

STATE OF CALIFORNIA

**REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION**

MEETING DATE: July 9, 2014

ITEM: **4**

SUBJECT: **EXECUTIVE OFFICER'S REPORT**

EXECUTIVE OFFICER'S REPORT: *July 2014*

A Monthly Report to the Board and Public

NEXT MEETING: July 9, 2014

WEBSITE: <http://www.waterboards.ca.gov/sanfranciscobay/>

Items in this Report (Author[s])

Leona Heights Sulfur Mine Update (Lindsay Whalin)	1
Petition of Board Cleanup Order for Dublin Site (Cleet Carlton)	2
Cleanup Strategy for Travis Air Force Base (Adriana Constantinescu)	2
Cleanup Completed at San Francisco's Pier 64 (Randy Lee)	3
Urban Water Resources Research Council Appointment	5
In-house Training	5
Staff Presentations	5
State Board Policies and Permits under Development	6
Penalties Proposed and Final (Lila Tang)	8

Leona Heights Sulfur Mine Update (Lindsay Whalin)

Construction has commenced on the Leona Heights Sulfur Mine cleanup project. This small, 2-acre mine has been discharging acid mine drainage to Leona Creek, located in the Oakland Hills, since the 1920's. In summer 2013, the Board updated a Cleanup and Abatement Order and adopted a Time Schedule Order that prescribes the maximum penalty of \$10,000 per day for every deadline missed. The cleanup, which consists of isolating the mining waste from water to prevent the production of sulfuric acid, and restoration of Leona Creek has begun. The first day of construction included permit compliance, safety meetings, and site surveying (Photos 1a and 1b).

Breaking ground is a large accomplishment as it has taken over two decades of regulatory effort to get this point. We are looking forward to reporting back to the Board in the fall about what was accomplished during this construction season.



Photo 1a. Site workers inspect upper mining waste pile.



Photo 1b. Site workers inspect adit.

Petition of Board Cleanup Order for Dublin Site (Cleet Carlton)

On June 13, Chevron U.S.A., Inc., petitioned the State Board to review this Board's cleanup order for the solvent-impacted site at 6400 Sierra Court in Dublin that the Board adopted at its May meeting. The cleanup order names Chevron (along with other dischargers), sets cleanup levels, and requires clean-up-plan implementation. In its petition, Chevron requests that the State Board remove Chevron from the cleanup order and stay the order while the petition is pending.

Chevron raises the following arguments in its petition:

- The cleanup order improperly names Chevron as a discharger, based on its claim that Chevron did not cause or permit a discharge at the site.
- Cleanup to unrestricted use standards is inappropriate, since the site is currently zoned for industrial/commercial uses and no zoning change is pending or planned.

These arguments are similar to the ones Chevron raised at the May Board meeting and in its comments on the draft cleanup order. We will keep you informed of future developments on this petition.

Cleanup Strategy for Travis Air Force Base (Adriana Constantinescu)

I recently signed a Record of Decision (ROD) for 19 groundwater sites at the Travis Air Force Base (AFB) in Fairfield. California Department of Toxic Substances Control, U.S. EPA, and Water Board staff worked together with the Air Force to complete the evaluation of all of the remedial alternatives and concur with the selected remedies.

For more than a decade, Travis AFB has implemented and successfully operated interim remedial actions (IRAs) for groundwater, which were selected in two interim RODs (in 1998 and 1999). Two basic IRA strategies were employed, either separate or in combination, at each site: groundwater extraction and treatment and monitored natural attenuation. The groundwater IRAs were implemented to reduce the levels of contamination in groundwater, lower potential human health risks, and collect data necessary for the selection of final cleanup levels and technically and economically feasible long-term actions.

The overall cleanup strategy for the groundwater beneath Travis AFB is to transition from the current interim actions to final remedies. Based on the results of the feasibility studies, the Air Force selected a number of remedial actions that include various combinations of the following: groundwater extraction and passive free product skimming, emulsified vegetable oil injection, phytoremediation, permeable reactive barriers, and treatment of extracted water using a bioreactor.

As remediation of the contaminant plumes progresses under each selected site remedy, it is expected that the distribution of groundwater contamination will change over time. After cleanup levels for all contaminants of concern have been attained for each site plume, an additional two years of semiannual sampling will be conducted to verify that cleanup has been achieved. We will keep you updated on the cleanup progress at this site.

Cleanup Completed at San Francisco's Pier 64 (Randy Lee)

On June 5, I issued an order rescinding our 2005 cleanup order for the Pier 64 site, part of the Mission Bay redevelopment area in San Francisco. This action is based on satisfactory completion of all tasks in the 2005 cleanup order, which resulted in the cleanup of petroleum-impacted soil at a former petroleum storage and distribution terminal. This cleanup action included the removal of 200,000 tons of impacted soil from an 8-acre area. Additionally, more than 15,000 feet of petroleum pipelines were either removed or grouted in place. Post-remediation monitoring has shown that the residual impact on groundwater is minimal.

Significant leakage and spilling of petroleum occurred during the 70 years multiple oil companies operated in the area (Photo 2a). Over the years, petroleum spread through the soil and moved up and down with the groundwater table, creating a contaminated "smear zone" in soil about 7-8 feet below ground. Cleanup was challenging because of the large affected area, the difficulty of removing the petroleum by any method short of excavation, and the large number of responsible parties and stakeholders. After lengthy and extensive negotiations with the affected landowners, the oil companies (ARCO, Chevron, Texaco, and Unocal) developed a consensus cleanup plan to excavate and remove the contaminated "smear zone" from the 8-acre area and to remove abandoned pipelines (Photo 2b). The majority of the remediation work was performed in 2005-2006, followed by long-term groundwater monitoring that confirmed the effectiveness of the cleanup.

Pier 64 is now in the process of being extensively redeveloped. Recent redevelopment includes construction of a new biotech building and Agua Vista Park along the bayfront (Photo 2c). Future redevelopment will include a new Warriors basketball team arena, office space, and a parking structure.

Pier 64 is part of the 300-acre Mission Bay on San Francisco's bayside shoreline. Mission Bay was a Brownfield area; Brownfields are underutilized properties where reuse is complicated by the presence or perception of pollution. Over the past 20 years, the Board has overseen investigation and cleanup work at Mission Bay, resulting in significant redevelopment for the area. The completion of cleanup at Pier 64 represents an important milestone in Mission Bay's restoration.



Photo 2a. Pier 64 petroleum tank farm (1938).



Photo 2b. Pier 64 cleanup of "smear zone" (2005-06).

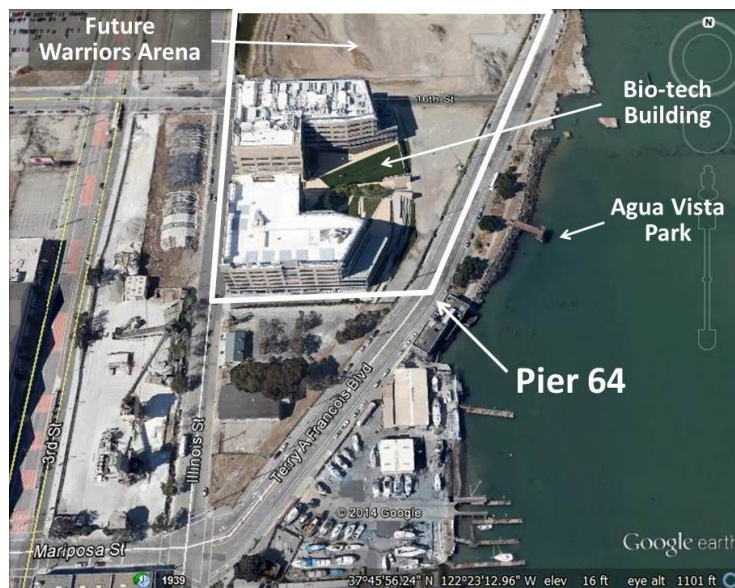


Photo 2c. Pier 64 area partially redeveloped (2014).

Urban Water Resources Research Council Appointment

Senior Engineer Keith Lichten of the Planning Division was elected to the management committee of the Urban Water Resources Research Council (UWRRC), a council of the American Society of Civil Engineers. The UWRRC works to stimulate and guide water resources research and to disseminate knowledge, research results, and related significant outcomes to water professionals. This year, the UWRRC will produce work including guidance documents on permeable pavement, stormwater modeling, stormwater BMP safety, and pathogens in surface waters and will organize the 2015 International Low Impact Development Conference in Houston, Texas. Staff's presence on the management committee offers an opportunity to help ensure that Council products can assist stormwater work in California. Congratulations, Keith!

In-house Training

While there was no training in June, the Planning Division hosted a brown-bag by Philip Williams of ESA/Philip Williams Associates, where he discussed the need to rethink flood control channel design based on his experiences with Bay Area flood control projects over the past 40 years.

Staff Presentations

On June 6, I presented a "regulatory update" to the North Bay Watershed Association at its monthly meeting, where I updated Association members, who are representatives of the water, wastewater, and stormwater agencies in the North Bay, on statewide and regional water quality policy development and implementation. I highlighted State Board's recent announcement that it was making \$800 million of the State Revolving Loan Fund available at ½% interest for water recycling projects and was encouraged to hear from many representatives that their agencies had already applied for this funding.

State Board Policies and Permits under Development

The following is a list of statewide policies and permits under development. This table is an abbreviated version of what was distributed as part of the State Board Executive Director's June 2014 Report. The text in the table is largely unedited except for the deletion of extraneous information.

The full report can be found at http://www.waterboards.ca.gov/board_info/exec_dir_rpts/.

Policy/Significant General Permit	Status
Aquatic Pesticide General Permit – Vector Control	Staff is proposing to amend the Statewide Vector Control Permit. The draft order is scheduled for State Board consideration on July 1, 2014.
Draft WQCP update for San Joaquin River flows and southern Delta salinity objectives	Draft plan amendment to be brought to the State Board for consideration in spring of 2015.
Integrated Report Adoption (2012)	Following approval by Regional Boards, the individual lists will be sent to the State Board for consolidation into the California Integrated Report. This California Integrated Report will be presented to the State Board for consideration before being sent to U.S. EPA. U.S. EPA makes the final approval decision on the California Integrated Report.
Nonpoint Source (NPS) Implementation and Enforcement Policy Amendments	The NPS Implementation and Enforcement Policy (NPS Policy) is being updated to preclude the use of prohibitions of waste discharge for addressing NPS discharges for those land uses (e.g.; irrigated lands) already covered under other regulatory mechanisms (e.g.; waivers of waste discharge requirements) for which discharger enrollment fees are being assessed. Staff anticipates releasing a Draft of the NPS Policy amendments in summer 2014.
Ocean Plan Amendment: desalination and brine provisions	State Board staff is preparing amendments to the Ocean Plan to address impacts from marine life from desalination facilities and brine discharges. Staff anticipates public release of the amendments in summer 2014 and a workshop and potential public hearing in late summer 2014.
Sediment Quality Objectives (SQOs) for Enclosed Bays and Estuaries: Phase II	Staff established a sediment quality workgroup to coordinate contracts and projects and address technical issues within coastal regions. Staff anticipates release of the draft SQO amendments and substitute environmental document in July 2015.
Statewide NPDES Permit for Discharges from Drinking Water Systems	The proposed permit will regulate discharges of water from well development and maintenance, water distribution systems, and unexpected discharges due to

	<p>pipe breaks and emergencies. On June 6, 2014, a draft permit package was issued for a 30-day public comment period. Due to increased stakeholder input, the public comment due date has been extended to August 19, 2014. The State Board will hold a public hearing on this matter on August 5, 2014; the State Board will subsequently consider adoption of the draft permitting documents on September 23, 2014.</p>
<p>Timber Activities on National Forest System Lands</p>	<p>State Board staff has been actively engaging Regional Water Board staff and the U.S. Forest Service in the development of alternatives to a Statewide Conditional Waiver that was proposed in 2011 but was not adopted by the State Board.</p>
<p>Toxicity Amendments to the Inland Surface Waters, Enclosed Bays, and Estuaries Plan</p>	<p>The draft toxicity amendments, revised staff report, and response to public comments received in summer 2012 are currently undergoing internal review. Another comment period will begin once these documents are released in summer 2014. An adoption meeting is anticipated for late 2014.</p>
<p>Trash WQC Plan Amendments</p>	<p>The draft plan document and staff report was released for public comment on June 10, 2014. A State Board workshop is scheduled on July 16 and Public Hearing on August 5, 2014. The comment deadline is noon, August 5, 2014.</p>
<p>Waste Discharge Requirements for Small Domestic Wastewater Treatment Systems (97-10 update)</p>	<p>The Draft Small Domestic Wastewater Treatment Systems General Order (General Order) was released for a 30-day public comment period on June 25, 2014. This item is scheduled for the September 23, 2014, State Board meeting.</p>
<p>Wetland Area Protection and Dredge and Fill Permitting Policy – Phase I</p>	<p>Selected stakeholder meetings were held in April 2013 to receive comments on specific issues related to the Preliminary Draft Wetland Policy posted online January 28, 2013. Separate meetings were held with representatives of the business, utilities, environmental advocacy, and Central Valley Joint Ventures stakeholder groups. State Board staff will consider these comments in preparing the draft Wetland Policy, which is scheduled for public release by fall 2014.</p>

Penalties Proposed and Final (Lila Tang)

The following show proposed settlements and final actions for imposition of penalties as of last month. Proposed settlements are available at

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

Proposed Settlements			
The following is noticed for a 30-day public comment period. If no significant comments are received by the comment deadline, the Executive Officer will sign an order implementing the settlement.			
Discharger	Violation	Penalty Proposed	Comment Deadline
Santa Clara Valley Water District, Penitencia Water Treatment Plant, in San Jose	Discharge limit exceedances	\$6,000	July 28, 2014
Taylor Morrison of California LLC, Sorrento East Neighborhood 10 project, in Dublin	Unauthorized discharge of stucco-laden stormwater	\$3,460	July 21, 2014
Redwood City Partners LLC, Redwood Towers, in Redwood City	Unauthorized discharge of concrete washwater	\$3,460	July 9, 2014
SMI Holding LLC, in Cupertino	Discharge limit exceedance	\$3,000	July 7, 2014

Final Action			
On behalf of the Board, the Executive Officer approved the following:			
Discharger	Violation	Penalty Imposed	Supplemental Environmental Project
Successor Agency of the Redevelopment Agency to City of San Jose, Adobe Tower I, in San Jose	Late discharge report	\$33,000	none
Successor Agency of the Redevelopment Agency to City of San Jose, Adobe Tower II, in San Jose	Late discharge report and discharge limit exceedance	\$36,000	none

The State Board's Office of Enforcement includes a statewide summary of penalty enforcement in its Executive Director's Report at http://www.waterboards.ca.gov/board_info/eo_rpts.shtml.