

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

**November 2009**

*The next regular scheduled Board meeting is November 18, 2009.*

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

Items in this Report (Author[s])

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<b>Dubai Star Oil Spill</b> (David Elias and Laurent Meillier) .....	Page 1
<b>San Francisco Bay PCBs TMDL – State Board approval</b> (Naomi Feger) .....	Page 3
<b>Sonoma Creek Watershed Sediment TMDL</b> (Tina Low) .....	Page 3
<b>Enforcement – Complaints and Settlements</b> (Brian Thompson) .....	Page 4
<b>Superfund Site Five-Year Reviews</b> (Max Shahbazian and Roger Papler) .....	Page 5
<b>Increased Bankruptcy-Related Activity</b> (Stephen Hill) .....	Page 6
<b>Trans Bay Cable (TBC) Project</b> (Wil Bruhns).....	Page 6
<b>In-house Training</b> .....	Page 7
<b>Staff Presentations</b> .....	Page 7

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**Dubai Star Oil Spill** (David Elias and Laurent Meillier)

As has been reported extensively in the media, on October 30, a mechanical failure during a fueling operation resulted in the discharge of between 400 and 800 gallons of bunker-C fuel oil to the Bay. Despite the significant oil recovery efforts and optimal weather conditions, over five miles of Alameda County Bay shoreline was impacted by the release, with the greatest impacts occurring at Crown Memorial Beach in the City of Alameda. As of November 4, only about a mile of shoreline remained that had not received initial treatment to cleanup the oil. About 15 birds died from injuries associated with the spill, while no marine mammal casualties have been identified.

This spill response benefited greatly from the lessons learned during the 2007 Cosco Busan bunker-C oil spill. Since the type of oil the Dubai Star released was the same, the approach to designing response techniques, cleanup endpoints, and beach reopening guidance was refined and reused for this response.

One of the challenges facing the spill responders is the decontamination of spill cleanup response equipment without creating additional pollution, as the work must take place over water. In addition, oil skimming vessels, the booms used to contain floating oil, and recreational boats that were inadvertently oiled must be decontaminated. Staff played a significant role in the oversight of these activities due to their experience regulating boat repair yards and dry docks, preparing boat decontamination guidance documents for the Cosco Busan spill, and working on paint abatement solutions for the Suisun Bay mothball fleet near Benicia. Their involvement specifically helped to maximize the use of dry cleanup methods and the capture of any cleaning liquids, which in turn has helped minimize polluted discharges associated with the response.

Unified Command, the management team directing the emergency response, is usually composed of State Fish and Game, the U.S. Coast Guard and a responsible party representative. After the Cosco Busan response, local government requested that the Unified Command for future spills include an additional local government representative. This is a fairly unique approach without much precedence. For this spill, Oakland Fire has joined the Unified Command and has participated in all management decisions. Water Board staff reported to the Environmental Unit that reports directly to Unified Command.

As part of the Board staff reorganization in 2007, we created an enforcement/spill response section to ensure that we have fully trained and available staff for these types of events. Building on experience and relationships created during the Cosco Busan spill, staff have been attending spill response planning meetings and participating in spill response drills for the past few years. As the response effort for this spill winds down, staff will continue to participate in the Environmental Unit to provide input regarding the cleanup efforts, beach re-openings, and the additional monitoring that will be required to ensure that any Bay shore re-oiling is identified and cleaned up. Once this work is complete, staff will determine what further enforcement is appropriate for this spill.



Dubai Star refueling



Dubai Star oil sheen

### **San Francisco Bay PCBs TMDL – State Board approval (Naomi Feger)**

On October 19, the State Board unanimously approved the San Francisco Bay PCBs TMDL Basin Plan amendment. This Basin Plan amendment was adopted by our Board on February 13, 2008. The State Board will subsequently send the Basin Plan amendment to the Office of Administrative Law and U.S. EPA for their approvals. At the time of adoption, the State Board directed its staff, in conjunction with our staff, to provide them with an update on the TMDL in five years. As part of our adaptive implementation strategy, we will be reporting our progress to you on an annual basis.

In addition, the State Board directed us to consider the concepts of tiered beneficial uses and tiered objectives during revisions of the TMDL. The focus of this direction was to address comments from stakeholders on issues regarding the appropriateness of the numeric targets, specifically for subsistence fishers. The TMDL's numeric fish tissue target focuses on recreational fishers and their consumption of Bay-caught fish based on the most recent seafood consumption information available. We will be taking a look at the concepts put forward by State Board as we move forward with implementation.

### **Sonoma Creek Watershed Sediment TMDL (Tina Low)**

Last December, the Board adopted a Basin Plan amendment establishing a TMDL for sediment in the Sonoma Creek watershed, and an implementation plan to achieve the TMDL and related habitat enhancement goals. State Board staff, while reviewing the administrative record in preparation for an approval hearing, found that minor editorial changes were necessary to improve clarity. Specifically, State Board staff requested clarification on the averaging period to be used in evaluating attainment of the sediment TMDL. The Basin Plan amendment adopted by the Board stated that the averaging period would be five to ten years. To clarify the range in the averaging period, I revised the Basin Plan amendment to specify that it is the Board's intent to evaluate the TMDL over a ten-

year period of representative climate conditions, and that the ten-year averaging period may be reduced to (no less than) five years due to the need to exclude data from years of extreme climate, or lack of data. I have made these minor changes and sent the revised Basin Plan amendment to State Board staff.

**Enforcement – Complaints and Settlements (Brian Thompson)**

In the past month, the Assistant Executive Officers issued two administrative civil liability (ACL) complaints and notices of public hearings. Copies of the complaints can be found on our web site:

[http://www.waterboards.ca.gov/sanfranciscobay/public\\_notices/pending\\_enforcement.shtml](http://www.waterboards.ca.gov/sanfranciscobay/public_notices/pending_enforcement.shtml)

- An ACL with a proposed fine of \$2,300,000 was issued to the City of Pacifica for a 6.9 million gallon unauthorized discharge of partially treated wastewater, sanitary sewer overflows, and exceeding limits of its discharge permit.
- An ACL with a proposed fine of \$25,646 was issued to Art Cleaners in Santa Clara for failure to submit technical reports required as part of an investigation of contaminated soil and groundwater.

I have publicly noticed two tentative orders for cases in which the Board's Prosecution Team reached settlement with the discharger. I intend to sign the agreements and issue ACL orders if no significant comments are received within the 30-day comment period.

Copies of the tentative orders can be found on our web site:

[http://www.waterboards.ca.gov/sanfranciscobay/public\\_notices/pending\\_enforcement.shtml](http://www.waterboards.ca.gov/sanfranciscobay/public_notices/pending_enforcement.shtml)

- Sausalito-Marín City Sanitation District in Sausalito (Marin County) has agreed to pay a fine of \$139,000 to the State's Cleanup and Abatement Account and, in lieu of the remaining penalty of \$119,000, complete a Supplemental Environmental Project that will assist the Marine Mammal Center with a seal rehabilitation project. This penalty addresses unauthorized wastewater discharges and sanitary sewer overflows.
- Caltrans (District 4, Santa Clara County) has accepted a Memorandum of Understanding and agreed to pay a fine of \$150,000 to the State's Cleanup and Abatement Account. This penalty addresses untreated sewage and sediment discharges to the Guadalupe River.

I issued one ACL order in the past month which directs Coast Crane Company in San Leandro to pay a fine of \$88,700 to the State's Cleanup and Abatement Account. I issued the order after a settlement agreement was reached with the Board's Prosecution Team and a 30-day public comment period did not generate any opposition to issuing the order. This penalty addresses industrial stormwater violations.

The San Francisco Public Utilities Commission did not contest an ACL Complaint and agreed to pay the proposed liability of \$115,000 to the State's Cleanup and Abatement Account, and the East Bay Regional Parks District did not contest a revised ACL Complaint and agreed to pay the proposed liability of \$3,900 to the Waste Discharge Permit Fund, so no ACL orders are needed for these cases.

Fifty-four dischargers have agreed to conditional offers to settle violations for submitting late annual reports on their industrial stormwater discharges. Circulation of the payment agreements for a 30-day public comment period did not generate opposition to accepting the offers. Each discharger will make a payment of \$1,000 to the State's Cleanup and Abatement Account.

**Superfund Site Five-Year Reviews (Max Shahbazian and Roger Papler)**

In September, staff completed 5-year reviews for six federal Superfund sites in Santa Clara County overseen by the Board. We determined that the cleanup actions continue to be protective of human health and the environment for three of the sites (TRW, AMD 901, and Fairchild) and that the protectiveness of the cleanup actions needs to be further evaluated for potential vapor intrusion concerns at three of the sites (AMD 915, AMD Arques, and Teledyne/Spectra-Physics). Vapor intrusion is the migration of volatile chemicals from the subsurface into buildings. Cleanup of the original source has been completed at all the sites. Ongoing cleanup focuses on groundwater and vapor intrusion concerns. The cleanup status of each site is briefly summarized below.

*TRW Microwave, 825 Stewart Drive, Sunnyvale* - TRW used trichloroethene (TCE) in its operation and stored it in an underground storage tank that leaked. Groundwater extraction and treatment operated from 1985 to 2001 when it was suspended because groundwater concentrations reached asymptotic levels. TRW started enhanced bioremediation in 2001. This involves injecting an organic substrate such as cheese whey in the groundwater to enhance the natural breakdown of the contaminants. The substrate acts as a food source for natural microbes that live in the subsurface. These microbes break down the contaminants into harmless byproducts.

*Advanced Micro Devices (AMD), 901-902 Thompson Place, Sunnyvale* - AMD used TCE in its operation and discharged it through an acid neutralization system that leaked. Groundwater extraction and treatment operated from 1983 to 2002 when it was suspended because groundwater concentrations reached asymptotic levels. AMD started enhanced bioremediation in 2002.

*Fairchild Semiconductor, 101 Bernal Road, San Jose* - Fairchild used 1,1,1-trichloroethane in its operation and stored it in an underground storage tank that leaked. Groundwater extraction and treatment operated from 1982 to 1998 when it was suspended because groundwater concentrations reached asymptotic levels. In 1986, Fairchild constructed an onsite slurry cut-off wall to contain onsite contamination. Since 1998, monitored natural attenuation has been very slowly reducing groundwater concentrations at the site.

*Advanced Micro Devices, 915 DeGuigne Drive, Sunnyvale* - AMD used TCE in its operation and stored it in underground storage tanks that leaked. Groundwater extraction and treatment began in 1982 and still operates today. AMD did not implement enhanced bioremediation at this site because there are upgradient sources migrating on to its property. A basement sump will be evaluated for vapor intrusion concerns.

*Advanced Micro Devices, 1165 East Arques Avenue, Sunnyvale* - AMD used solvents in its operation and stored them in an underground storage tank that leaked. Groundwater extraction and treatment began in 1986 and still operates today. National Semiconductor took over responsibility for AMD's groundwater extraction in 2002 because AMD's groundwater plume lies within National's plume. An onsite building will be evaluated for vapor intrusion concerns.

A second release occurred at this site in 2005 when the subsequent property owner's demolition contractor damaged a transformer, spilling approximately 250 gallons of tetrachloroethene (PCE) to the ground, which subsequently migrated into underlying soils and groundwater. The property owner cleaned up the spill using soil excavation, soil and groundwater extraction and treatment, and enhanced bioremediation.

*Teledyne/Spectraphysics, 1300 Terra Bella Avenue, Mountain View* - Teledyne and Spectra-Physics used TCE in their operations and discharged it through an acid neutralization system and sump that leaked. Groundwater extraction and treatment began in 1986 and still operates today. The companies started enhanced bioremediation in 2005. An offsite area will be evaluated for vapor intrusion concerns.

### **Increased Bankruptcy-Related Activity (Stephen Hill)**

Over the last year, Board staff has worked with the Attorney General's Office to file several bankruptcy claims to protect the Board's interests. These have included: Chemtura, which is a responsible party at the E/M Lubricants site in Mountain View, Lennar Mare Island, LLP, which is a responsible party at the Mare Island site, and Collins Mbanugo, who is a responsible party for the Leona Mine site in Oakland and who has received a \$200,000 ACL for non-compliance with the Board's 13267 directive. This increased level of activity can be linked to a spike in business bankruptcy filings associated with the economic downturn.

Our process for handling bankruptcy notifications is straightforward. The State Board's Office of Chief Counsel provides us with a list of bankruptcy notifications. We compare the bankruptcy notifications with our cleanup site list (on GeoTracker) and check with all Board divisions as appropriate. If there are any matches, we look to see what cleanup work remains to be done at the affected sites. If there is significant work remaining, then we consider asking the Attorney General's Office to file a claim in bankruptcy court on our behalf.

### **Trans Bay Cable (TBC) Project (Wil Bruhns)**

Installation of the submarine power cable between Pittsburg and San Francisco for the TBC project is underway and is expected to take a total of 5 to 6 weeks. This project is designed to bring power from the Pittsburg Power Plant to San Francisco. The submarine portion of the HVDC (high voltage direct current) transmission cable is 84 km (53 miles) long. Cable laying started on October 11 just west of the Benicia Bridge using two vessels. The "Giulio Verne" cable vessel has laid cable from the starting point to San Francisco. The barge "Manson 73" has completed laying cable from the starting point to the shoreline

crossing at Pittsburg, including the cable feed into shoreline crossing conduits. The Manson barge "Hagar" is performing post-lay burial activities.

As of November 6 the Giulio Verne has progressed to near the north side of the Bay Bridge, a distance of 50 km. The cable landing at 23rd St, San Francisco, is expected to occur on November 11. The Manson 73 completed laying operations offshore of Pittsburg, a distance of 24 km. The Manson 73 is now performing post-lay burial activities along the Carquinez section of the cable route. The Hagar is laying mattresses and performing post-lay burial activities just north of the Bay Bridge. A total of 78 km, or 93.6% of the total submarine cable length, has been placed.

Board staff from the Watershed Division approved the submarine cable laying portions of this project in 2007, through a water quality certification. The project has been working with staff from the Toxics Cleanup Division regarding bringing the cable ashore in San Francisco and with DTSC regarding the Pittsburg landing for the cable.

### **In-house Training**

Our October training was on stream protection, including the pending Board policy on this topic. Our November training will be on computer topics, including the Adobe Acrobat and "paperless office" software we use. Brownbag seminars included an October 29 session on a new method for measuring the in-situ flow rates in wells under pumping and non-pumping regimes ("Tracer Pulse Ambient Flow Meter" from BESST, Inc.); such flow measurements are essential in understanding a well's potential for cross-contaminating different aquifers.

### **Staff Presentations**

On October 9, Keith Lichten and Ann Riley were among the speakers at the San Francisco Estuary Partnership's Green Streets tour, which took attendees to sites in El Cerrito, Berkeley, and Albany that were examples of green streets construction, innovative stormwater controls, and urban creek restoration projects. Mr. Lichten spoke on international examples of innovative storm water controls, and Ms. Riley led the tour of upper Baxter Creek. Board member Jim McGrath joined the tour and spoke on issues including the Water Board's role in fostering sustainable development.

On October 7, I spoke about the importance of controlling litter and trash at the Contra Costa Cleanup Water Program's kickoff of its "Litter Travels - But It Can Stop With You" campaign to reduce litter and trash discharges to our waterways. The campaign includes billboards, transit bus "wrappings", public service announcements on TV and radio, and use of other media over the coming months.

On October 12, I gave an overview of the Board's operation and priorities to the Peninsula Roundtable at Board member Bill Peacock's request.