

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION**

TENTATIVE RESOLUTION No. R2-2009-XXX

**Requesting Funds from the State Water Pollution Cleanup and Abatement Account
to Cleanup and Abate Contaminated Sediment in San Leandro Bay**

Whereas, San Leandro Bay in Alameda County, a subembayment of Lower San Francisco Bay, supports human consumption, aquatic life, wildlife, and recreational beneficial uses, and provides valuable habitat for endangered species;

Whereas, contamination of sediment in San Leandro Bay is a significant water pollution problem that adversely impacts or poses a threat to aquatic life, wildlife, and human health;

Whereas, San Leandro Bay is on California's 303(d) list of impaired water bodies due to excessive levels of lead, mercury, pesticides, polycyclic aromatic hydrocarbons, and zinc in its sediment, and it is part of Lower San Francisco Bay, which is on California's 303(d) list of impaired water bodies due to excessive levels of chlordane, DDT, dieldrin, dioxins, furans, mercury, and polychlorinated biphenyls in fish;

Whereas, San Leandro Bay is on California's list of Toxic Hot Spots, subject to the Bay Protection and Toxic Cleanup Program, due to excessive levels of DDT, lead, mercury, pesticides, polychlorinated biphenyls, polycyclic aromatic hydrocarbons selenium, and zinc in its sediment;

Whereas, the San Leandro Bay drainage area is a highly urbanized watershed that includes industrially-dominated catchments;

Whereas, contaminants of concern in San Leandro Bay are associated with legacy spills, releases, and discharges, and are ubiquitous in urban runoff discharges;

Whereas, Sediment Quality Objectives adopted by the State Water Resources Control Board (State Water Board) are tools to assess sediment hot spots and set priorities for cleanup and abatement actions, and San Leandro Bay provides a good test case to implement the direct effects (toxicity) Sediment Quality Objectives that have been adopted and evaluate the indirect effects (bioaccumulation) under development;

Whereas, successful implementation of the San Francisco Bay mercury and PCBs Total Maximum Daily Loads and attainment of mercury and PCBs water quality standards throughout San Francisco Bay will depend on resolving legacy contamination in San Leandro Bay and other designated hot spots in San Francisco Bay;

Whereas, successful cleanup and abatement of San Leandro Bay contamination will require consideration of sea level rise and changes in rainfall and runoff patterns associated with future climate changes;

Whereas, cleanup and abatement of San Leandro Bay contamination can serve as a model for the remediation and enhancement of other contaminated portions of enclosed bays and estuaries throughout California;

Whereas, staff of the San Francisco Bay Regional Water Quality Control Board (Regional Water Board) have prepared a San Leandro Bay Contaminated Sediment Cleanup and Abatement Project Plan (Project Plan) to accomplish cleanup and abatement of contamination in San Leandro Bay; and

Whereas, the Regional Water Board does not have adequate resources budgeted to undertake the work described in the Project Plan.

Therefore, be it resolved that the Regional Water Board requests that the State Water Board consider this request and supporting documentation and authorize the release of up to \$3,000,000 from the State Water Pollution Cleanup and Abatement Account to fund the San Leandro Bay Contaminated Sediment Cleanup and Abatement Project.

Therefore, be it further resolved that the Regional Water Board may take enforcement action or other appropriate action against the party or parties responsible for contamination of San Leandro Bay, once identified, to direct abatement of discharges, cleanup of contamination, and/or recovery of incurred costs, including State Water Pollution Cleanup and Abatement Account costs.

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 November 18, 2009.

Bruce H. Wolfe
Executive Officer