

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

October 2010

*The next regular scheduled Board meeting is November 10, 2010.
See <http://www.waterboards.ca.gov/sanfranciscobay/> for latest details and agenda*

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San Bruno Gas Line Explosion (Habte Kifle and Keith Lichten)

Shortly after the September 9 San Bruno gas line explosion, Board staff began coordinating with other agencies to evaluate the environmental impacts from the blast and fire. We are now participating in a coordinated CalEPA response to the disaster. Our focus is on minimizing any water quality threat from the burned lots, streets, and park, which is adjacent to a creek. As of September 16, the broken sewer line has been repaired, the storm drain has been cleaned of material discharged during the emergency firefighting response, and all storm drain inlets are now protected with sediment runoff controls.

CalRecycle is working with affected residents to remove the remains of their houses and the top layer of soil—potentially contaminated with asbestos—from their properties. The goal is to complete this work and stabilize the area with erosion control measures by October 15. San Mateo County staff is assisting the City of San Bruno with debris removal and erosion control measures on public lands—including a burned canyon adjacent to a creek. They appear to have this work well in hand, and we will continue to coordinate with them on this issue. Our staff will continue to participate in weekly coordination calls and, as necessary, site inspections.

Trash Hot Spots proposed for cleanup under the Municipal Regional Stormwater Permit (Dale Bowyer)

All of Municipal Regional Stormwater Permit's permittees have proposed Trash Hot Spots that they will clean up to a level of "no visual impact" and assess at least annually, as required in the Permit adopted last year. The proposed 225 Trash Hot Spots are posted on our web site at the following link:

http://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/stormwater/muni/mrp/07-2010/index.shtml

The public is invited to review and comment on these Trash Hot Spots by October 23. As a way to engage and educate the public about this persistent water quality problem, many municipalities targeted their hotspots for cleanup as part of Coastal Cleanup Day on September 25.

U.S. EPA approves the Sonoma Creek Watershed Sediment TMDL and Habitat Enhancement Plan (Tina Low)

On September 8, U.S. EPA approved our Basin Plan amendment establishing a sediment TMDL and implementation plan for the Sonoma Creek watershed. The Water Board adopted the amendment in December 2008, and the State Water Board and the Office of Administrative Law approved the amendment earlier this year. U.S. EPA's action marks the final approval, as it is now officially incorporated into the Basin Plan. Working with stakeholders, staff is moving forward with implementation actions to reduce sediment loadings to Sonoma Creek and achieve the habitat enhancement goals. Current efforts include developing conditional waiver programs for vineyards and grazing lands, and facilitating stream restoration projects through our grant programs.

Bay Area Water Quality Improvement Projects awarded \$6.5 million (A.L. Riley)

The California River Parkways Program, a competitive grant program administered by the State's Secretary for Natural Resources, recently awarded \$31 million in Proposition 84 funds to public agencies and non-profit organizations to develop river parkways and restore urban creeks in their communities. The following projects in our Region were awarded close to \$6.5 million: Chelsea Wetlands and Pinole Creek floodplain restoration project, City of Hercules, \$1,836,680; Lake Merritt channel restoration and culvert removal - connecting Lake Merritt with the Bay, City of Oakland, \$2,000,000; Stevens Creek trail extension, City of Mountain View,

\$800,000; Denman Reach floodplain restoration, Petaluma River, City of Petaluma, \$850,000; and Wildcat Creek daylighting in Davis Park, City of San Pablo, \$1,850,000. A full list of the first round grant recipients and details about the projects can be found on the Natural Resources Agency Web site: <http://www.resources.ca.gov/>. A.L. Riley of Board staff serves on the Natural Resources Agency grant review and recommendations team.

Enforcement – Complaints and Settlements (Brian Thompson)

The Board's Prosecution Team issued one administrative civil liability (ACL) complaint to the Novato Sanitary District (Marin County) with a proposed fine of \$287,500 for sanitary sewer overflows. Approximately 453,000 gallons of raw sewage were allegedly discharged from its collection system to San Pablo Bay. A copy of the complaint can be found on our website: http://www.waterboards.ca.gov/sanfranciscobay/public_notices/pending_enforcement.shtml

I have publicly noticed one tentative order setting ACL for a case in which the Board's Prosecution Team reached a settlement with Transbay Container Terminal I (Transbay). Transbay has agreed to pay \$13,300 to the State Water Board's Cleanup and Abatement Account.

As a part of resolving the case, staff inspected Transbay's facility at the Port of Oakland to evaluate its compliance with the Industrial Stormwater Permit. The inspection identified several issues, which Transbay agreed to resolve. These were incorporated into the Settlement Agreement, and included screening unprotected storm drain inlets, updating facility pollution control documents, and evaluating whether a blind sump used for wash water collection had any connections to the storm drain or local groundwater.

I intend to sign the agreement and 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/public_notices/pending_enforcement.shtml

San Leandro Brownfield Restoration (Kent Aue)

On September 23, Stephen Hill participated in a grand opening ceremony for the Estabrook project, a federally-funded low and moderate income senior housing development in San Leandro, where the Board's role in project completion was recognized. Eden Housing, a nonprofit developer and manager of affordable housing, purchased the former orchard and auto sales and repair facility in 2007. Environmental concerns at the site included residual petroleum hydrocarbon contamination in soil gas, and potential soil impacts from petroleum hydrocarbons, chlorinated solvents, and agricultural pesticides. In May 2007 Eden requested Board oversight of this project under the terms of the Cal/EPA Brownfield Memorandum of Agreement, and agreed to reimburse the Board for project oversight costs. Eden planned to request more than \$6 million from the U.S. Department of Housing and Urban Development (HUD) to help pay for the development. The HUD application required agency verification of an approved cleanup plan for the property. Recognizing the significance of this project and its importance to the community, we adjusted the existing workload and schedules of our staff to give this project high priority. Our staff collaborated with Eden Housing and its consultant to rapidly characterize the project site, select effective remedial measures, and develop a remedial action plan necessary to secure vital grant funding for the project. We approved a cleanup plan in time for the HUD application deadline and cleanup was completed in 2008. We closed the case in January 2009.

Apple Cleanup and Redevelopment (Roger Papler)

On August 31, our staff issued a case closure letter to Apple for its investigation and cleanup of the former Tandem Computers site in Cupertino near I-280 and North Wolfe Road. This action clears the way for site redevelopment by Apple. Tandem formerly utilized the site for

semiconductor manufacturing and used chlorinated solvents including tetrachloroethene (PCE) in its operations. Apple purchased the site and began investigations in 2008. These investigations identified PCE as the primary pollutant in soil and soil gas. Apple's cleanup consisted of excavating 950 tons of soil and removing it for proper offsite disposal. Apple plans to completely renovate the site buildings for use as research laboratories and office space. We began oversight of this case in early 2009 and were able to complete all regulatory tasks within 18 months.

California Supreme Court Rejects TWC Storage's Petition for Review (Yuri Won)

On September 15, the California Supreme Court denied TWC Storage, LLC's (TWC) petition for judicial review of the Court of Appeal decision. The Court of Appeal earlier this summer affirmed a lower court's judgment upholding the Water Board's imposition of an administrative civil liability (ACL) against TWC. TWC has now exhausted its appeals in state court, and Board staff will work to collect the \$25,000 ACL from TWC. The Board imposed the \$25,000 liability against TWC after a hearing in May 2006 for a 250 gallon release of the solvent PCE from an abandoned transformer on its property, a former federal Superfund site, during the course of demolition activities.

In-house Training

Our September training was on the Water Board's history and future directions, featuring the prognostications of retiring Water Board staffer Wil Bruhns. We have no training scheduled in October.

Staff Presentations

On September 9, Tom Mumley presented an overview of water quality in Santa Clara County to the Santa Clara Valley Water District's Guadalupe, West Valley, and Lower Peninsula Flood Control and Watershed Advisory Committees. He discussed the quality of local impaired waters and how the Board is addressing these impairments via water quality standards actions, TMDLs, and/or permit requirements. As an example of the latter, he associated pollutant specific requirements in the Municipal Regional Stormwater Permit with water quality in the area. He also emphasized the water quality and flood protection benefit of low impact development.

On September 28, Keith Lichten gave the opening lecture at the University of Oregon's "Water and the Urban Environment: Water Sensitive Cities of the Future" class. He described issues of sustainability in urban water management, historical aspects of wastewater and stormwater management, and opportunities to develop and implement sustainable practices in existing urban systems.

On September 15, I participated in the dedication of the Richmond Advanced Recycled Expansion (RARE) Water Project, which recycles about 3.5 million gallons of wastewater from the West County Wastewater District's treatment plant for use at Chevron's Richmond Refinery. Since the recycled water is used in the refinery's cooling towers and boiler, the RARE Project includes additional reverse osmosis treatment. The project, which will provide about 60% of the refinery's daily water needs, was partially funded with State funds.

On September 23, I spoke at CLE International's California Land Use Law seminar in San Francisco on the role of the State and Regional Water Boards in California land use. While I emphasized that the Boards are not land use agencies, I described how the Board's stream and wetland program, cleanup programs, and the Municipal Regional Stormwater Permit have land use implications and how local agencies can best consider these.

Bay Delta Science Conference

Staff attended the 6th Biennial Bay Delta Science Conference at the end of September, whose theme was Ecosystem Sustainability: Focusing Science on Managing California's Water Future. This forum brings together scientists working on issues that link the Estuary to the Delta, including Pelagic Organism Decline (POD), ammonia, mercury and methylmercury control measures, selenium, sediment loading from the Delta, and Suisun Marsh tidal restoration. There was a full session on Bay Delta phytoplankton trends and drivers. As part of that session, a regional SWAMP study conducted by SWAMP staff and staff from the Romberg Tiburon Center was presented. This study took place in Suisun Bay in spring/summer 2010. The study documented nutrient conditions before, during and after the large diatom bloom that occurred in April/May. Results showed a strong relationship between low ammonium levels (below a threshold of 4uM) and increases in chlorophyll a. In addition, Carrie Austin presented a talk at the conference on the Tomales Bay mercury conceptual model and presented a poster on mine remediation effectiveness related to Gambonini Mine.

Regional Monitoring Program 2010 Annual Meeting

The annual meeting of the Regional Monitoring Program (RMP) for Water Quality in the San Francisco Estuary was held on October 5. The theme of the meeting was "Linking the Watersheds and the Bay", and presentations covered urban stormwater management options, pollutant loading to the Bay from watersheds, and watershed monitoring. Board staff presenters included Tom Mumley who provided an overview of the Municipal Regional Stormwater Permit, and Karen Taberski who covered efforts to monitor the health of small tributaries. Tom also participated in a panel that discussed updates on sediment science and management, the theme of last year's annual meeting. Information on the RMP, the 2010 Annual Meeting, and the 2010 annual summary report, *The Pulse of the Estuary: Linking the Watersheds and the Bay*, can be found at www.sfei.org/rmp.