$16,800 to

ATA Truck Marts in Oakland and to Miller Dismantler in Oakland for not submitting annual reports in accordance with the general permit for industrial storm water discharges. Copies of these complaints can be found on our web site:
http://www.waterboards.ca.gov/sanfranciscobay/pending_en.shtml.

Two dischargers have agreed to conditional offers to settle mandatory minimum penalty violations through the Water Board's Expedited Payment Program. Morton International in Newark will pay \$12,000 and Browning-Ferris Industries in Half Moon Bay will pay \$24,000 if no significant comments are received within the 30-day comment period. More information about these offers can be found on our web site:
http://www.waterboards.ca.gov/sanfranciscobay/pending_en.shtml.

I have publicly noticed a Tentative Order setting Administrative Civil Liability (ACL) for a case in which the Board's prosecution team and the Rodeo Sanitary District have agreed to a \$51,000 settlement that includes a supplemental environmental project. I intend to issue the ACL Order if no significant comments are received within the 30-day comment period. A copy of the Tentative Order can be found on our web site:
(http://www.waterboards.ca.gov/sanfranciscobay/pending_en.shtml),

Report on Mercury Loads to San Francisco Bay (Robert Schlipf)

For the year 2008, municipal and industrial wastewater dischargers documented compliance with the mass loading limits prescribed by this Board's mercury watershed permit. This permit was adopted on November 1, 2007, for municipal and industrial wastewater sources to implement the Total Maximum Daily Load (TMDL) for mercury. As show in Table 1 below, mercury loadings were well below the limits prescribed by the watershed permit.

Table 1: Municipal and Industrial Mercury Loads to San Francisco Bay

Type of Discharge	Annual Effluent Limit (kg/yr)	2008 Discharge (kg/yr)
Municipal	17	4.5
Industrial	1.3	0.51

Municipal dischargers, in a group report, provided a number of reasons as to why mercury loads from their respective facilities were well below the allocation allowed by the watershed permit. They indicated that successful dental amalgam programs, increased sewer cleaning, improved sampling techniques, and/or increased water recycling may have contributed to a reduction in mercury loads. Additionally, municipal dischargers indicated that the low mercury loadings experienced in 2008 may have been because it was a drought year, and none of the facilities experienced slug loads of mercury as they have in past years.

Industrial dischargers did not submit a group report (i.e., Board staff calculated the mass discharged from all industrial wastewater treatment plants). Similar to municipal wastewater treatment plants, industrial facilities did not experience any slug loadings in

2008. As both municipal and industrial facilities reported much lower mercury loadings, it seems likely that conditions applicable to both (i.e., drought conditions and lack of effluent variability from slug loadings) may in large part explain the low mercury loadings reported in 2008.

Fairview Avenue Pathway Improvement Project (Selina Louie)

Board staff inspected Alameda County's Fairview Avenue Pathway Improvement Project (Project) in Hayward beginning in early February after complaints of poor erosion and sediment controls. Because the Project had essentially no erosion controls, sediment laden water left this construction site and entered storm drains leading to Sulphur Creek, and mud was deposited on the streets, sidewalks and adjacent private property. Board staff immediately required the County, the Project owner, to implement and maintain effective erosion and sediment controls and promptly clean-up the discharged sediment. Between February 5, and March 5, 2009, the Hayward area received approximately 7 inches of rain. For almost a month, Alameda County failed to implement effective and appropriate controls to keep sediment from eroding from this Project and flowing with stormwater runoff into the creek, streets and private property, despite urgent requests by staff. Board staff conducted follow-up inspections on the Project and determined that it is currently still not in compliance. Watershed Division staff has issued a Notice of Violation and referred the Project to our Enforcement Section for further action.

In-house Training

Our April training was on groundwater/surface water interactions. Our May training will comprise a field trip to John Muller-land, coastal San Mateo.

Staff Presentations

On April 13, Dyan Whyte gave an undergraduate lecture at UC Berkeley's Water Planet class. Her talk focused on Bay Area water quality issues and emerging contaminants. She will be giving a similar lecture on May 6 to a UC Berkeley public policy class.

On April 28, Stephen Hill spoke at a San Francisco Port Commission meeting on the topic of site cleanup at the PG&E Potrero site in southeastern San Francisco. The Port Commission had requested a briefing on this topic. Mr. Hill's presentation followed a site overview by Port staff and a description of site history, site investigation, and planned cleanup work by PG&E representatives. He described the Board's site cleanup process in general and with respect to the Potrero site. We issued a mid-April directive letter to PG&E, requiring a report on initial sediment sampling results, plans for additional sediment sampling, and a workplan for interim remedial action. PG&E offered a tentative schedule for further work, including sediment cleanup. Port Commissioners were pleased to learn that the pace of site investigation/cleanup has quickened.

On April 3, I made a presentation on the Region's current regulatory challenges to the North Bay Watershed Association, which is comprised of many agencies we regulate in

the North Bay counties. I emphasized the need to address the causes of sewage spills, optimize water conservation and recycling, and continue progress on pollution prevention efforts. I provided the latest information on grants from the State Revolving Fund and expressed the need for all agencies to apply to retrofit and upgrade their infrastructure from the Fund.