

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

December 2010

*The next regular scheduled Board meeting is January 12, 2011.
See <http://www.waterboards.ca.gov/sanfranciscobay/> for latest details and agenda*

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Toxicity in California Waters (Karen Taberski)

In November, the State and Regional Water Board's Surface Water Ambient Monitoring Program (SWAMP) released a report entitled "Summary of Toxicity in California Waters: 2001-2009" that documents levels of toxicity observed in surface waters throughout the State. Of the 992 sites evaluated, 473 (48%) had at least one toxic water or sediment sample. Of these toxic sites, 129 (13% of total) were classified as highly toxic. Not surprisingly, surrounding land uses appear to strongly influence water quality. Samples taken in agricultural and urban areas had significantly higher levels of toxicity than those from less developed areas. In addition, sediment toxicity was observed in many bays and harbors. This is consistent with the moderate sediment toxicity we've observed at many San Francisco Bay sites since 1991.

What is the cause of this toxicity? Toxicity identification evaluation studies indicate that, with the exception of ammonia, pesticides, primarily organophosphates and pyrethroids, were the cause of the majority of the toxicity. As part of the implementation of the Urban Creeks Pesticide TMDL, we have been an active stakeholder in the State Department of Pesticide Regulation's (DPR) pyrethroid reevaluation process and are looking to DPR to propose actions in 2011 that should reduce the pyrethroid toxicity we are seeing in our urban creeks.

Potrero Power Plant Finally Shuts Down (Derek Whitworth)

San Francisco's Potrero Power Plant (Plant) ceased operations on November 23. The Plant, owned by Mirant Potrero, LLC, has been the subject of considerable controversy over the years. The City and County of San Francisco and many citizens have objected to the Plant's use of Bay water for once-through cooling. The Water Board adopted the Plant's current NPDES permit in 2006 after a contentious hearing. That permit expired in 2008 but remains in effect pending permit reissuance and implementation of the State Board's once-through cooling policy. Because of Mirant's stated intent to cease operations and close the Plant, we have not moved to reissue the permit.

Mirant now intends to fully close the Plant once the California Independent System Operator releases it from its "Reliability Must Run" agreement. This release is dependent on reliable sources of replacement power being put into service. Such sources now include a new transmission line to San Francisco from the Peninsula and a new cable under the Bay that links a PG&E switchyard in Pittsburg with San Francisco. When the cable began commercial operation in November, Mirant was able to cease Plant operations. Mirant has now filed papers with the Federal Energy Regulatory Commission to rescind its Reliability Must Run status by early 2011. Once this action takes place, Mirant will ask the Water Board to rescind the NPDES permit for the Plant.

Mothball Ships Headed for Mare Island (Derek Whitworth, Elizabeth Christian)

In November, the U.S. Maritime Administration awarded Allied Defense Recycling (ADR) contracts to dismantle and recycle two Suisun Bay mothball fleet ships at the former Mare Island Naval Shipyard's dry docks in Vallejo. The dry docks have not been used since the early-90s. In July 2008, the Water Board adopted an NPDES permit for ADR's operation of the dry docks. Since then, ADR has obtained all other regulatory approvals. Dredging is now underway in front of the dry docks to allow ship access. The first ship is expected to enter the dry docks by February 2011, with the second ship to follow in March. Operation of these dry docks finally provides a local option to dismantle many of the remaining 44 mothball fleet ships, as compared to towing them through the Panama Canal to dismantling facilities along the Gulf and Atlantic Coasts.

Mayhew Center On Track For Cleanup (Ralph Lambert)

We expect to see tangible cleanup progress at the solvent-impacted Mayhew Center site as a result of a recent court decision involving Mayhew Center and a neighboring property owner. The Mayhew Center site is located near the intersection of Vincent Road and Mayhew Way in Pleasant Hill. The site was identified as the tetrachloroethene (also known as perchloroethene or PCE) source to groundwater during investigation of the nearby and down-gradient Hookston Station site. So far, a lot of time and money has been spent on legal actions over who is liable for addressing the PCE release and little on investigation or cleanup of the release.

In a federal trial between Mayhew Center and Walnut Creek Manor, the court held that Mayhew Center was 100% liable for the PCE release. In October the parties filed a stipulation (or agreement) and proposed an injunction with the court. The court approved the injunction, which provides, in part, that Mayhew Center pay \$400,000 to Walnut Creek Manor and put \$1,150,000 into an escrow account to clean up PCE contamination beneath Walnut Creek Manor's property.

The injunction specifies that work plans and cleanup must be done with Water Board oversight and approval. Mayhew Center recently submitted a draft work plan to investigate the extent of PCE in soil, groundwater, soil gas, and indoor air that we are now reviewing. We are hopeful that the court ruling and injunction will now move cleanup along.

Treasure Island Naval Station Cleanup (Ross Steenson)

On November 17, I signed a record of decision (ROD) for a contaminated area known as "Site 28" at the former Treasure Island Naval Station. Site 28 is located on the western side of Yerba Buena Island (see figure below) and is a steep, densely vegetated area. In 1993, a soil investigation was conducted and a few areas under and near road support structures were found to be contaminated with lead and other metals, likely the result of vehicle emissions and bridge and road ramp decay.

Between 1993 and 1995, the affected areas were covered with shotcrete to contain and isolate any residual soil contaminants. The majority of the site, including the shoreline, was deemed clean. The future use of Site 28 will be restricted by its inclusion in the Tidelands Trust, which is overseen by the State Lands Commission. This trust will ensure that Site 28 is limited to uses that attract people to the waterfront, promote public recreation, protect habitat, and preserve open space.



Figure 1 – Yerba Buena Island Location Map with Site 28 in red.

The ROD paves the way for eventual transfer of former Navy properties to the City of San Francisco, promoting redevelopment in a manner that protects human health and water quality. Site 28 is scheduled for transfer to the City of San Francisco in 2011 along with twelve other parcels on Treasure and Yerba Buena islands that have been cleaned up. This is now the seventh ROD finalizing cleanup for areas at five different former US Navy facilities in our region that I've signed in 2010.

Enforcement: Complaints and Settlements (Brian Thompson)

Shell Oil Products US and Equilon Enterprises, LLC, agreed to a conditional offer to settle Mandatory Minimum Penalty violations at the Shell Martinez Refinery through the Board's Expedited Payment Program. A payment of \$9,000 will be made to the Cleanup and Abatement Account if the payment agreement, circulated on November 15 for a 30-day public comment period, does not generate opposition to accepting the offer. A copy of the settlement offer can be found on our website:

http://www.waterboards.ca.gov/sanfranciscobay/public_notices/pending_enforcement.shtml

The following seven dischargers agreed to conditional offers to settle violations for submitting late annual reports for their industrial stormwater discharges: Alviso Rock, Inc., Baxter Healthcare, Kunde Estate Winery, Olson Steel, PWP Manufacturing, LLC, the San Lorenzo Unified School District, and Silicon Microstructures, Inc. These dischargers will each pay \$1,000 to the Cleanup and Abatement Account if the payment agreements, circulated on November 30 for a 30-day public comment period, do not generate opposition to accepting the offers. Copies of the settlement offers can be found on our website:

http://www.waterboards.ca.gov/sanfranciscobay/public_notices/pending_enforcement.shtml

In-house Trainings

Our November training was on writing skills. Our December training will be an 8-hour health and safety refresher for staff whose work takes them to hazardous waste sites.

Staff Presentations

On November 6, Dyan Whyte was the invited speaker at the Annual Association for Women Geoscientists Bay Area Chapter meeting. Her talk was entitled "The Evolution of Water Quality Regulation Over the Last Three Decades" and focused on the recognition of ecosystem function and value as part of water quality protection.

On November 8, I participated in the San Francisco Bay Joint Venture's tour of wetland restoration sites in Marin and Sonoma counties with elected officials, foundation representatives, and other members of the Joint Venture's Management Board. Management Board members emphasized to the officials and representatives that significant progress has been made in such restoration but many logistical and financial challenges remain that need their ongoing assistance and support to resolve.

On November 11, Board attorney Dorothy Dickey spoke to Santa Clara University Law School's Land Use Class about the State's role in regulating development in wetlands. The class also included a lively role play exercise about a development in wetlands in a Bay Area community.

On November 30, Dyan Whyte gave a presentation to the North Bay Watershed Association entitled "Protecting Aquatic Ecosystem Function and Value ". Her talk included an overview of the SWAMP monitoring efforts described in *The Pulse of the Estuary 2010*, and a vision to integrate SWAMP, stormwater, TMDL, grant, and local monitoring programs.