

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

A Monthly Report to the Board and Public

June 2011

The next regular scheduled Board meeting is June 8, 2011.

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

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Wastewater Mercury Loads to SF Bay Continue to Drop (Lauren Steinbaum)

In 2010, municipal and industrial wastewater dischargers were well within the mass loading limits prescribed by the Board’s NPDES Mercury Watershed Permit. The Watershed Permit implements the San Francisco Bay Mercury Total Maximum Daily Load for all municipal and industrial wastewater sources. The charts in Figure 1 show mercury loadings since the Watershed Permit became effective in 2008.

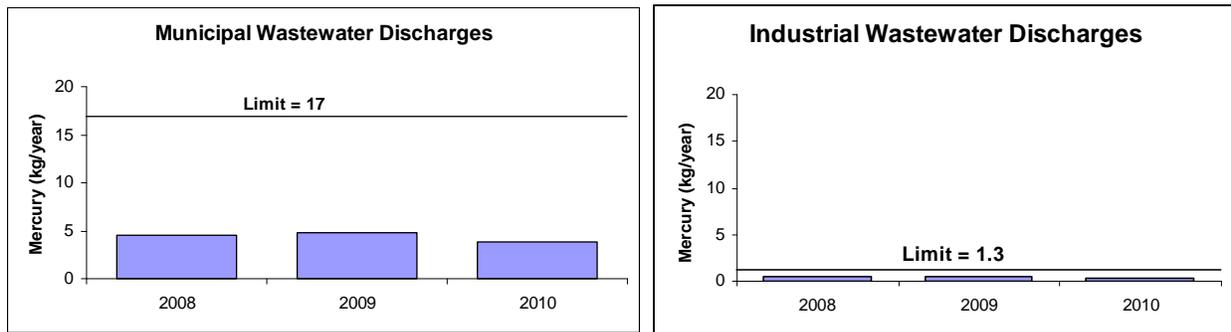


Figure 1. Charts of Wastewater Discharges between 2008 and 2010.

Municipal wastewater dischargers are continuing to reduce mercury inputs through source control activities. For example, most municipal dischargers have implemented

dental amalgam control programs; an estimated 76% of dental practitioners in the Bay Area participate in these programs. To further encourage participation, the Bay Area Pollution Prevention Group continues to present mercury pollution prevention information to dental assistants and dental hygiene students. Additionally, municipal dischargers collect hazardous waste, fluorescent lights, thermometers, and batteries, which do not affect wastewater but could improve urban stormwater runoff. For 2010, municipal dischargers collected about 240 pounds of mercury. Efforts such as these have helped municipal dischargers keep mercury loadings well below the annual effluent limit of 17 kilograms of mercury per year.

Industrial wastewater dischargers are also below their annual effluent limit of 1.3 kilograms of mercury per year. For those who are working on source control projects, most are tracking and replacing mercury-containing switches, instruments, and other equipment.

ExxonMobil Bay Front Cleanup (Vic Pal)

In 2006, the Board issued Site Cleanup Requirements to ExxonMobil to investigate and remediate petroleum hydrocarbon impacts from its historical site operations at and near 440 Jefferson Street, San Francisco, in the middle of Fisherman's Wharf. The 0.2-acre site is about 45 feet south of a riprap embankment, fronting San Francisco Bay.

A petroleum sheen had been intermittently observed in the Bay, near the ExxonMobil site, since a wharf building was demolished in 2007. Corrective actions completed in early 2008 included removal of seven pipelines, performance of a dye tracer test, and the cutting and capping of a storm drain outfall. These corrective actions were only partially successful. In 2008, Board staff directed ExxonMobil to submit a corrective action plan to fully mitigate the sheen. ExxonMobil performed investigations during 2009 that led to the development of a conceptual site model and corrective action plan (CAP) for addressing the remaining sheen. The approved CAP proposed excavation of the riprap and installation of a permeable reactive barrier within the restored slope. After receiving permits from the Army Corps of Engineers, BCDC, and the State Lands Commission, corrective action construction began in December 2010. ExxonMobil built a 260-foot perimeter steel enclosure to support the upland shoreline while excavating approximately 1,200 tons of material for offsite disposal (Figure 1). Placement of a permeable reactive barrier, backfilling, and restoration of the slope were completed on May 11, 2011. Surface water sheen monitoring is now in place to evaluate whether the corrective actions are successful, and, as a precautionary measure, oil spill containment booms are in place as well (Figure 2).



Figure 1. Contaminated sediments removed from sheet pile area and placed in red containers for offsite disposal.



Figure 2. The Shoreline is Restored after the Removal of Contaminated Sediments.

Regional Oil Spill Response Meeting (David Elias)

On May 17, we hosted an Area Contingency Planning (ACP) meeting. The ACP group is a consortium of local, State, federal, private, and non-governmental entities tasked with the planning and implementation of oil spill response strategies in the greater Bay Area. The ACP meetings are led by the US Coast Guard and the State Department of Fish and Game's Office of Spill Prevention and Response.

I had the opportunity to welcome the 140 meeting participants and to share some of our spill response history. The responders, including Board staff, all participated in spill response activities associated with both the recent Cosco Busan and Dubai Star oil spills in the San Francisco Bay.

We felt it was important to host the meeting because in recent years we have significantly increased our involvement in spill response activities. We currently monitor our spill hotline around the clock, seven days a week, participate in training and spill drills, and track and audit response efforts completed by others.

At the meeting, Laurent Meillier, one of our spill response staff, joined the ACP's advanced cleanup technology committee, which is responsible for reviewing new approaches to spill cleanup.

Grants Awarded to Reduce Fish Consumption Risks (Jan O'Hara)

In January, I reported on the kickoff of the San Francisco Bay Fish Project, an effort which implements the Mercury and PCB TMDLs' Bay fish consumption risk reduction requirements. The Project is intended to help communicate and manage health risks to anglers who consume Bay fish, and, thus, it also fulfills requirements in NPDES permits issued to the wastewater, stormwater, and industrial entities that discharge to the Bay. The project lead for this effort, the California Department of Public Health (CDPH), with Board staff input, recently solicited proposals to increase awareness of fish contamination issues and to reduce exposure to chemicals from eating fish caught in the Bay. The following community-based organizations received discharger-funded grants of up to \$25,000: California Indian Environmental Alliance, Asian Perinatal Advocates, Greenaction for Health and Environmental Justice, and Kids for the Bay.

CDPH is coordinating the grant program with the State's new recreational fishing advisory for San Francisco Bay. On May 23, the Office of Environmental Health Hazard Assessment (OEHHA) issued a Guide to Eating San Francisco Bay Fish and Shellfish. This guide updates interim sport fish consumption guidelines, using new data and improved analytical methods and protocols. The advisory recommends against eating certain types of fish high in contaminants, primarily mercury and PCBs. The guidelines, available at http://www.oehha.ca.gov/fish/nor_cal/2011SFbay.html, identify fish and shellfish species with low contaminant levels that are safe to eat frequently (once a week or more). The four organizations selected to receive grants through the San Francisco Bay Fish Project will base their outreach messages on this fish advisory.

Mitigation Success at Pacific Commons Preserve (Dale Bowyer)

The Pacific Commons Preserve mitigation project in Fremont will soon be transferred to the U.S. Fish and Wildlife Service Don Edwards National Wildlife Refuge for long term management. The Pacific Commons commercial development was permitted by the Board in 1999. The project entailed the filling of 46 acres of wetlands, and, to mitigate for these impacts, the creation and preservation of 143.6 acres of wetlands. Catellus Development Corporation, now ProLogis, constructed the preserve in four phases over 12 years. As part of this effort, it monitored wetland plants and sensitive species, such as the vernal pool tadpole shrimp, tiger salamanders, burrowing owls, and Contra Costa goldfields. Board staff recently determined that, two years ahead of schedule, the final wetland performance criteria have been met. In addition, 6.3 more acres of habitat was created than required, including twice the amount of required vernal pool tadpole shrimp habitat. This mitigation project will now become part of a 444-acre preserve. Once the final endowment for long term management is posted, the Board can release the remaining mitigation surety bond.

Enforcement: Complaints and Settlements (Brian Thompson)

On May 26, I publicly noticed a proposed settlement and stipulated Administrative Civil Liability (ACL) order to the City of San Bruno. A tentative Cease and Desist Order for the City of San Bruno was issued for public comment on August 2, 2010, and is scheduled for Board consideration in August.

- Stipulated ACL - The Board's Prosecution Team and the City of San Bruno have proposed a \$621,000 settlement for 148 alleged sanitary sewer overflows from the City's sewage collection system. The City has agreed to pay \$325,550 to the Cleanup and Abatement Account and, in lieu of additional fines of \$295,550, complete Supplemental Environmental Projects for a private sewer lateral program (\$199,622) and for the Marine Mammal Center (\$95,928). 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
- Tentative Cease and Desist Order - This proposed order would require the City of San Bruno to reduce and eliminate sanitary sewer overflows through a combination of specific performance standards and requirements, collection system operation and maintenance, collection system evaluation and capacity assurance, capital improvement and financial planning, training, and Sewer System Management Plan (SSMP) certification, and communication. A copy of the proposed order can be found on our website: http://www.waterboards.ca.gov/sanfranciscobay/board_decisions/tentative_orders.shtml

On May 9, I publicly noticed a proposed settlement agreement and stipulated ACL order to Alameda County for allegedly failing to properly implement and maintain effective erosion and sediment controls for its Pathway (construction) Project and minimize the discharge of pollutants to State and U.S. waters in violation of the NPDES Municipal Storm Water Permit. Alameda County has agreed to pay \$20,720 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

Five dischargers have 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 for alleged violations if the payment agreements circulated for a 30-day public comment period do not generate opposition to accepting the offers. Copies of the settlement offers can be found on our website:

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

- City of Pacifica - \$18,000
- San Francisco Public Utilities Commission - \$6,000
- City of Calistoga - \$3,000
- Chevron Environmental Management Company - \$18,000
- City of Sunnyvale - \$12,000

As lead of the Board's advisory team, I issued three ACL orders during May after the alleged dischargers reached settlement agreements with the Board's prosecution team and 30-day public comment periods did not generate any opposition to issuing the orders. The following fines will be paid to the Cleanup and Abatement Account:

- East Bay Municipal Utility District - \$209,851
- Pacific Bell Telephone Company / AT&T - \$10,000
- California Department of Transportation - \$381,450

In-house Training

Our May training comprised a field trip to Lake Merritt, with a focus on stormwater control measures. We will have no in-house training in June. Brownbag seminars included a May 18 session on watershed management topics by our own Danny Pham (Transgenic Plants in Phytoremediation of Mercury Contamination in the Guadalupe River Watershed) and Jowin Cheung (Using Prescribed Fire on Invasive Non-Native Plant Species in Riparian Areas); both topics were done to fulfill their requirements for the Master of Science in Environmental Management program at the University of San Francisco.

Staff Presentations

On May 25, David Elias spoke at the City of Oakland's construction staff training, which included all of the City's designers, resident engineers, and project managers. The training focused on compliance with the new Statewide NPDES Construction Stormwater General Permit. David discussed our enforcement program, including the establishment of State Board's Office of Enforcement, the updated State Water Quality Enforcement Policy, and recent construction-related enforcement actions.