

STATE OF CALIFORNIA

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

MEETING DATE: October 14, 2015

ITEM: 4

SUBJECT: **EXECUTIVE OFFICER'S REPORT**

EXECUTIVE OFFICER'S REPORT: *October 2015*

A Monthly Report to the Board and Public

NEXT MEETING: October 14, 2015

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

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Hunters Point Naval Shipyard Transitioning to Civilian Reuse (Tina Low)

We reported to you in the [May 2015 Executive Officer's Report](#) that the Navy and the City of San Francisco's Office of Community Investment and Infrastructure were preparing for the transfer of three parcels of the former 638-acre Hunters Point Naval Shipyard from the Navy to the City. Escrow has now closed, and the transfer was recorded on September 16. Parcels UC-1, UC-2, and D-2 (Figure 1), which total 12.5 acres, are now under City ownership. This allows the City and its Master Developer to move forward with redevelopment plans.

The two UC parcels were utility corridors where roadways and utility lines crossed through the shipyard. Parcel D-2 was historically part of the shipyard's industrial support area used for shipping, ship repair, and office and commercial activities. The planned reuse for these parcels is residential, commercial, and research and development facilities.

These are the first cleanup parcels to be transferred to the City since the shipyard was closed in 1994 and is the culmination of years of site investigation and cleanup activities overseen by the Water Board, U.S. EPA, and the State's Department of Toxic Substances Control. To date, the Navy has spent over \$700 Million on cleanup of the shipyard.

As each parcel transfers, a risk management plan (RMP) will be prepared with agency concurrence, which identifies special protocols for managing any residual contaminated soil and groundwater encountered during redevelopment. The City and its developer (Lennar Corporation) have worked closely with the agencies to develop the RMP for parcels UC-1, UC-2,

and D-2, and to serve as the template for future transfer parcels. Under the terms of the RMP, Lennar must test any contaminated soil or groundwater encountered before replacing or disposing it and then reconstruct the durable surface cover that is a required feature over the entire shipyard. Lennar has agreed to reimburse our costs associated with future oversight work under the RMP.

Once developed, no digging below the durable cover or in shoreline areas will be allowed without prior agency approval. While shallow groundwater beneath the shipyard is considered too salty for potable use, its use will be restricted due the presence of residual contamination. The Navy and the City anticipate transferring three additional parcels, totaling 82 acres, in spring 2016.



Figure 1. Land and Sediment Cleanup Parcels at the former Hunters Point Naval Shipyard.

Baron Blakeslee Cleanup Order Amended (Mark Johnson)

The Board has delegated to the Executive Officer the authority to issue or rescind site cleanup orders pursuant to Water Code section 13304. The choice between having these orders acted upon by the Board or by the Executive Officer hinges on the degree of controversy and urgency in each case. In general, I only issue or rescind these orders in situations where there is little or no controversy or when there is some urgency (e.g., cleanup action is needed promptly to address a current or imminent threat to human health or the environment). Otherwise, we

bring these types of cleanup orders to the Board for its consideration and action in a public hearing.

In early September, I amended a 2007 site cleanup order for the Baron Blakeslee site, located at 8333 Enterprise Drive in Newark. A chemical storage, distribution, and recycling facility operated on the site from the early 1970s until 1993. These operations resulted in releases of volatile organic compounds to soil and groundwater. Honeywell, the successor to Baron Blakeslee, has been investigating and remediating the site since 1998, pursuant to Board site cleanup orders. This site cleanup order amendment was needed in light of a pending change in the site's land use: from industrial to public park. The amendment sets a more aggressive schedule for completion of soil cleanup, thereby allowing park construction to be completed by 2017.

CLRRRA Agreement for Cannery Park Site (Ron Goloubow)

In September, we entered into a California Land Reuse and Revitalization Act (CLRRRA) agreement with CPV Development, the potential purchaser of the Cannery Park site in San Jose that is a source of soil and groundwater pollution. The agreement will both accelerate the cleanup of the site and allow for its redevelopment.

Chlorinated solvents were released to soil and groundwater while a cannery operated at the site, located at the intersection of East Taylor and 10th Street in central San Jose, from 1920 to 1980. The buildings at the site were remodeled in the early 1980s to their current configuration to allow for up to 85 small commercial and light industrial businesses. Investigation and cleanup has been reportedly impeded by the limited financial resources of the current site owner. CPV proposes to demolish the existing structures, investigate and cleanup the pollution, and build a mixed-use project that includes approximately 400 apartments, 5,000 square feet of commercial space, and a multi-story parking garage. The cleanup plan includes soil excavation, soil vapor extraction and enhanced bioremediation, and vapor intrusion mitigation.

For context, CLRRRA is a State law passed in 2004 and reauthorized in 2010. It provides eligible parties such as potential purchasers certain immunities in order to promote the cleanup and redevelopment of blighted, contaminated properties, often referred to as "Brownfields." A CLRRRA agreement provides an eligible party with liability protection for the site's contamination while requiring it to conduct necessary site investigation and cleanup. Specifically, the law affords protections from claims made by any person for response costs or other damages associated with a release and prohibits an agency (e.g., the Water Board) from requiring an eligible party to take a response action other than the one required in an approved response plan, subject to certain exceptions related to endangerment. Failure to comply with the work required in a CLRRRA agreement can result in the loss of immunities.

Our goal when considering a CLRRRA agreement is to obtain significant and aggressive cleanup commitments in return for granting liability protection. We first confirm that the requesting party is eligible. We then determine what additional site assessment and cleanup work is needed and make sure that the agreement will result in that work getting done. I will update you on future CLRRRA agreements as we continue to explore the benefits of using this tool to expedite the cleanup of contaminated sites.

State of the Estuary Conference

On September 17 and 18, a number of Board staff, Board members, and State Board members attended the San Francisco Estuary Partnership's [12th Biennial State of the San Francisco Estuary Conference](#) in Oakland. Every two years, the Partnership brings a focus on the management and ecological health of the San Francisco Bay-Delta Estuary to the community. The State of the Estuary Conference showcases the latest information about the estuary's changing watersheds, impacts from major stressors, recovery programs for species and habitats, and emerging challenges. This year's conference highlighted the [State of the Estuary Report 2015](#), which was released coincident with the conference.

The San Francisco Bay Regional Monitoring Program (RMP) Annual Meeting was held in conjunction with the State of the Estuary Conference. The RMP also released its annual report, [The Pulse of the Bay, The State of Water Quality 2015 and 2065](#), as a companion to the State of the Estuary Report. The Pulse summarizes the present state of Bay water quality and looks into a crystal ball on what the condition of Bay water might be 50 years from now.

The theme of the RMP plenary session on day two of the conference was "Future Visions for Estuary Water Quality" with four presentations from experts on wastewater, green infrastructure, green chemistry, and management. One of the presenters was Assistant Executive Officer Tom Mumley, who provided a Water Board management perspective on the current and future state of water quality in the Bay. He noted that despite lingering consequences of legacy contamination from mercury and PCBs, and current challenges with trash and some emerging contaminants, the future looks bright due to more and more beneficial reuse of treated wastewater and management of urban stormwater with green infrastructure. He noted that the key to success will be integrating water quality, water supply, flood management, habitat enhancement and preservation, and land use management, in addition to developing new and improved funding mechanisms.

Our staff worked closely with the Estuary Partnership staff in developing the conference content and agenda and in staffing the conference, which was a great success with over 800 attendees.

In-house Training

We had no in-house training in September; our October 22 training will be on sustainable groundwater management. Brownbag seminars included a September 16 session on geology fundamentals (the session was taught by Ross Steenson, an engineering geologist in our Groundwater Protection Division); a September 22 session on cleanup and redevelopment at Treasure Island and Yerba Buena Island, where a Lennar subsidiary is planning the largest sustainable development project in the United States; and an October 1 session on the evolution of wastewater treatment wetlands for low to no energy-cost nitrogen management.

Staff Presentations

On October 1, James Parrish and I "re-presented" the 2015 Dr. Teng-chung Wu Pollution Prevention Award to the Central Contra Costa Sanitary District at the District's board meeting in Martinez. James used an update of the presentation he made to the Board at its September

meeting to emphasize the significant progress the District had made in educating its rate-payers about the impacts of disposing “flushable” wipes in the toilet, and I commended the District in taking action that reduces its operation and maintenance costs while improving water quality. All four District board members in attendance spoke in appreciation of the award, of the importance of pollution prevention to the District, and in recognition of District staff’s proactive efforts implementing pollution prevention.

Penalty Enforcement Actions Proposed and Final (Lila Tang)

The following tables show a newly issued complaint and recently proposed and approved settlements. There are also two complaints on which Board staff and the dischargers are still in settlement discussions. All complaints and proposed settlements are available at http://www.waterboards.ca.gov/sanfranciscobay/public_notices/pending_enforcement.shtml

| New Complaint | | | |
|----------------------------------------------------------------|------------------------------------|-------------------------|-------------------------|
| This item was open for a 30-day public comment: | | | |
| Discharger | Violation(s) | Penalty Proposed | Comment Deadline |
| Frank Hamedi (owner of former Velcon II property), in San Jose | Failure to issue deed restriction. | \$65,600 | October 2, 2015 |

| Proposed Settlements | | | |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------|-------------------------|-------------------------|
| The following have been noticed for a 30-day public comment period. The proposed settlements do not include supplemental environmental projects. If no significant comments are received by the deadline, the Executive Officer will sign an order implementing the settlement. | | | |
| Discharger | Violation(s) | Penalty Proposed | Comment Deadline |
| City and County of San Francisco, San Francisco International Airport Commission, Mel Leong Wastewater Treatment Plant, in So. SF | Discharge limit exceedances. | \$12,000 | October 9, 2015 |
| Las Gallinas Valley Sanitary District, in San Rafael | Discharge limit exceedances. | \$6,000 | October 19, 2015 |
| City of St. Helena, Wastewater Treatment and Reclamation Plant, in St. Helena | Unauthorized discharge of about 5 million gallons of partially treated sewage in 2014 to groundwater. | \$290,177 | November 2, 2015 |
| City of Vallejo, Fleming Hill Water Treatment Plant, in Vallejo | Discharge limit exceedances. | \$3,000 | November 2, 2015 |
| City of Calistoga, Dunaweal Wastewater Treatment Plant, in Calistoga | Discharge limit exceedances. | \$12,000 | November 2, 2015 |
| City and County of San Francisco, San Francisco Public Utility Commission, Harry Tracy Water Treatment Plant | Discharge limit exceedances. | \$6,000 | November 2, 2015 |

| Settled Actions | | | |
|-----------------------------------------------------------------------|-----------------------------------------------------------------------|------------------------|-------------------------------------------|
| On behalf of the Board, the Executive Officer approved the following: | | | |
| Discharger | Violation(s) | Penalty Imposed | Supplemental Environmental Project |
| Ro Sal Auto Wreckers & Tow, in Concord | Failure to timely submit industrial stormwater 2013-14 annual report. | \$1,100 | None |
| Continental Auto Recyclers & Tow, in Concord | Failure to timely submit industrial stormwater 2013-14 annual report. | \$1,100 | None |

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

401 Water Quality Certification Applications Received (Keith Lichten)

The table below lists those applications received for Clean Water Act section 401 water quality certification from August 15 through September 25, 2015. A check mark in the right-hand column indicates projects with work that may be in BCDC jurisdiction.

| Project Name | City/Location | County | May have BCDC jurisdiction |
|----------------------------------------------------------------------------|--------------------------|---------------|-----------------------------------|
| Alameda Marina Pier 1 Dock Replacement | Alameda | Alameda | √ |
| Hayward Marsh Emergency Levee Repairs | Hayward | Alameda | √ |
| 2015 Stream Maintenance Projects | Livermore | Alameda | |
| Gateway Station West | Newark | Alameda | √ |
| East Creek Slough Bridge (Caltrans Bridge No. 33-0143) | Oakland | Alameda | √ |
| Union Pacific Railroad Bridge Replacement | Oakland | Alameda | √ |
| Lake Del Valle Spillway Vegetation Removal | Unincorporated Livermore | Alameda | |
| Briones Aqueduct Slope Stabilization | Orinda | Contra Costa | |
| Ditch tributary to El Cerrito Creek – PG&E PCB Cleanup | Richmond | Contra Costa | |
| Corte Madera Ecological Reserve Soil and Sediment Characterization Program | Corte Madera | Marin | √ |
| Blue Dot Farm Stream Habitat Restoration | Nicasio | Marin | |
| Glenwood Avenue Bridge Scour Mitigation Project | Ross | Marin | |

| | | | |
|-----------------------------------------------------------------------------|-----------------|---------------|---|
| 2308 Mar East St. - Residential addition | Tiburon | Marin | √ |
| 14-inch Waterline Pipe Bursting | American Canyon | Napa | |
| Cyrus Creek Embankment Repair | Calistoga | Napa | |
| Downtown SF Ferry Terminal Expansion Project – South Basin Improvements | San Francisco | San Francisco | √ |
| South Ocean Beach - Short-Term Coastal Erosion Protection Measure | San Francisco | San Francisco | |
| Treasure Island - Emergency Fire Suppression Suction | San Francisco | San Francisco | √ |
| Creek Retaining Wall | Belmont | San Mateo | |
| Burlingame Annual Creek and Channel Maintenance | Burlingame | San Mateo | |
| Summit Drive Culvert Replacement | Burlingame | San Mateo | |
| Romeo Pier Removal | Half Moon Bay | San Mateo | |
| Walnut Avenue Storm Drain Repair | Hillsborough | San Mateo | |
| Creek Repair and Stabilization | Portola Valley | San Mateo | |
| Monte Vista Substation Drain Pipe Replacement | Cupertino | Santa Clara | |
| Green Valley Creek Bank Stabilization Project | Fairfield | Solano | |
| Vallejo Sanitation and Flood Control Dist. – Force Main Replacement Project | Vallejo | Solano | √ |
| Robertson Road/Sonoma Creek Bank Stabilization | Glen Ellen | Sonoma | |
| Denman Reach, Petaluma River Public Pathway (Phase 3) | Petaluma | Sonoma | |
| Temporary Dry Creek Equipment Crossing, San Antonio Creek | Petaluma | Sonoma | |
| Liberty Creek Culvert Replacement at Jewett Road | Petaluma | Sonoma | |
| Sonoma Speedway – Detention Basin Maintenance and Sediment Removal | Sears Point | Sonoma | |
| 5 th Street East Recycled Water Pipeline Project | Sonoma | Sonoma | |
| Chase St. Bridge Replacement | Sonoma | Sonoma | |
| Fowler Creek Habitat Enhancement | Sonoma | Sonoma | |