

California Regional Water Quality Control Board  
San Francisco Bay Region  
**EXECUTIVE OFFICER'S REPORT**

A Monthly Report to the Board and Public

**January 2011**

*The next regular scheduled Board meeting is February 9, 2011.*

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

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**Something to Smile About: Dental and Other Programs (Heather Ottaway)**

Each year, 41 municipal wastewater agencies submit required reports to us detailing their pollution prevention efforts. We recently reviewed their 2009 reports and note a strong focus on pollution prevention efforts that implement the San Francisco Bay mercury TMDL and copper and cyanide site-specific objectives.

The reports show that wastewater agencies are well on their way to reaching our mercury watershed NPDES permit's target of 85% of dental practitioners participating in a dental mercury source control program by March 1, 2013. The permit implements the mercury TMDL by requiring, in part, that wastewater agencies reduce dental office mercury discharges to sanitary sewers. All but four agencies met the initial requirement to develop and begin a program targeting dental offices by March 1, 2010. Nearly half of these developed or modified ordinances or permits to require dentists to install mercury amalgam separators and implement other best management practices.

The 2009 reports also indicate that wastewater agencies are doing well in implementing copper and cyanide action plans that implement the copper and cyanide site-specific objectives. Our NPDES permits require wastewater agencies to implement monitoring and surveillance, pretreatment, source control, and pollution prevention to ensure that San Francisco Bay continues to meet the copper and cyanide site-specific objectives. The copper and cyanide action plans call for wastewater agencies to inventory potential

sources and, if they identify any, to develop and implement source control programs and report progress. All wastewater agencies except three completed the inventory of potential copper sources. Most of these made progress on the minimum program elements of the copper action plans, including educating the public on proper pool and spa maintenance and plumbers' roles in reducing corrosion, and providing training to plumbers to encourage best management practices to minimize copper corrosion. All wastewater agencies provided an inventory of potential cyanide sources, with nearly half not finding any in their service area. Of those with potential cyanide sources, most conducted inspections and provided outreach materials to these locations. We are following up with the few agencies that have yet to complete their pollution prevention tasks to ensure their timely implementation.

### **SF Bay Fish Project Kick-off Meeting (Naomi Feger, Jan O'Hara)**

The Bay Area Clean Water Agencies, the Western States Petroleum Association, and the Bay Area Stormwater Management Agencies Association (BASMAA) all represent dischargers in this region that have permit requirements to implement fish consumption risk reduction activities intended to help communicate and manage health risks to recreational fishers who consume San Francisco Bay fish. These groups are jointly funding the California Department of Public Health (CDPH) to lead these efforts. BASMAA has obtained some funding for these activities from a U.S. EPA grant. CDPH held a kick-off meeting of the Stakeholder Advisory Group (SAG) on December 7 to engage stakeholders, such as local agencies, tribes, and community groups, in improving communication to the public about how to reduce their exposure to PCBs and mercury from consuming SF Bay fish while we work to reduce the levels of PCBs and mercury in those fish. The SAG will guide development of approaches to improve communication to high risk fish consumers and messaging associated with fishing health advisories, and to develop exposure reduction activities.

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

I have publicly noticed a stipulated ACL for C&H Sugar Company, Inc. On December 3, the Board's Prosecution Team and C&H Sugar Company agreed to a tentative settlement of \$200,000 for alleged discharges from the C&H Sugar Refinery in Crockett, where about 68,000 pounds of sugar were mixed with approximately 763,000 gallons of cooling water and discharged to Carquinez Strait. This settlement is proposed in a stipulated ACL order, which I intend to sign if no significant comments are received within the 30-day comment period. A copy of the tentative settlement and stipulated 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 December 20, I publicly noticed an alternative supplemental environmental project (SEP) for a 2009 ACL order issued to the Mt. View Sanitary District in Martinez. The Mt. View Sanitary District has proposed substituting the \$125,000 Peyton Slough Levee Sealing SEP specified in the order with an alternative SEP designed to remove a hydraulic bottleneck at a railroad crossing in Peyton Slough, so as to improve water transfer between McNabney Marsh and Suisan Bay/Carquinez Strait. This SEP would restore the marsh to an estuarine condition. The project requires additional funding to fully implement, and if not obtained, the amount of the alternative SEP (also \$125,000) would be paid to the State's Cleanup and Abatement Account. I intend to accept the

alternative SEP if no significant comments are received within the 30-day comment period. A copy of the SEP proposal 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)

The Sonoma Valley County Sanitation District agreed to a conditional offer to settle Mandatory Minimum Penalty violations to its NPDES permit 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 December 8 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](http://www.waterboards.ca.gov/sanfranciscobay/public_notices/pending_enforcement.shtml)

**Groundwater Protection Division Field Trip** (Emily Chow, Lindsay Whalin)

On December 9, the rain clouds parted briefly for the Groundwater Protection Division's educational field trip to the Presidio of San Francisco. Currently, parts of the Presidio are being remediated and restored under the regulatory guidance of the Board.

The trip organizer, Elizabeth Wells, started the tour at the Officer's Club. Once a Spanish colonial military building, the Officer's Club now serves as an educational visitor's center with displays describing the military and cultural history of the Presidio. The Board's Presidio project manager and in-house expert, Agnes Farres, described ongoing cleanup and restoration, including our first stop at Fill Site 1 and Landfill 2. Located on a hillside in the upper reaches of the Tennessee Hollow watershed, the sites are former Army waste disposal areas for debris, including incinerator waste, refuse, and construction debris. The debris has been excavated and removed, and the sites are being restored to historic woodland habitat while providing a good example of erosion and sediment control best management practices (see photo below).



**Photo 1. Fill Site 1/Landfill 2.**

As our tour continued, we visited El Polin Springs, a sand dune restoration area, and the Presidio Habitats Exhibition, a series of outdoor art installations inspired by Presidio wildlife and wildlife areas. Finally, we stopped for a picnic lunch and a game of Presidio trivia. As we left the Presidio, the skies were still clear, as is the outlook for another great year for the Groundwater Protection Division.



*Photo 2. Groundwater Protection Division.*

### **Public Relations and Press Release Procedures 2011 (Sandia Potter)**

The 1995 version of our Internal Procedures Manual (IPM) includes an outdated section on media relations. Sandi Potter and Dyan Whyte, in coordination with State Board's Office of Public Affairs, are in the process of updating the IPM to include a section entitled, "Public Relations and Press Release Procedures." The section will provide a standardized process, consistent with the Board's October 2010 direction, for publicizing the Board's actions and successes. Specifically, the procedures are intended to increase positive public understanding and awareness of the regulatory, enforcement, and public service actions the Board takes. The procedures will include 1) a process for determining what is appropriate for a press release or other publicity; 2) procedures for issuing press releases; 3) Board staff roles and responsibilities; and 4) procedures for informing the Board of press releases or other publicity. These procedures will be incorporated into the IPM as an update to Chapter 4 and will be linked to the Board's website.

### **In-house Training**

Our December training was an 8-hour Health-and-Safety refresher for staff whose work takes them to hazardous waste sites. Our January training will be on analytical chemistry and will focus on how we ascertain data quality in discharger-submitted reports.

### **Staff Presentations**

On December 2, Alec Naugle gave a presentation at the Department of Defense's annual Strategic Environmental Research and Development Program technical symposium. In his talk, entitled "Regulatory Perspective on the use of Contaminant Mass Flux and Mass Discharge," Alec described how these concepts could be used to supplement concentration data for improved cleanup decisions. Mass discharge is a key component in developing numeric TMDLs and NPDES effluent limits, but has not been applied widely to the regulation of groundwater pollution plumes. Alec's presentation was based on his work with the Interstate Technology Regulatory Council (ITRC) over the past two years as an author of the ITRC's August 2010 guidance document titled, "Use and Measurement of Mass Flux and Mass Discharge", available at:

<http://www.itrcweb.org/guidancedocument.asp?TID=82>

This fall, Ann Riley continued to support our public outreach efforts to watershed organizations by making presentations to three organizations: the Alameda County Watershed Forum (Castro Valley), the Gallinas Watershed Council (San Rafael), and the Friends of Sausal Creek (Oakland). The presentations covered requested topics ranging from the Board's stream protection mission and efforts, the history and lessons learned from past Bay Area stream restorations, and the "do's and don'ts" for managing streams. It is interesting to note that the topic these organizations were most interested in was the institutional and public involvement factors that lead to stream protection and restoration. The events were well attended and included representatives of local agencies, water and park districts, political representatives, educators, students, and citizens active in a number creek organizations and non-profits.

On December 9, Dyan Whyte testified at the Central Valley Regional Water Board's monthly meeting in support of its proposed NPDES permit that would require the Sacramento Regional Sanitation District Wastewater Treatment Plant (Sac Regional) to provide tertiary treatment, reduce ammonia discharges from 14 to 1 ton per day, and remove nitrogen. After a full day of testimony, the Central Valley Board unanimously adopted the permit at 10:45 pm that evening. This is great news for the Delta and Suisun Bay as recent studies indicate that Sac Regional is contributing over 90% of the ammonia present in the Sacramento River and is the main source of ammonia to Suisun Bay in our region. High levels of ammonia can alter phytoplankton species composition and primary productivity. High levels of ammonia in Suisun Bay appear to be responsible for declines in diatom blooms and may be associated with the pelagic organism decline.

On December 14, I testified at the San Jose City Council meeting in support of the City staff's proposed ordinance to ban single-use carryout bags. The ordinance, which will ban, starting in January 2012, the free distribution of both single-use plastic and paper bags at the City's retail establishments was adopted by the City Council on a 10 to 1 vote. My testimony noted that adoption of this ordinance would be considered by the Board to be one of the permanent trash control measures required by the Board's municipal regional stormwater permit and emphasized that such a ban would benefit the City by being a permanent measure that the public at large would implement, rather than a measure that the City would pay to construct and maintain. This ordinance and its supporting EIR are expected to become models for cities around the Bay.