

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

September 2010

The next regular scheduled Board meeting is September 8, 2010.
See <http://www.waterboards.ca.gov/sanfranciscobay/> for latest details and agenda

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State Board Adopts Updated Impaired Water Bodies List (Wil Bruhns)

In February 2009, the Board adopted an update of this Region’s list of impaired water bodies (often referred to as the “303d list”, after the federal Clean Water Act section that mandates its review and update). That action made the following changes to the list:

- New listings for 24 San Francisco Bay Region creeks and the shorelines of two San Francisco Bay segments for trash
- New pollutant listings (other than trash) for creeks, including Arroyo Las Positas, Arroyo Mocho, Codornices Creek (Alameda County), Mt. Diablo Creek, Kirker Creek (Contra Costa County), Stevens Creek, Permanente Creek (Santa Clara County), San Mateo Creek (San Mateo County), and Suisun Creek (Solano County)
- Delisting three San Francisco Bay segments for nickel

After adoption, the list was sent to the State Board to be combined with lists from all other regions. The State Board reviews all the lists, makes revisions, and then adopts a final statewide list for U.S. EPA approval. The State Board adopted the final statewide list last month, with the only change to our 2009 proposed changes being the addition of Calaveras Reservoir due to mercury in fish. Once U.S. EPA approves the list, it will replace the list approved in 2006. The process for the next update has already begun.

Breach at the Napa Plant Site (Andree Greenberg)

The levee for the third unit of the Napa Plant Site was breached on August 25, continuing the large-scale tidal marsh restoration that has occurred in San Francisco Bay since the

Baylands Ecosystem Habitat Goals report was published in 1999. This site was approved by the Board in July 2007 to restore 1,460 acres of salt ponds formerly owned by Cargill to tidal marsh. The State Department of Fish and Game and its consultants have worked with regulatory agencies and the public to restore the North Unit in 2008, the Central Unit in 2009, and the South Unit last week.

The Napa Plant Site, located on the east side of the Napa River, was included in the sale of the South Bay Salt Ponds in 2003, and was approved for restoration as an amendment to the Board-approved Napa Sonoma Marsh Restoration Project, which proposes restoration of 9,456 acres on the west side of the Napa River. The benefits of tidal marsh restoration around the Bay include improved water quality, increased habitat for biological species, protection from floods and sea level rise, and increased opportunities for recreation and education. Board representatives included staff Shin-Roei Lee and Andree Greenberg, and Board members Steve Moore and Jim McGrath.

Immediately Before the Breach (8/25/10)



24 Hours After the Breach (8/26/10)



Enforcement – Complaints and Settlements (Brian Thompson)

Last month, I issued an ACL order that directs ConocoPhillips Company to pay \$310,000 to the State Board's Cleanup and Abatement Account and, in lieu of a further fine of \$290,000,

complete a Supplemental Environmental Project to restore the upper reaches of Pinole Creek for steelhead trout access (\$190,000) and complete an Enhanced Compliance Action for additional upgrades to ConocoPhillips' wastewater treatment plant that will improve effluent water quality (\$100,000). 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.

Also last month, nine dischargers agreed to conditional offers to settle mandatory minimum penalty violations through the Board's Expedited Payment Program. The following payments will be made to the Cleanup and Abatement Account if circulation of the payment agreements for a 30-day public comment period does not generate opposition to accepting the offers. Copies of the settlement offers can be found on our web site:

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

- Tri Convenience Store (\$3,000)
- Peery/Arrillaga (\$3,000)
- City of Fairfield, North Bay Water Treatment Plant (\$9,000)
- Lehigh Hanson (\$9,000)
- Napa Garden Apartments (\$3,000)
- San Francisco Public Utilities Commission (\$3,000)
- Vishay Siliconiz (\$6,000)
- South Bayside System Authority (\$3,000)
- City of Petaluma, Ellis Creek Water Recycling Facility (\$3,000)

Tomales Bay Watershed Update (Wil Bruhns)

This Region has two great bays, with very different conditions, stressors, and problems. Most staff activities focus on San Francisco Bay and its immediate watershed. This report item highlights current ongoing staff activities in the Tomales Bay watershed. Note that items are listed alphabetically by staff, rather than in any implied order of significance.

Carrie Austin is managing a \$200,000 grant from Cleanup and Abatement Account funds to the Marin Resource Conservation District (RCD) for control of mercury at Walker Creek sites downstream of Gambonini Mine. She is also beginning work on a TMDL for mercury in the Bay and is working on addressing other Bay impairment listings, including nutrients and sediments.

Rico Duazo represents the Board on the interagency Vessel Waste Management Committee, which has prepared a final draft management plan for Tomales Bay. The Tomales Bay Workgroup met in August to discuss the final draft vessel management plan. Next, the plan will be distributed to the public for final review and comment.

Leslie Ferguson participated in the process of developing the San Geronimo Valley Salmonid Enhancement Plan by Marin County. This Plan is a science-based approach to developing riparian and stream protection measures for new and existing development. As part of the Board's effort to do early implementation of a sediment TMDL in the Lagunitas Creek watershed, she is working with SFEP, Samuel P. Taylor State Park and SPAWN

(Salmon Protection and Watershed Network) as a technical resource on sediment reduction projects. Leslie is also managing and providing technical assistance for the Marin Municipal Water District grant that involves the reduction of fine sediment and increase in delivery of beneficial sediment (gravel and cobble) to Lagunitas Creek and Cheda Creek, tributary to Lagunitas Creek. She is also working on several restoration and sediment control projects in the Lagunitas Creek watershed and has recently reviewed NOAA's Draft Recovery Plan for Central California Coast Coho Salmon, Marin County Public Works Department's proposal to widen Sir Francis Drake Road along Lagunitas Creek, and a proposed County riparian tree ordinance to protect all woody vegetation within 35 foot of a stream.

Carmen Fewless manages the Board's Waiver for Grazing Activities, adopted in 2008. The Waiver establishes management practices for grazing activities that are designed to minimize pathogen, sediment, nutrient, and mercury (for Walker Creek) discharges to waterways and Tomales Bay. This includes administering the waiver requirements for hundreds of parcels, performing site visits, and continuing outreach to the grazing Community. She also manages a grant to the Marin RCD's Conserving Our Watersheds (COW) program. Through this grant, workshops, on-farm planning, site visits, reporting and monitoring capacities needed for waiver compliance will be put in place.

Farhad Ghodrati conducts the Tomales Bay bacterial monitoring program. This program includes two sets of five weekly samplings, one in the dry season (June/July) and one during the wet season (January/February). Outside of the weekly sampling time periods, monitoring is done on a monthly basis. The monitoring includes more than 25 watershed stations covering Olema, Lagunitas, San Geronimo, Walker, Chileno, and Keys creeks, as well as stations in Inverness and the east shoreline of Tomales Bay. It also includes four or more Bay stations covering both the inner and outer Bay shellfish growing areas.

Dale Hopkins is the Board's representative to the Tomales Bay Watershed Council (TBWC), the Tomales Bay Shellfish Technical Advisory Committee (TAC), and (along with Leslie Ferguson) the Lagunitas Creek Watershed TAC. She is involved in management of a grant to TBWC that has funded part of the Giacomini Wetlands restoration project and a monitoring program, including long-term trend sampling at both in-bay and tributary sites and source area monitoring in selected watersheds. The trend monitoring includes temperature, conductivity/salinity, DO, pH, coliforms, *E. coli*, nutrients, and sediment parameters.

Marla Lafer does the ongoing regulatory activities throughout Marin County, including water quality certifications and overseeing the County's stormwater program.

Mike Napolitano is developing a sediment TMDL for Lagunitas Creek. Current activities include managing a contract to evaluate current substrate conditions in Lagunitas Creek and its tributaries and to develop an empirical linkage between sedimentation levels and sediment supply rates (due by December 2010). He is also beginning work on a sediment TMDL for Walker Creek.

Karen Taberski manages the Board's Surface Water Ambient Monitoring Program (SWAMP). SWAMP's Stream Pollution Trends program selected Walker Creek and

Lagunitas Creek as sampling sites. For this program, SWAMP is collecting fine grain, depositional sediment for the purpose of tracking long-term trends in sediment chemistry and toxicity in watersheds throughout the State. There are approximately 80 stations throughout the State. Lagunitas Creek is sampled every year because it is a reference site, while Walker Creek is sampled every other year.

Toxics Cleanup Division Accomplishments (Stephen Hill)

For last fiscal year (July 2009 through June 2010), the Toxics Cleanup Division made significant progress on site cleanup, particularly with respect to case closure:

- Took on 39 new sites consistent with Cal/EPA's interagency memorandum of agreement for Brownfields
- Issued four site cleanup requirements (most following a public hearing and Board order adoption), as well as several hundred directives pursuant to Water Code section 13267
- Required dischargers to address potential vapor-intrusion concerns at VOC-impacted sites, pursuant to new and evolving Cal/EPA guidance
- Encouraged restoration of Brownfield sites by issuing five "comfort letters", and providing rapid oversight for various Brownfield sites
- Closed 94 low-risk sites (fuels and non-fuels sites), signifying the completion of cleanup, and allowing staff to shift attention to more significant cleanup sites
- Implemented new performance measures for the site cleanup programs, including number of cases closed and number of cases starting active remediation for the first time, and met performance targets for case closure
- Entered 1,250 "regulatory actions" into the Geotracker database, an indicator of our efforts to move cleanup cases forward to cleanup and case closure

Treasure Island Transfer Agreement (Ross Steenson)

On August 17, Ross Steenson, Alec Naugle, and Tom Mumley attended a ceremony to commemorate the Treasure Island transfer agreement from the U.S. Navy to the City and County of San Francisco (the City). Mayor Gavin Newsom, Secretary of the Navy Ray Mabus, and Speaker of the U.S. House of Representatives Nancy Pelosi spoke at the ceremony in praise of the property transfer, scheduled to begin in the first half of 2011.



Last December, the Mayor and the Secretary of the Navy reached agreement on the overall financial aspects of the transfer, including a \$55 million dollar payment to the Navy over ten years and a profit sharing percentage to the Navy from future redevelopment.

To date, the Navy has cleaned up about one third of the island. The City leases some property, but no transfers to the City have yet occurred. A Draft Environmental Impact Report (Draft EIR) is currently out for public review, and is expected to be certified in early 2011. Meanwhile, the Navy is trying to expedite cleanup of those portions of the island that the City would like to see transferred sooner.

Notably, the development plan described in the Draft EIR includes about half of Treasure Island for publicly accessible pathways, parks, open space and shoreline improvements. The "Great Park", proposed for the northeast portion of the island, would consist of 100 acres with stormwater treatment wetlands, passive open space, the existing sailboarding launch area, and potentially an environmental education center.

We will continue to work with the Navy to expedite the closure of petroleum-impacted properties on the island to help facilitate the transfer and eventual redevelopment of the closed Navy base.

Hunters Point Shipyard Cleanup, Parcel D-2 (Ross Steenson)

In July, the Navy finalized and I signed a record of decision (ROD) for Parcel D-2 at the Hunters Point Shipyard. This brings the total to five RODs signed since January 2009 for six parcels covering about 100 acres of land at the former shipyard (see the January and March 2009, and January 2010 Executive Officer's Reports for Parcels B, G, D-1, UC-1 and UC-2).

The RODs document the approved cleanup approaches that will ultimately be completed after the land is transferred for redevelopment to the San Francisco Redevelopment Agency (the City) and subsequently to Lennar Corporation. The ROD for Parcel D-2 documents that cleanup has already been completed and no additional cleanup is proposed. The cleanup work that occurred at Parcel D-2 included removal of utilities, storm drains, and an

underground storage tank, and certification by the California Department of Public Health that radiological removal and surveys were complete.

In its reuse plan, the City has proposed that Parcel D-2 would be used for research and development, including some residential uses. Parcels B and G would be used for open space, mixed commercial and residential, research and development, and educational/cultural uses. Parcel G has also been identified as a potential stadium site for the San Francisco 49ers. Parcels D-1, UC-1, and UC-2 would be used for roadway and utility corridors, maritime industrial, industrial, and mixed commercial and residential. Transfer of these parcels is currently forecast for the latter part of 2011.

In-house Training

We had no training in August. Our September training will be on the Water Board's history. Brownbag seminars included an August 17 session on tree box filter technology by Dr. Robert Roseen, a leading expert on low impact development and stormwater management.

Staff Presentations

I participated in the dedication of the Antioch Recycled Water Distribution System on August 23. This \$12 million project, funded by a mix of federal, State and local sources, including the State Revolving Fund, will supply 530 acre-feet/year of recycled water from the Delta Diablo Sanitation District's wastewater treatment plant in our Region for landscape irrigation use in Antioch in Region 5.