

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

March 2010

The next regular scheduled Board meeting is March 10, 2010.

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

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Pause in Brownfield Restoration (Stephen Hill)

Brownfields are sites where redevelopment or reuse may be complicated by the presence of contamination. A restored Brownfield site reduces threats to human health and the environment, creates jobs, and attracts investment in the local community.

We have seen a significant decline in Brownfield restoration activities in our region as a result of the current economic downturn. First, a number of existing Brownfield sites in our region have gone inactive, as developers have lost financing, lost market demand, or decided to wait for economic conditions to improve before proceeding. Second, we have seen a decline in the number of new Brownfield cases. In our region, the number of requests for agency oversight through the Brownfield Memorandum of Agreement process has fallen from 3 to 4 per month (through 2008) to 2.3 per month (in 2009) to less than 2 per month (so far in 2010). Declines in other regions have been similar.

USEPA and the State Board have ramped up financial aid to Brownfield sites in California, but this is only seed money. Redevelopment firms still need private financing or equity to complete most Brownfield restorations. We don't expect to see a return to previous Brownfield-restoration levels until the economy recovers.

Brownfield restoration can, by itself, create significant economic benefits. A good example of this is the Great Mall, in Milpitas, site of the former Ford auto assembly plant. According to a July 2008 report by a State Board contractor:

- The developer spent about \$140 million on site cleanup and redevelopment, resulting in 1.3 million square feet of leasable space, over 200 retail tenants, and about 5,000 jobs.
- The economic impact of the redeveloped site is about \$500 million per year, including direct, indirect, and induced economic activity.
- The redeveloped site generates \$50 million per year in state and local tax revenue.

The full report is available on our website (select "Brownfields" button from home page and scroll down to "region specific materials"). The full title is "Economic Impact Analysis of a California Water Board Brownfield Remediation Project: The Great Mall in Milpitas," prepared for the State Water Resources Control Board by Dr. Robert Fountain, Applied Research Center (Sacramento), July 2008.

Enforcement – Complaints and Settlements (Brian Thompson)

The Board's Prosecution Team issued 48 administrative civil liability (ACL) complaints in February: a proposed \$633,600 fine to the City of San Bruno (San Mateo County) for 148 sewage discharges from its collection system totaling 1.9 million gallons; and proposed fines of \$2,825 to \$13,300 to 47 industrial facilities (listed below) for failing to submit annual reports by July 1, 2009, required by the Statewide Industrial Stormwater General NPDES Permit. Copies of the complaints can be found on our web site:

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

- **Alameda County** - American Auto Dismantler (\$2,825), Atlanta Auto Dismantling (\$3,300), Cleveland Steel Container Corporation (\$13,300), Columbia Cosmetics Mfg. Inc. (\$3,225), Depot Auto Wreckers (\$3,175), Durham Trans Inc. (2 facilities, \$3,500 each), E D Coat (\$13,300), European Auto Wrecking (\$2,850), Five Star Lumber Co (\$2,850), Garda (\$13,300), Gruma Corporation - Mission Foods Hayward Facility (\$5,800), Marinemax Inc. (\$13,300), Nica Metals (\$3,675), Norcal Metal Fabricators (\$13,300), Oak Harbor Freight (\$3,150), Parking Co. of America Airports (\$4,725), Sebring Transport (\$3,200), and Transbay Container Terminal I (\$13,300)
- **Contra Costa County** - B & D Auto Parts (\$2,850), Carlos Auto Wreckers (\$3,000), Durham Trans Inc. (\$3,500), Quality Carriers Inc. (\$5,400), and Royal Trucking (\$3,500)
- **Marin County** - Lunny Grading and Paving, Inc. – Nicasio Rock Quarry (\$4,250)
- **Napa County** - CA Auto Dismantling Inc. (\$2,950), Eng Bros Wood Products (\$2,950), and Rutherford Hill Winery (\$4,100)
- **San Francisco County** - Hornblower Yachts Inc. (\$3,925)
- **San Mateo County** - Eureka Chemical Co. (\$3,850), Greg S Trucking (\$2,850), and Kendyl Coast Corporation (\$4,025)
- **Santa Clara County** - Alzeta Corporation (\$3,500), DS Waters of America Inc. (\$4,075), Durham Trans Inc. (\$3,500), Fireclay Tile (\$3,125), JT Truck Center (\$2,950), San Jose Unified School District (\$3,025), Solectron Corporation (two facilities, \$13,300 and \$2,950), and West Valley Charter Shop (\$4,025)

- **Solano County** - Cemex Construction Materials Pacific LLC – RMC Cemex facility (\$5,075) and Fairvac A T Wrecking (\$4,725)
- **Sonoma County** - C & W Auto Wreckers (\$3,325), Larson Family Winery (\$3,500), Pacific Wine Partners LLC -- Blackstone Winery (\$3,200), and Stellar Ideas, LLC – Earthbound facility (\$3,550)

Guadalupe River Watershed Mercury TMDL Update (Carrie Austin)

The Board adopted a TMDL for mercury in the Guadalupe River Watershed in October 2008. The State Board approved the TMDL in November 2009, and the Office of Administrative Law approved it on February 24. The next, and last step, is for US EPA to approve the TMDL, at which point it will become final and effective. Staff does not wait for final approval of TMDLs to begin their implementation. One step called for by this TMDL is to establish a monitoring program for the watershed. In response to a staff letter, responsible parties (Santa Clara County Parks and Recreation Department, Santa Clara Valley Water District, Midpeninsula Regional Open Space District, and Guadalupe Rubbish Disposal Company) submitted a joint letter in February affirming their interest in establishing the coordinated watershed monitoring effort we envisioned in the Guadalupe mercury TMDL. Their monitoring plan is due in June. Additionally, they laid out their concepts for monitoring frequency, media and locations. Staff are confident their plan will satisfy the requirements in the Basin Plan amendment the Board adopted.

Coho Salmon and Lagunitas Creek (Leslie Ferguson)

The Lagunitas Creek watershed in Marin County and its endangered coho salmon were featured in the January 2010, Science Magazine article titled "In Central California, coho Salmon are on the brink". According to Charlotte Ambrose, NOAA'S Central California Coast (CCC) Coho Recovery Plan coordinator, "we are truly on the brink of extinction." By January, only 500 adult coho had been counted in the entire CCC, which runs from Punta Gorda (Humboldt County) south to the San Lorenzo River in Santa Cruz County. In the past decade, the Lagunitas Creek Watershed (including Olema, San Geronimo and Lagunitas creeks) has consistently contained over 10% of the remaining CCC adult coho population and is considered the southernmost viable population of coho. It is the largest population south of Fort Bragg. For this reason, and because of the extent of collaborative efforts in the watershed, the draft NOAA Recovery Strategy (scheduled for release in March) identifies the Lagunitas Creek Watershed as one key watershed to CCC coho survival. A large number of local (government and non-profit), State and federal agency stakeholders, including the Board, collaborate on issues in the watershed through the Lagunitas Technical Advisory Committee (Lagunitas TAC), Tomales Bay Watershed Council, San Geronimo Salmon Enhancement Plan TAC and Salmon Advisory Committee (SAC), and grant partnerships. According to Charlotte Ambrose, "there is nothing like this kind of collaboration anywhere else in the range of the CCC." Dr. Peter Moyle, a U.C. Davis native fish and salmon expert specifically recommends focusing on Lagunitas Creek in Marin County as a demonstration stream, in the 2009 California Trout report on the status of salmon in California.

Coho salmon have a historic distribution from Santa Cruz County to Alaska. In California, NOAA divides the coho populations into two separate and genetically distinct populations: the Central California Coast Salmon (State and federally endangered), and the Southern Oregon/Northern California Coast Coho Salmon (federally threatened). This region's coastal streams in Sonoma, Marin and San Mateo counties are all located in the CCC. Coho are extirpated from most of the streams, with the exception of the Lagunitas Watershed creeks, Redwood Creek, Pine Gulch (Marin County), and San Vicente Creek (San Mateo County). While the Lagunitas Creek Watershed is a high priority, preservation and enhancement of the other coastal streams such as Redwood, Walker (Marin County), Pescadero, San Gregorio, and San Vicente (San Mateo County) creeks are also essential to the long term survival of coho, and play an equally or more important role in survival of the threatened steelhead. If the habitat and water quality is restored in streams where coho have been extirpated, they can be recolonized naturally by straying salmon or through re-introduction by NOAA.

CCC coho are imperiled due to a combination of watershed factors including: logging; dams; water withdrawal; and urban and agricultural impacts that have denuded stream banks, and degraded the riparian zone and water quality. Further, coho declines in the past three years are partly linked to ocean conditions altering the upwelling currents that supply food web nutrients and thus food for coho. However, this impact alone cannot account for the overall longer term declines as the CCC coho population was already in decline prior to recent changes in ocean conditions. A healthy freshwater ecosystem is essential to the survival of coho and other salmon populations.

The NOAA Draft CCC Coho Recovery Strategy includes recommended measures such as improving stream summer low flows, restoring floodplains, preserving and enhancing the riparian zone, placing in-stream large wood (termed LWD) to improve habitat complexity, and reducing pollutant discharges to improve water quality. Currently many efforts to achieve these have occurred, or are in the planning process, in the Lagunitas Creek Watershed including: wetland and floodplain restoration; LWD addition; summer low flow augmentation; road repair and stream bank stabilization to reduce sediment discharges; and development of the San Geronimo Valley Salmon Enhancement Plan (see below). However, at the same time there is an on-going threat of increased habitat and water quality degradation from infrastructure changes (e.g. dam operation, municipal groundwater well location changes, major road improvements, recreational access improvements, etc.) and new and redevelopment in San Geronimo Valley. These require ongoing involvement of the Lagunitas TAC, the Board and other agency staff to avoid and minimize impacts.

Board staff have been integrally involved on the Lagunitas TAC and Tomales Bay Watershed Council since their inception over 13 years ago. Board staff have assisted local stakeholders in applying for and managing over \$3 million in State and federal grant monies, including \$1 million to help restore the Giocommini wetlands, over 500 acres of wetlands and floodplains at the mouth of Lagunitas Creek as it enters Tomales Bay (total project cost \$6.2 million). Board staff also serve as scientific advisors on technical advisory committees in the watershed, including the Lagunitas TAC, San Geronimo Valley Salmon Enhancement Plan TAC and SAC, and the Marin RCD restoration permit

streamlining program. We issue water quality certifications, oversee the Marin County storm water program, and have begun efforts to develop a sediment TMDL. Because actions to improve population viability in the freshwater phase of the coho life cycle are critical and urgent, Board staff have begun early implementation of the TMDL working through the Lagunitas TAC and directly with the large government landowners (National Park Service, State Parks, Marin Municipal Water District, and Marin County) to reduce sediment discharges and improve habitat complexity.

San Geronimo Valley Salmon Enhancement Plan (Leslie Ferguson)

On February 9, the Marin County Public Works Department (DPW) presented to the Marin County Board of Supervisors the final San Geronimo Valley Salmon Enhancement Plan (SEP). The Board accepted the plan and directed DPW to develop an implementation plan by summer 2010. The purpose of the SEP is to present science-based recommendations to improve and maintain habitat conditions to support viable populations of coho salmon and steelhead in the San Geronimo watershed. This plan is not a regulatory document, but is intended to guide citizens and County planners on ways to avoid and minimize impacts from new and redevelopment projects, and reduce impacts from existing development in the watershed.

The requirement to produce this Plan emanated from settlement negotiations between the County and a local non-profit, the Salmon Protection and Watershed Network (SPAWN), to avoid litigation associated with the County's adoption of the 2007 Marin Countywide (General) Plan and associated EIR. The litigation involved, in part, aspects of the General Plan that SPAWN did not believe adequately dealt with the cumulative impacts of new and redevelopment projects in San Geronimo Valley on salmon and their habitat. As previously mentioned (see above item), the Lagunitas Creek watershed, which includes San Geronimo Valley, contains the largest and most stable population of Central California Coast (CCC) coho south of Fort Bragg. Coho populations in CCC are close to extinction, and actions to improve population viability in the freshwater phase of their life cycle are critical and urgent. The riparian and aquatic ecosystems in the San Geronimo Valley are clearly degraded due to historic and current land uses. Preventing further degradation and enhancing habitat is essential to maintaining a viable coho population.

In a letter to the County, Board staff expressed support for the core strategies and recommendations identified in the SEP. We stated that the SEP represents an important first step, and that an essential next step will be for the County to develop and carry out an implementation plan. In order to be successful, we noted four areas requiring close attention in the future:

- 1) Voluntary partnerships and incentives in the overall program to protect and enhance habitat conditions, with a strong community involvement to define a shared vision;
- 2) Development of an implementation plan that sets forth actions, both voluntary and required, for new and redevelopment projects;
- 3) Clarification of existing regulations influencing development and stream setbacks;
and
- 4) Filling in of key data gaps regarding existing conditions and evaluation of cumulative effects.

To develop a science-based plan, the County convened a Technical Advisory Committee and a Salmon Advisory Committee (SAC). Board staff, Leslie Ferguson and Mike Napolitano respectively, served on these committees. Two members of the public served on the SAC, and the general public was involved through several public meetings and opportunities to provide written comments. However, there was considerable public response that they were not adequately included in developing the SEP. As a result, the County is currently developing a process for greater public input in development of the implementation plan. We will keep the Board informed of progress on the implementation of the SEP.

Walker Creek Multi-Objective Projects (Carrie Austin)

Walker Creek in western Marin County, like many creeks in ranching areas, is impaired by sediment, nutrients, and pathogens. Additionally, Walker Creek is impaired by mercury from the Gambonini mercury mine, which was remediated in 1999 by U.S. EPA. Dyan Whyte led the site re-vegetation effort for erosion control with funds from a bankruptcy settlement from the mine operator and the State Board's Cleanup and Abatement Account (CAA).

In 2005, prior to the Board's January 2007 adoption of the Walker Creek watershed mercury TMDL, we obtained additional CAA funds both for additional mine remediation and to address mining waste deposits in Walker Creek. In an earlier effort with this CAA funding, we determined that there are no "hot spots" along the Creek that require excavation. Consequently, actions that stabilize the creek bank are appropriate to reduce discharges of mercury-laden sediment, as well as pathogens, nutrients, and sediment multi-objective projects.

Recently, we completed contracting with Marin Resource Conservation District through the CAA for up to \$200,000 for projects in Walker Creek. This project is fast-tracked, so they have already lined up sites for consideration, such as fencing to limit cattle access to the creek, off-stream water for cattle, and improved creek crossings.

Bay Area Watershed Network Annual Meeting (Dale Hopkins, A.L. Riley)

Board staff hosted the annual meeting of the Bay Area Watershed Network (BAWN) on February 10. Staff have facilitated the formation and ongoing work of BAWN to: 1) assist in integrating watershed and river projects into the Bay Area's Integrated Regional Water Management Plan (IRWMP) priority list; 2) develop working relationships among local agencies, flood control districts, consulting firms, NGOs, Resource Conservation Districts, and State and federal agencies; 3) set up partnerships among teachers, watershed projects, environmental educators and the Conservation Corps; and 4) set Bay Area priorities for developing new restoration design tools, assessments, and monitoring.

Forty people attended, representing a very wide cross-section of the Bay Area both geographically and among different interest groups. The BAWN Policy Working Group sponsored presentations by staff of Assemblyman Jared Huffman and State Senator Loni

Hancock on the State budget and policy initiatives, with a discussion on how to improve legislation to include green jobs and watershed funding. The five BAWN Working Groups: 1) Policy; 2) Water and Land Use; 3) Assessment, Monitoring and Restoration Tools; 4) Education and Outreach; and 5) IRWMP Coordination also reported back on their recent activities and their plans and focus for the coming year. All of the Working Groups have made good progress working with local legislators and other stakeholders on increasing collaboration among groups that previously had only *ad hoc* relationships with each other.

After the regular meeting, Dr. Brian Cluer of NOAA Fisheries gave a presentation on a new assessment method, called RiverRAT (River Restoration Analysis Tool) for informing watershed planning, project design and evaluation. BAWN will be sponsoring two one-day workshops, which are being coordinated by the State Board's Watershed Academy, for Water Board staff and other stakeholders interested in learning how to use this assessment tool to improve project planning and implementation. The workshops will be held on April 14 and May 13, with locations to be announced soon.

Hunters Point Shipyard (Ross Steenson)

In December 2009, the Navy dissolved the Restoration Advisory Board (RAB) for the Hunters Point Shipyard cleanup after a multi-month dissolution process. The purpose of a RAB is to allow community members potentially affected by environmental restoration activities to hear information and provide comments and advice on the Navy's proposed cleanup plans.

The RAB meetings had progressively degenerated due to disruptions and the unwillingness of some RAB members to let others express their opinions. Between August 2007 and February 2009, the Navy Co-Chair and a meeting facilitator attempted to re-focus the RAB meetings back to the environmental cleanup issues. Despite the attempt to restore order, disruptions continued and culminated with some RAB community members voting to request replacement of the City of San Francisco representative and removal of the Navy Co-Chair. In May 2009, the Navy gave notice of its intent to dissolve the RAB and replace it with an alternative public participation process. Dissolution was completed in December 2009 when the Acting Deputy Assistant Secretary of the Navy concluded that the RAB was unable to fulfill its intended purpose due to irresolvable internal issues.

In conjunction with the announcement of the RAB dissolution, the Navy submitted a draft community involvement plan to facilitate the design of an alternative public participation process. Members of the Bayview-Hunters Point community along with the U.S. EPA, Department of Toxic Substances Control, and the Board are providing feedback to help the Navy improve its community involvement plan. In the interim, the Navy is attempting to engage the community by holding monthly meetings with specific community interest groups. The decision to dissolve the RAB includes a requirement to reassess community interest in the RAB at least every 24 months.

In-house Training

Our February training was on effective presentations, with a trainer provided by the State Water Board's Training Academy. Please let us know if you can spot any improvements. We have no training scheduled for March. Additionally, members of the State Board's Public Information Office provided training on media relations to Board management.

Staff Presentations

On February 16, I spoke as part of a media event put on by U.S. EPA and hosted by the City of El Cerrito to celebrate the anniversary of the passage of the American Recovery and Reinvestment Act (ARRA) in 2009 and the implementation of the many water quality-based projects funded by ARRA. I focused on the State's role in committing \$280 million in federal funding to 109 water quality-based projects in California and the need for additional State and federal funding to implement more low impact development and stormwater treatment and reuse projects statewide.

El Cerrito was picked as the location of the February 16 event because it is implementing the "El Cerrito Green Streets" project developed by the San Francisco Estuary Partnership to build two curbside rain gardens that will treat stormwater runoff from 1.23 acres of impervious surface along San Pablo Ave. The event is already paying dividends, as U.S. EPA is now working with us, the State Board, and Caltrans to expand the rain garden concept further along San Pablo Ave. using Caltrans funding, as it is designated a State highway, and Caltrans has recently received additional ARRA funds that it must commit by August.

On March 1, I participated in the City of Oakland's "Oakland ARRA at Work" media event hosted by Mayor Dellums and featuring Congresswoman Barbara Lee and many White House representatives. While I did not get an opportunity to speak, both Alexis Strauss of U.S. EPA and I were recognized for our agencies' roles in securing \$4.75 million in ARRA funds for two trash control and stormwater reuse projects at Lake Merritt in Oakland.