

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

March 2011

*The next regular scheduled Board meeting is March 9, 2011.
See <http://www.waterboards.ca.gov/sanfranciscobay/> for latest details and agenda*

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Big Lagoon and Redwood Creek Restoration Project (Leslie Ferguson)

The Big Lagoon and Lower Redwood Creek restoration project, located in western Marin County near Muir Beach, is successfully moving forward. The National Park Service (NPS) and Marin County are jointly implementing this project that the Board approved in 2009. This restoration project is particularly noteworthy as it is enhancing one of the few coastal lagoon, floodplain, and wetland systems in our Region that supports coho salmon, steelhead, and an abundance of other fish and wildlife.

This past dry season, NPS and the County expanded the tidal lagoon and floodplain areas; constructed a pond for the endangered California red-legged frog; removed imported fill, concrete, and non-native vegetation; planted native plants; and improved the boardwalk. We recently inspected the site and observed that the project is functioning as designed: the floodplains were inundated and the lagoon was flooded. We will continue to work with NPS and Marin County to support implementation of the remaining project phases. This is an exciting project, and we'll keep the Board informed as work progresses.

Tesoro Golden Eagle Refinery, Oily Water Canal Closure Status (Vic Pal)

The Golden Eagle Refinery, located in Martinez, is scheduled to complete cleanup of an

oily water canal by mid-summer 2011. This 2,200-acre refinery processes crude oil, producing gasoline, diesel, liquid petroleum gas, heating oil, and petroleum coke. The canal is an unlined 2,300-foot long drainage channel that the refinery used to

transport partially-treated refinery wastewater. After decades of operation, sediments in the canal were heavily contaminated.



The Golden Eagle Refinery removed the oily sediments and backfilled the canal with clean rock and soil. The Refinery employed both mechanical excavation and hydraulic vacuum methods to remove the oily waste and disposed of approximately 10,000 tons of waste offsite.

Enforcement: Complaints and Settlements (Brian Thompson)

The Board's Prosecution Team issued two administrative civil liability (ACL) complaints in February. A \$95,600 fine is proposed in a complaint issued to the City of Redwood City on February 14 for an alleged discharge of 51,107 gallons of raw sewage to the Redwood Shores Lagoon. A \$76,600 fine is proposed in a complaint issued to the East Bay Municipal Utility District on February 18 for alleged discharges of 4,200 gallons of chlorinated water to Sausal Creek in Oakland and 23,400 gallons of chlorinated, sediment-laden water to Reliez Valley Creek in Lafayette. Copies of the ACL complaints can be found on our web site:

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

The East Bay Municipal Utility District agreed to a conditional offer to settle mandatory minimum penalty violations through the Board's Expedited Payment Program. A payment of \$9,000 will be made to the State Board's Cleanup and Abatement Account for alleged violations from its Bayside Groundwater Project (Alameda County) if the payment agreement, circulated on February 14 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

On February 18, I publicly noticed a tentative ACL order for a case in which the Board's Prosecution Team and the City of Oakland agreed to a tentative settlement of \$280,000 for an alleged discharge of 113,275 gallons of raw sewage and chlorinated water from its sanitary sewer collection system, and alleged violations of notification and reporting requirements. The City of Oakland has agreed to pay \$155,000 to the Cleanup and Abatement Account and, in lieu of a further fine of \$125,000, complete a Supplemental

Environmental Project for storm water improvements (biotreatment projects) at firehouse facilities. This settlement is proposed in a stipulated ACL order, which Dyan Whyte, representing the Board's Advisory Team, is delegated 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

On February 22, I publicly noticed a tentative ACL order for a case in which the Board's Prosecution Team and the following parties agreed to a tentative settlement of \$1,927,000 for alleged impacts to wetlands from vineyard operators: Julio Cesar Palmaz and Amalia B. Palmaz, Trustee of the Amalia B. Palmaz Living Trust, and Cedar Knolls Vineyards, Inc. The tentative order stipulates that \$85,000 will be paid to the Cleanup and Abatement Account to cover staff costs, and fines totaling \$1,842,000 will be suspended pending completion of work to restore impacted wetlands and mitigate for the temporal loss of wetland functions. 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

The State Board Executive Director's Report includes a statewide summary of ACLs and Mandatory Minimum Penalties. For the month of January, 13 penalties were proposed in the range of \$3,000 to \$54,000, and 17 penalties in the range of \$3,000 to \$1,250,000 were resolved. Please note that for the month of December, summarized in last month's report, the total of pending actions statewide should have been stated as 16 proposed penalties in the range of \$3,000 to \$837,000, and the total of final actions statewide should have been stated as 6 resolved penalties in the range of \$6,000 to \$240,000. Lists of penalty assessments for both months are provided on our enforcement web page:

http://www.waterboards.ca.gov/sanfranciscobay/board_decisions/enforcement.shtml

National Groundwater Awareness Week: March 6-12 (Mary Rose Cassa)

Now well into its second decade, National Groundwater Awareness Week spotlights one of the world's most important resources: groundwater. About 98 percent of the available fresh water on Earth is groundwater. Municipalities, industries, and farms in many areas depend on groundwater for their water supply. In our region, roughly half the residents obtain some or all of their drinking water from groundwater. Groundwater also replenishes streams, rivers, and lakes.

This event is sponsored by the National Ground Water Association; its website provides additional information (see www.ngwa.org/public/awarenessweek/index.aspx). Below are some groundwater awareness tips:

- If you own a water well, have it tested annually; and if you notice a change in odor or taste, have your water tested immediately.
- Don't over-apply pesticides, herbicides, and fertilizers. Use them in the recommended amounts.
- When you're handling hazardous substances, do so in a location (such as over concrete) to avoid groundwater infiltration or runoff into surface water from accidental spills.

- Don't dispose of any hazardous substances by dumping them on the ground, pouring them down the drain, or flushing them down the toilet. Contact local waste authorities about proper disposal of hazardous substances such as: pesticides/herbicides, antifreeze, fertilizer, paint/paint thinner, oil, and chemicals.
- If you own a septic tank, have it cleaned and serviced every two years to prevent a breakdown that could pollute your groundwater.

Mare Island Dry Docks Ribbon-Cutting (David Elias)

On February 18, staff and I, along with Board members Eliahu and Moore, attended the opening celebration and ribbon cutting ceremony for the Mare Island dry docks in Vallejo, which have been closed since 1995. We also viewed the Solon Turman, a military cargo ship built in 1961, and the first ship from the Suisun Bay Reserve Fleet ("Mothball Fleet") to be towed to Mare Island for scrapping at the dry docks.

The event was attended by several hundred people, including numerous dignitaries from local, State, and federal government. The event's speakers included Vallejo Mayor Osby Davis, Kathy Hoffman for Congressman George Miller, U.S. Maritime Administration Administrator David Matsuda, and the Governor's Office of Economic Development Director, Joel Ayala.

Water Board staff were mentioned by all of the speakers and thanked for their hard work during the entire permitting process. Special acknowledgement was given to staffer Beth Christian for the timely permitting of the Mare Island Strait dredging project, a critical step in reopening the dry docks' gates. Board staff has also been actively involved in the cleanup and transfer of Mare Island from the Navy to the City of Vallejo and Lennar, in permitting the dry docks' discharge to Mare Island Strait, and in the oversight of the Mothball Fleet.

A major theme of the celebration was how this project will provide economic benefit to the City of Vallejo. Applied Defense Recycling, the new operator of the dry docks, has already hired 75 workers to start the ship dismantling work, and additional jobs related to ship maintenance and construction are expected. The S.S. President, another ship in the Mothball Fleet, is expected to be moved in March to the dry docks for dismantling.

Sacramento Mayor's Institute on City Design (Keith Lichten)

From February 13-16, Keith Lichten participated in a downtown design charrette for Sacramento under the auspices of Mayor Kevin Johnson and the Mayor's Institute on City Design (MICD). MICD is a [National Endowment for the Arts](#) leadership initiative, in partnership with the [American Architectural Foundation](#) and the [United States Conference of Mayors](#). Since 1986, MICD has helped transform communities through design by preparing mayors to be the chief urban designers of their cities.

The Sacramento effort brought a team of four urban and green planning professionals, together with City of Sacramento staff and local stakeholders: the Mayor, business owners, developers, elected officials, downtown users, and others. The team considered opportunities to revitalize downtown Sacramento, identified existing successes, and reflected on how downtown connects with other Sacramento neighborhoods and with the region as a whole. Keith focused his input on green infrastructure design for stormwater drainage, street design, and neighborhood identity.

Highlights of Upcoming Board Meetings

For the April Board meeting, we expect the significant items to be waste discharge requirements for the Sonoma County Water Agency's multi-year stream maintenance program, a number of NPDES permit reissuances, including the permit for the BAE Systems shipyards in San Francisco, and final site cleanup requirements for the "Signature at the Estuary" site in Oakland.

For the May and June Board meetings, we plan to bring to the Board additional NPDES permit reissuances and site cleanup requirements. These reissuances and requirements would include: the permit for the ConocoPhillips refinery in Rodeo; an update of the waste discharge requirements for the Potrero Hills Landfill, which will consider expansion of the Landfill and the West Winton Landfill; and reissuance of waste discharge requirements for the East Bay Regional Park District's multi-year stream maintenance program. We also plan to hold a workshop on the proposed Basin Plan amendment to establish a stream and wetland systems protection policy.

Over the coming three months, we expect to present a number of information items to the Board, including an update on the implementation of the Municipal Regional Stormwater Permit, the annual California Wetlands Portal status report, and a description of the Upland Habitat Goals Project.

Staff Presentations

On February 1, Keith Lichten gave a lecture on NPDES stormwater requirements, including changes associated with the Municipal Regional Stormwater Permit, to UC Berkeley's graduate "Hydrology for Planners" class. The talk also included a review of the water-related impacts of urbanization and of wastewater regulation in the United States.

During the California Water Environment Association's annual Pretreatment, Pollution Prevention, and Stormwater Conference, held in Santa Clara from February 28 to March 2, I spoke at the plenary session on the State and Regional Water Boards' priorities for addressing an ever-growing list of pollutants. Using PCBs and constituents of emerging concern (CECs) as examples, I emphasized that the Water Boards are looking to better manage pollutants as groups, rather than individually, and to focus on the specific data needed to drive management decisions. During the conference sessions, Tom Mumley spoke about the Water Boards' perspective on understanding and controlling CECs; Dale Bowyer gave an update on the implementation of the Municipal Regional Stormwater Permit; and Jan O'Hara highlighted the progress made to date in addressing pesticide toxicity in our creeks and the Bay.

In-house Training

We had no in-house training in February. Our March training will be on sediment issues, policies, and guidelines. Brownbag seminars included a January 26 session on the Oakland Creek Mapping project.