

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

**December 2011**

*The next regular scheduled Board meeting is December 14, 2011.  
See <http://www.waterboards.ca.gov/sanfranciscobay/> for latest details and agenda*

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**State Board Approves Two Basin Plan Amendments (Janet O'Hara)**

On December 5, the State Board unanimously approved two of this Board's Basin Plan amendments. The first amendment, adopted by the Board in September, updates the beneficial uses of the Hayward Marsh by removing its water-contact recreation use. Hayward Marsh uses treated wastewater to create brackish marsh habitat. The second amendment, adopted by the Board in 2010, designates beneficial uses in the Basin Plan for about 375 surface water bodies, some newly added and others pre-existing, in order to provide clarity to the public and staff. Both amendments will now be submitted to the State's Office of Administrative Law and U.S. EPA for their approvals before officially becoming part of the Basin Plan.

Under a new process for State Board approval of Basin Plan amendments, Regional Water Board staff now takes the lead in moving the approval through the State Board, rather than State Board staff. For the Hayward Marsh amendment, this meant that State Board approval was secured in under three months' time.

**Cleanup at Oakland's Union Point Park (Cleet Carlton)**

On November 9, we issued a case closure letter for the Union Point Park site, signifying the completion of cleanup of this former industrial area in Oakland. The six-acre Union Point Park is located along the Estuary waterfront, which separates Oakland from Alameda. The City of Oakland now operates the park under a 99-year lease from the

Port of Oakland. Past operations at the site included a lumber yard, an auto junkyard, and a scrap metal yard. Soils in this area were contaminated with lead and arsenic. Groundwater was not impacted.



Figure 1a. Oblique northwest view from aerial photograph of Union Point Park. Contaminated soil is contained beneath the mound in the foreground with the spiral pathway and beneath the parking lots. Source: Center for Creative Land Recycling.

In 1997, a public-private partnership, involving the City, the Spanish Speaking Unity Council, the Trust for Public Land, and the University-Oakland Metropolitan Forum, began the Union Point Park development. With Board staff oversight, the partnership identified the extent of impacted soil and implemented a cleanup plan. The cleanup plan involved relocating the impacted soil to three onsite areas – two parking lots and a constructed mound. In all three areas, the impacted soil was covered with an engineered cap to prevent leaching and direct human contact. An innovative design feature of this project is the mound (Union Point Hill), which has a concrete spiral path and is covered with landscaping and drainage controls. A long-term risk management plan addresses the park's future operation and maintenance with respect to residual contamination left in place in the engineered areas. More information, including a short video, can be viewed on the Center for Creative Land Recycling's website at <http://www.cclr.org/>.

### **Continued Slump in Brownfield Restorations (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 saw a decline in Brownfield restoration activity in our region after the 2008 economic downturn, and the level of activity remains sluggish, three years later. As reported in my March 2010 report, a number of existing Brownfield sites went inactive at the beginning of the economic downturn as developers lost financing and market demand or decided to wait for economic conditions to improve. We are also seeing a decline in the number of new Brownfield cases. In our region, the number of requests for agency oversight through the Brownfield Memo of Agreement process has fallen

from 3 to 4 per month (up to 2008), to 2.3 per month (in 2009), to 1.1 per month (in 2010). Declines in other regions have been similar.

U.S. EPA 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 saw a small flurry of new Brownfield cases in the first half of this year, but we do not expect to see a return to previous Brownfield-restoration levels until the economy recovers more fully.

### **Hunters Point Shipyard Hearing (Tina Low)**

San Francisco Supervisor Malia Cohen invited Board staff, as well as representatives of other agencies, to attend and provide remarks at an October 24 hearing of the Board of Supervisors Land Use and Economic Development Committee. The purpose of the meeting was to hear public and agency comments on the Navy's proposed cleanup plan for Parcel E-2 at its former Hunters Point Shipyard (Proposed Plan) before the Navy selects its final remedy. Board staff Ross Steenson, Tina Low, and Alec Naugle attended the hearing along with representatives from the Navy, U.S. EPA, the San Francisco Department of Public Health (City), and the Department of Toxic Substance Control (DTSC).

Parcel E-2 consists of 47 acres of shoreline and lowlands in the southwestern portion of Hunters Point. The parcel consists of three separate areas: a former landfill, the Panhandle, and the East Adjacent Area. Most of the land comprising Parcel E-2 was created by filling the Bay, from the 1940s to the late 1960s, with various materials, including soil, crushed bedrock, dredged sediments, and waste. The 22-acre landfill contains over one million cubic yards of waste, consisting of construction debris (wood, steel, and concrete), municipal-type trash, and industrial waste (sandblast waste, paint sludge, solvents, and waste oils). The landfill may also contain low-level radiological contamination (from radionuclides used for paint on glow-in-the-dark dials and markers on naval vessels). The landfill was covered with fill in 1974, when the Navy ceased shipyard operations. A map of the shipyard's parcel is shown in Figure 2a, and a photo of Parcel E-2 within the shipyard is shown in Figure 2b.

As reported to you in October, the Navy released its Proposed Plan in September 2011 for public comment. The timing of this hearing was planned to allow a structured discussion of the Proposed Plan within the comment period, which extended until November 21. Navy Remedial Project Manager Lara Urizar presented the Proposed Plan, which includes the following key elements:

- Excavate and dispose of soil hot spot areas,
- Install a protective liner and soil cover over the landfill and adjacent areas,
- Install underground barriers (slurry walls) to limit contaminated flow to the Bay,
- Remove and treat landfill gas,
- Build a shoreline revetment,
- Construct new wetlands to mitigate wetland impacts due to remedial activities,
- Monitor and maintain the remedy, and
- Implement Institutional Controls, such as restricting digging and building, to protect the remedies.

The final vision for Parcel E-2 is open space with parks and restored wetlands.

Following the Navy's presentation, representatives from the regulatory agencies delivered remarks regarding their role in overseeing remedial activities at Parcel E-2. Ross Steenson explained, consistent with the remarks of the City, U.S. EPA and DTSC representatives, that Board staff has reviewed the Proposed Plan and considers that the proposed cleanup will be protective of water quality, human health and the environment. He further stated that the elements of the plan for the landfill are consistent with management of similar closed military base landfills, such as at the former Mare Island Naval Shipyard and Alameda Naval Air Station.

Following the agencies, many members of the public expressed concern over the proposal to manage the landfill in place and stated that the Navy should excavate all waste and contaminated soil, transport it to an offsite landfill, and backfill the excavation with clean soil. This alternative (Alternative 2) was evaluated by the Navy and would require the removal and transport of a very large volume of soil and waste (over one million cubic yards) and an excavation of up to 30 feet deep adjacent to the Bay. Due to these considerations, the Navy's evaluation found that Alternative 2 presents many short-term risks, would be difficult to carry out, and would be very expensive. The main reasons the public speakers cited for their strong preference for Alternative 2 were: 1) concern over whether the nature, location, and depth of the waste are adequately characterized to safely manage the landfill in place; and 2) concern over the proximity of future residences near the landfill.

The next steps are for the Navy and the regulatory agencies to review and consider all public comments. Afterwards, the Navy will finalize its selected remedy and prepare a Record of Decision, likely in spring 2012, to be reviewed and signed by the regulatory agencies. The Navy will then prepare the Remedial Design/Remedial Action document in 2013. Implementation of the remedy will be followed by site monitoring and maintenance continuing into the future. At each step, Board staff, along with other regulatory agencies, will provide oversight to ensure that the remedy is protective of human health and the environment.

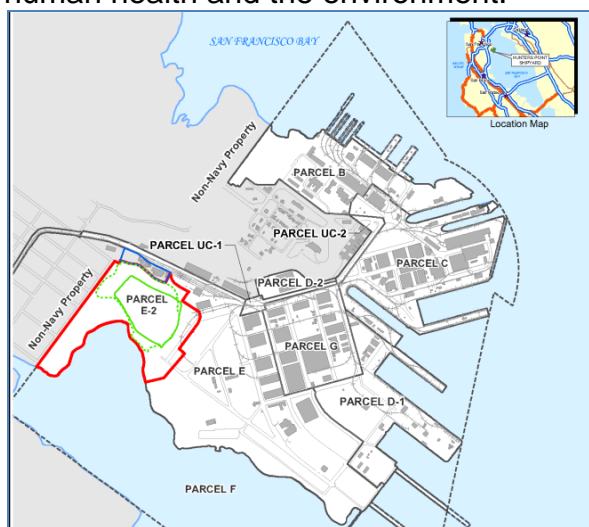


Figure 2a. Hunters Point Parcel E-2 location map. The parcel is outlined in red, and the landfill is outlined in solid green

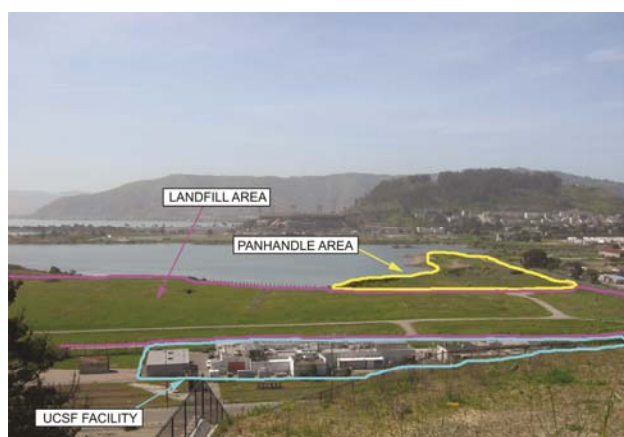


Figure 2b. Parcel E-2 looking south from adjacent hillside

### **Spill Response Drill (Laurent Meillier)**

The key to efficiently and effectively responding to spills is being prepared. The Board's spill response team regularly attends area-wide contingency plan meetings with other agencies, including the U.S. Coast Guard and the State Department of Fish and Game's Office of Spill Prevention and Response. We also participate in periodic "spill drills." The drills keep staff familiar with the Incident Command System (ICS) used during spill response and help us get to know the other responders, which make us all more effective during a real spill. On November 3, Board staff Laurent Meillier and Brian Thompson participated in the Nu-Star spill drill, located at the Selby Terminal in Crockett.

The Nu-Star spill drill scenario consisted of a discharge of 10,000 barrels (42,000 gallons) of diesel to Suisun Bay and its surrounding shoreline. Board staff drafted cleanup end point guidance to guide implementation of cleanup strategies for rip-rap and wetland areas along the shoreline. Our other drill work included fielding calls from the public distressed by the possibility of excavation along beach properties and addressing agency concerns regarding duplicative regulatory authority.

Successful spill response implementation requires a high level of cooperation and trust between the parties involved. Practice prior to an incident helps responders understand their roles and responsibilities and prepare them to work together in the ICS structure. When responders understand each other's roles and responsibilities, they are more likely to reach consensus on response strategies in a real incident. We will continue to work within the spill response infrastructure set up in the Bay Area, including keeping staff up-to-date via drills, meetings, and our regular response to spills.

### **Enforcement: Complaints and Settlements (Brian Thompson)**

On November 16, the Board's Prosecution Team issued an administrative civil liability (ACL) complaint with a proposed fine of \$882,200 to Guadalupe Rubbish Disposal Co., Inc. for an alleged discharge of approximately 86,220 gallons of stormwater, contaminated by landfill gas condensate to an unnamed tributary of McAbee Creek. A copy of the ACL complaint can be found on our website:

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

On October 28, I publicly noticed a proposed settlement agreement and stipulated ACL order to Alameda County for allegedly failing to obtain coverage under the Construction General Permit for a Castro Valley library project, and for failing to properly implement and maintain an effective combination of erosion and sediment controls. Alameda County has agreed to pay \$35,000 to the Cleanup and Abatement Account. I intend to sign the ACL order if no significant comments are received within the 30-day comment period. A copy of the proposed settlement agreement and stipulated ACL order can be found on our website:

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

On November 8, I publicly noticed a proposed settlement agreement and stipulated ACL order to Trash TalkFCM for an alleged discharge of hundreds of biodegradable, red latex balloons to San Francisco Bay and its tributaries earlier this year. Trash TalkFCM has agreed to pay \$7,000 to the Cleanup and Abatement Account. I intend to sign the

ACL order if no significant comments are received within the 30-day comment period. A copy of the proposed settlement agreement and stipulated ACL order can be found on our website:

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

Two dischargers are making payments to the Cleanup and Abatement Account for mandatory minimum penalties settled through the Board's Expedited Payment Program.

- C&H Sugar, Inc. - \$9,000
- Atlantic Richfield Company - \$18,000

Twelve dischargers are making payments of \$1,000 to the Cleanup and Abatement Account after agreeing to conditional offers to settle violations of late annual reports of industrial stormwater discharges: Andrade Trucking, ABS Seafood Co., Inc., Bodycote Thermal Processing, Conklin & Conklin, Inc., Discovery Foods, East Bay Resources, Garden City Sanitation, Pacific Auto Parts, Inc., Pressure Cast, Preston Pipelines, U Tech Media USA, LLC, and University Plating Company.

The State Board's Office of Enforcement includes a statewide summary of penalty enforcement in its Executive Director's Report, which can be found on the State Board website: [http://www.waterboards.ca.gov/board\\_info/eo\\_rpts.shtml](http://www.waterboards.ca.gov/board_info/eo_rpts.shtml)

### **In-house Training**

Our November training comprised an annual health and safety refresher for staff whose work takes them to hazardous waste sites. Our December training will be on this region's new writing style guide, prepared in-house, with substantial assistance from the State Board's Training Academy. Brownbag seminars included a November 17 session on erosion control effectiveness at the Gambonini mercury mine cleanup project in Marin County.

### **Staff Presentations**

On November 16, I spoke at the ribbon-cutting ceremony of the Central Contra Costa Sanitary District's new, LEED-certified Collection System Operations Facility in Walnut Creek. The District manages its 1500 mile sanitary sewer collection system from the Facility. I emphasized the challenge of managing such an extensive collection system and congratulated the District on its foresight in constructing a state-of-the-art operations facility to take on the challenge.

Also on November 16, I spoke at UC Berkeley's Residential Sustainability Program on local water supply and wastewater treatment issues. I noted to the students the significance water issues, especially in California, will have in society over the coming years, and water makes an outstanding profession.

On November 30, the Bay Planning Coalition sponsored a workshop titled, Dredging/LTMS and Nutrients: What are the Implications for the Bay's Future? Board member Jim McGrath spoke on the Long-Term Management Strategy and dredging, stressing the importance of finding economical ways to reuse dredged sediment. Board staff Beth Christian participated on a panel that discussed the affects of Bay TMDLs on dredged material disposal, while Board staff Naomi Feger participated on a panel that

discussed the state of the Bay with regard to nutrients.

On December 5, I spoke at the groundbreaking ceremony for the cleanup and restoration of Cooley Landing in East Palo Alto. This was one of the sites featured in our information item on cleanup and restoration of the southwest baylands at the November Board meeting. I emphasized that this project combined human health protection, ecological restoration, and public access, and was a prime example of people taking back the Bay from its historic polluting uses. Board staff Mark Johnson, who has spearheaded the cleanup of numerous sites in East Palo Alto over the past twenty years, was interviewed by the media on the challenge and benefits of Cooley Landing's cleanup and restoration.