

STATE OF CALIFORNIA

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

MEETING DATE: September 9, 2015

ITEM: **5**

SUBJECT: **EXECUTIVE OFFICER'S REPORT**

EXECUTIVE OFFICER'S REPORT: *September 2015*

A Monthly Report to the Board and Public

NEXT MEETING: September 9, 2015 WEBSITE: <http://www.waterboards.ca.gov/sanfranciscobay/>

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Suisun Bay Reserve Fleet Success Story (Ross Steenson & David Elias)

In 2006, the U.S. Maritime Administration (Marad) had over 54 decaying vessels moored in Suisun Bay. Many had been there for decades, giving rise to the fleet's more common name, the Mothball Fleet. In 2010, after a lengthy enforcement action against Marad, brought by the Board and its co-plaintiffs, Marad conceded to a consent decree that required a strict schedule for the removal and recycling of the vessels and the aggressive management of the vessels' discharges associated with exfoliating heavy metal-containing paint and other residues.

As reported to the Board in 2013, in a major turnaround, Marad has succeeded in practically eliminating the vessels' paint discharges. In addition, Marad has removed and recycled all but 3 of its 54 vessels. The photos below show the striking reduction in fleet size since the consent decree was finalized. Note that the 2010 photo contains four more rows of vessels compared to the 2015 photo and that many of the remaining vessels in the 2015 photo are not part of the Mothball Fleet as they are still owned and maintained by the U.S. Navy or U.S. Coast Guard. We will be completing an annual inspection of the remaining vessels in October and look forward to completion of the Consent Decree requirements in the near future.



Photo 1a. Suisun Bay Fleet, 2010

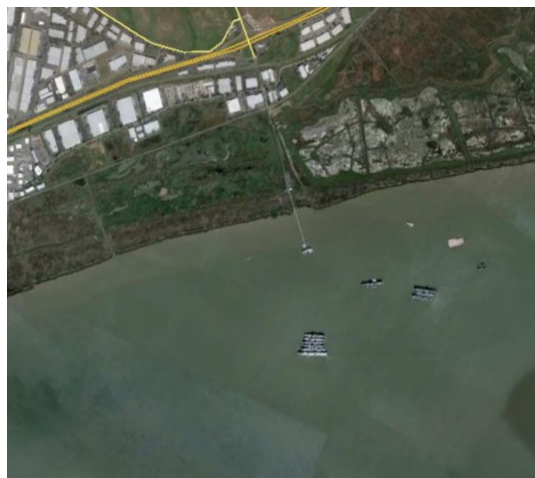


Photo 1b. Suisun Bay Fleet, 2015

Treated Groundwater Reuse at Travis Air Force Base (Adriana Constantinescu)

In April, staff gave a presentation on the California drought to the Travis Air Force Base Restoration Advisory Board, in Fairfield. The presentation focused on the drought and the need to reduce potable water use. The Travis Air Force Base environmental team responded with a proposal to use treated groundwater instead of potable water at Base Site FT005 as a demonstration project. The cleanup remedy for this area includes injecting emulsified vegetable oil (EVO) mixed with water into designated wells to reduce the concentration of trichloroethylene (TCE) in groundwater. As an alternative to using potable water for the EVO injection activities, the Travis AFB team proposed using approximately 63,000 gallons of treated groundwater from the South Base Groundwater Treatment Plant. The TCE-treated groundwater would normally have been discharged to surface water and regulated under a general NPDES Permit. We concurred with the reuse proposal and support the Air Force's decision to save approximately 63,000 gallons of potable water.

1,4-Dioxane at Newby Island Landfill (Vic Pal)

During the public forum portion of our April and May Board meetings, members of the public raised concerns about the possibility of significant detections of 1,4-dioxane in groundwater beneath the Newby Island Landfill and that 1,4-dioxane posed a public health threat. In response to these concerns, Board staff agreed to independently test for 1,4-dioxane using our contract laboratory.

On August 5, Board staff collected samples from six perimeter groundwater wells and one leachate extraction well at the landfill. The leachate extraction well was selected for sampling in order to determine the probable maximum concentration of 1,4-dioxane in water still in direct contact with landfill waste. Samples were sent to our laboratory and tested for semi-volatile compounds, which includes 1,4-dioxane. Consultants for the landfill collected samples from the same locations and tested for the same constituents.

The results of the August 5 sampling indicate the presence of 1,4-dioxane at very low levels in the leachate well and in four of the six groundwater wells. Concentrations ranged from non-detect to 29 parts per billion (ppb) in the groundwater wells and 37 ppb in the leachate well. Samples analyzed for the landfill's consultants yielded similar concentrations. These

concentrations are well below the Board's Environmental Screening Level for the protection of estuarine and marine habitats, which is 50,000 ppb. The groundwater is too saline to be considered a drinking water source. Thus, we conclude that the groundwater beneath the landfill is neither a public health nor an ecological threat. As a result of the detections, 1,4-dioxane will be added as a monitoring parameter to the landfill's semi-annual monitoring program, which will allow staff to monitor any future changes in 1,4-dioxane concentrations. We will keep the Board and the public informed of any changes in the conditions at the landfill.

Prosperity Cleaners – Public Forum Followup (Ralph Lambert)

The Prosperity Cleaners site is located in the Marinwood Plaza shopping center in Marinwood, north of San Rafael in Marin County. Releases of solvents from past dry cleaning operations at the site have impacted soil, soil vapor, and groundwater with chlorinated volatile organic compounds (CVOCs). During the August public forum, the Board heard from four Marinwood residents who were concerned about the pace of site cleanup. They raised many of the same issues that were raised at previous public forums (and addressed in subsequent Executive Officer reports). The overall message was that cleanup should be happening faster. Staff provided a partial response at the August Board meeting and agreed to provide a fuller response in this report. Below is a summary of the resident comments and our responses.

Pace of Site Characterization and Cleanup: The residents requested that we accelerate the pace of site characterization and cleanup. Specifically, they requested 1) Immediate soil-vapor sampling along utility lines and other preferential pathways to determine if there is a vapor intrusion threat to Marinwood residents; 2) Determination of how long it took for the groundwater plume to reach its yet-undefined offsite extent on the Silveira Ranch property; 3) Additional sampling of Miller Creek; 4) Immediate cleanup of the hotspot below the dry cleaner building; and 5) More aggressive schedule for submittal of a remedial action plan.

Regarding the request for soil-vapor sampling along utility lines, characterization work along the western boundary of Marinwood Plaza is scheduled for September 4. Regarding the request to evaluate groundwater transport times, we assert that it is a higher priority to focus on the offsite groundwater investigation to determine the extent of CVOCs contamination. The next round of offsite groundwater characterization began on August 24, and we expect to receive results of that work shortly. Regarding the request for sampling Miller Creek, while two rounds of sampling has not revealed any impacts to the creek, we will consider future sampling requirements based on results of the offsite investigation. In response to the request for immediate cleanup of the CVOCs hotspot below the dry cleaner building, we conclude that immediate interim cleanup of this hotspot is not warranted since groundwater concentrations of CVOCs are quite low, past vapor intrusion mitigation actions at the building are working, there is no evidence that the remaining CVOCs pose a threat to nearby residents, and a remedial action plan to fully address this hotspot is due within four months. As for concerns expressed regarding the water quality at the Silveira Ranch supply well, we note that on August 20 we conditionally approved the discharger's proposal for well-head treatment and set a December 21 deadline for startup of this treatment system. Installation work has begun and we expect actual startup by the end of September. Lastly, we assert that the January 1, 2016, deadline for the submittal of the final remedial action plan is appropriate given the remaining work that needs to be completed in order to prepare an acceptable plan. Nonetheless, we

intend to meet soon with representatives from the discharger, Marin County Health, County Supervisor Connolly's office, and Marinwood residents to discuss remedial action alternatives and schedules.

Health effects on Marinwood residents: One resident repeated her prior comment that site contamination could be causing health effects in the Marinwood community, citing several instances of cancer in the community. We continue to see no evidence that residents may be exposed to CVOCs originating at the site. There is a 250-foot separation between the CVOCs source areas, and the groundwater contamination plume has moved easterly, away from the residences. Nonetheless, we have identified other public agencies that are qualified to review cancer incidence rates and determine if they are related to nearby site contamination, including Marin County Health, the California Cancer Registry (a unit of the California Department of Public Health), and the Agency for Toxic Substances and Disease Registry (a unit of the Centers for Disease Control). We will provide this information to the concerned resident.

Closed Underground Storage Tank (UST) sites: One resident is concerned that two closed UST sites near Marinwood Plaza may have contributed to groundwater and soil vapor contamination. They noted that the case closure summary form for one UST site was removed from the GeoTracker record. He stated that a petroleum soil vapor hotspot exists in front of the dry cleaner site. We conclude that the two closed UST sites do not pose a threat. Environmental investigations at the Prosperity Cleaners site confirmed that there are no or very low detections of petroleum in soil, soil gas, and groundwater. Board staff has uploaded a missing report to GeoTracker and confirmed that all currently available documentation is available online.

Public Participation: We will continue to update the public on significant new information as it becomes available. We discuss case status with key residents every week or two, via email and phone, and will also be having face-to-face discussions with key residents in future. We plan to bring this matter before the Board next calendar year, following discharger submittal of a remedial action plan, for adoption of a final site cleanup requirements order. We do not recommend a Board item on this matter in the interim.

In-house Training

We had no in-house training in August and will resume in-house training in the fall. Brownbag seminars included an August 7 session on "Sudden Oak Death" pathogens and the implications for restoration work required in our water quality certifications and other watershed-management activities.

Penalty Enforcement Actions Proposed and Final (Lila Tang)

The following tables show 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

Proposed Settlements			
The following are noticed for a 30-day public comment period. 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
Ro Sal Auto Wreckers & Tow, in Concord	Failure to timely submit industrial stormwater 2013-14 annual report.	\$1,100	September 18, 2015
Continental Auto Recyclers & Tow, in Concord	Failure to timely submit industrial stormwater 2013-14 annual report.	\$1,100	September 18, 2015

Settled Actions			
On behalf of the Board, the Executive Officer approved the following:			
Discharger	Violation	Penalty Imposed	Supplemental Environmental Project
Sal J. Acosta Sheet Metal Manufacturing Inc., in San Jose	Failure to timely submit industrial stormwater 2013-14 annual report.	\$1,100	None
Auto Wreckers, in Rodeo	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 July 20 through August 14. 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
Frog Alley Bridge at Gale Ranch	San Ramon	Contra Costa	
Amorco (Tesoro) MOTEMS Audit Repairs & EIR Mitigation Measures	Martinez	Contra Costa	√
Pedestrian Bridge at 1700 Alameda Diablo	Danville	Contra Costa	
Larkspur Marina Maintenance Dredging	Larkspur	Marin	√
Non-Motorized Pathway – North San Pedro to Merrydale Project	San Rafael	Marin	
High Tide Refuge Islands for San Francisco Estuary Invasive Spartina	Muzzi Marsh, Greco Island North, Dumbarton Marsh	Marin, San Mateo, Alameda	√
Stinson Beach Wastewater System Rehabilitation	Stinson Beach	Marin	
Napa Airport Corporate Center	Napa	Napa	
Emergency Flapgate and Culvert Installation	Napa	Napa	
Los Trancos Creek Fish Ladder Bank Repair	Portola Valley	San Mateo	
Culvert Replacement and Channel Restoration (Pacifica Quarry)	Pacifica	San Mateo	
Peninsula Corridor Electrification Project	Multiple	San Mateo	
West Valley College Vasona Creek Stream and Habitat Improvement Program, Phase 2	Saratoga	Santa Clara	

Habitat Enhancement and Bank Toe Protection at Guadalupe River Bridge	San Jose	Santa Clara	
Union Pacific Martinez Subdivision MP 44.95 Bridge Replacement	Wells Slough, Suisun Marsh	Solano	√
Travis Air Force Base Taxiway Lights and Shoulders Project	Fairfield	Solano	
Green Valley Creek Bank Stabilization Project	Fairfield	Solano	
Mare Island Dry Docks Navigation Maintenance Dredging	Mare Island	Solano	√
San Francisco Ferry Terminal – Phase 2	San Francisco	San Francisco	√

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 is routinely distributed as part of the State Water Board Executive Director's 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/agendas/2015/aug/081815_ed_report.pdf

Policy/Significant General Permit	Last Updated / Status
Anti-degradation Policy	2015-08-26 The State Water Board is considering preparation of an additional policy to address application of the Anti-degradation Policy to groundwater. The project web page contains summaries of purpose, background, and process; an estimated time line; and links to associated documents. Web page link: http://www.waterboards.ca.gov/plans_policies/antidegradation.shtml
Bacteria Standards for Ocean and Inland Surface Waters	2015-08-26 The State Water Board is developing proposed statewide bacteria water quality objectives and a proposed control program to protect human health in waters designated for water contact recreation (REC-1) from the effects of pathogens. Staff plans to release draft documents for public review and comment in November 2015. State Board Web site: http://www.waterboards.ca.gov/bacterialobjectives/
Biological Integrity Plan Development	2015-08-26 State Water Board staff is developing a proposed implementation plan for assessing the biological integrity of perennial freshwater streams. A revised Draft Plan is scheduled to be released for outside stakeholder input by early 2016.
Blue Green Algae Action Levels	2015-08-10 The State Water Board provided funding to Office of Environmental Health Hazard Assessment (OEHHA) to develop action levels for blue green algae toxins (cyanotoxins) in water and fish. OEHHA completed a draft report, which was submitted for peer review. The peer review was completed in 2011 and the final report was completed in May 2012. A possible next step is to adopt statewide objectives for cyanotoxins, pending management prioritization.
Cadmium Objective and Hardness Implementation Policy	2015-08-10 In response to a Jeopardy Biological Opinion by the National Marine Fisheries Service on U.S. EPA's 304(a) recommended acute aquatic life cadmium criterion in the state of Oregon, U.S. EPA's Office of Water is updating its national cadmium criteria. Currently, staff is awaiting U.S. EPA direction. This action will be a priority for U.S. EPA once the revised criteria are issued.
Chlorine Amendment	2015-08-11 The draft Total Residual Chlorine and Chlorine-Produced Oxidants Policy of California is being converted into an amendment to the Water Quality Control Plan for Inland Surface Waters, Enclosed Bays, and Estuaries of California. This action is a priority for U.S. EPA, but is on hold due to lack of available resources.
General WDRs for	2015-08-04 A project charter is in preparation outlining the scope of the project and

Wineries	approach.
Grazing Regulatory Action Project (GRAP)	<p>2015-08-11 The purpose of the GRAP is to evaluate strategies that Regional Water Boards can implement to enhance environmental benefits from grazing, protect beneficial uses of surface and groundwater, and address water quality impacts related to livestock grazing .The GRAP is in an initial assessment phase. Once the assessment phase is concluded, the work team will report its findings back to stakeholders and seek additional input to ensure a transparent and informed process moving forward. It is anticipated that staff will report the findings of its assessment to the State Water Board in September 2015.</p> <p>Website:http://www.waterboards.ca.gov/water_issues/programs/nps/grap.shtml</p>
Industrial General Storm Water Permit Reissuance for TMDL Implementation	<p>2015-08-20 State Water Board staff is developing a project schedule for the required TMDL-implementation permit reopener in the adopted permit. The permit requires public notice of proposed TMDL implementation requirements by July 1, 2016.</p>
Mercury TMDL and Water Quality Objectives (Reservoirs)	<p>2015-08-13 Staff from Regions 2 and 5 are developing a TMDL and implementation plan to address fish mercury impairments in 74 reservoirs around the state. Staff has met with a reservoir operators' focus group four times to discuss and develop ideas and criteria for water chemistry and fisheries management studies and pilot tests. Staff is preparing the staff report for submittal to peer review this fall.</p>
Methylmercury Objectives	<p>2015-08-10 The draft staff report and the draft regulatory language are expected to be sent for peer review in November 2015.</p>
Nonpoint Source (NPS) Implementation and Enforcement Policy Amendments	<p>2015-08-11 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 December 2015.</p>
Nutrient Numeric Endpoints Tools	<p>2015-07-24 Staff is working with technical advisory groups to produce an implementation strategy document. U.S. EPA has contracted to have nutrient numeric endpoint protocol updated with results of case studies and lessons learned. In 2014, staff organized a stakeholder advisory group, a science advisory group, and expanded a regulatory advisory group for the nutrients in wadeable streams project. The Science Panel met at SCCWRP in June to review the science plan. Staff plans to continue outreach efforts by having Focus Group meetings beginning in the fall. An outreach document will be available for public review soon.</p>
Once-Through Cooling Policy -	<p>2015-05-20 On November 18, 2014, the State Water Board heard a presentation on a study that assessed alternative technologies for Diablo Canyon Nuclear Power Plant</p>

Nuclear Review Special Studies	compliance with the Once-Through Cooling Policy (OTC Policy). The study was presented as an informational item. Policy alternatives for Diablo Canyon will be brought to the Board for consideration in late 2015.
Phase I update of the Bay-Delta Plan: San Joaquin River flows and southern Delta salinity	2015-08-18 The Draft Substitute Environmental Document (SED) was released on December 31, 2012, for public comment. Revised Draft SED to be recirculated for public comment fall of 2015. Draft plan amendment to be brought to the Board for consideration by spring of 2016.
Phase II Small Municipal Separate Storm Sewer System (MS4) Permit Amendment	2015-08-18 State Water Board staff is working with Regional Water Board staff in developing the proposed amendment of Attachment G (titled Region-specific Total Maximum Daily Loads Implementation Requirements) of the existing Phase II Small MS4 Permit to include TMDL implementation requirements. The proposed amendment should be released for public comments in September 2015 following statewide workshops and go before the State Water Board in December 2015.
Phase II update of the Bay-Delta Plan: Comprehensive Review	2015-08-18 State Water Board staff is in the process of a phased review and update of the 2006 Water Quality Control Plan for the Bay-Delta (2006 Bay-Delta Plan). The second phase of the review focuses on the following issues: (1) Delta outflow objectives, (2) export/inflow objectives, (3) Delta Cross Channel Gate closure objectives, (4) Suisun Marsh objectives; (5) potential new reverse flow objectives for Old and Middle Rivers; (6) potential new floodplain habitat flow objectives; (7) potential changes to the monitoring and special studies program, and (8) other potential changes to the program of implementation. A Scientific Basis Report is expected to be released for public review by the end of 2015. Staff is also developing a Substitute Environmental Document that will provide an evaluation of the potential environmental impacts of the proposed changes to the Bay-Delta Plan. This document is expected to be released for public review in 2016.
State Water Board Storm Water Resource Plan Guidelines	2015-08-20 Draft guidelines will be released for public comment by the end of August 2015, with a proposed State Water Board consideration of adoption date of December 1, 2015.
Storm Water Strategic Initiative	2015-08-04 State Water Board staff engaged with stakeholders statewide through a collaborative process to identify and discuss storm water program issues and potential approaches to address them. The product of this collaboration will be a prioritized list of potential Water Board actions that identify ways to expand the breadth of the storm water program to shift regulation and management of storm water to better focus on incentive-driven, multiple-benefit approaches that achieve tangible results in terms of both improved water quality and supply. The State Water Board staff will be bringing this item to the State Water Board for a workshop on August 19, 2015, and for its consideration on September 16, 2015.
Wetland Area	2015-08-11 State Water Board staff is currently preparing the draft staff report for

Protection and Dredge and Fill Permitting Policy - Phase I	internal review. This includes the draft policy language and the accompanying draft Substitute Environmental Document (SED). Staff expects to release the proposed policy and SED for public comments by fourth quarter of 2015.
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