**California Regional Water Quality Control Board**
**San Francisco Bay Region**

# EXECUTIVE OFFICER'S REPORT

A Monthly Report to the Board and Public

# August 2010

*There is no Board meeting in August.*
*The next regular scheduled Board meeting is September 8, 2010.*
*See **http://www.waterboards.ca.gov/sanfranciscobay/** for latest details and agenda*

Items in this Report (Author)

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**Streamlined Permitting for Napa Watershed Restoration Projects** (A.L. Riley)

I issued six Small Habitat Restoration General Water Quality Certifications in early July to landowners in the Napa River Watershed as part of a program we began in 2007 with the Natural Resources Conservation Service for Napa County. The goal of the program is to encourage use of habitat restoration approaches when solving typical stream bank erosion problems on the Napa River and its tributaries. The program was organized to provide an easy to negotiate process for landowners to comply with federal and State agency regulations, and provide technical assistance using an efficient one-day field trip involving all the permitting agencies. Participants in the program as addressed by these six certifications included a rancher, an urban property owner, a homeowners association, and three vineyards.

**Diesel Spill to Frenchmans Creek, San Mateo Coast** (Laurent Meillier)

In July, as a part of our ongoing spill response program, Board staff responded to a spill of an estimated 200 to 2000 gallons of diesel into a small creek tributary to Frenchman's Creek in Half Moon Bay. The diesel spilled from an aboveground storage tank located at Half Moon Bay Orchids at 37k Frenchmans Creek Road.

On June 30, or thereabouts, a pipe linking the tank to an abandoned boiler room was inadvertently perforated by a backhoe, causing diesel to discharge unnoticed into the adjacent small creek. Much of the creek runs underground, but it daylights in a few places on the property before flowing into Frenchmans Creek. At this time of the year, the small creek's flow of about 1 gallon per minute is mostly or entirely made up of irrigation return water.

On July 11, Half Moon Bay Orchids' downstream neighbor reported the spill. The neighbor had observed diesel in Frenchmans Creek as early as July 8. Emergency response personnel, including San Mateo County and California Department of Fish and Game staff, reportedly contained the spill and did not observe any impacts to wildlife. San Mateo County inspector Bill Lent reported over an inch of floating product over an emulsified layer in the small creek, immediately upstream of its confluence with Frenchmans Creek.

Half Moon Bay Orchids retained an environmental contractor to clean up the spill under the County's supervision. On July 15, the contractor flushed the small creek and subsequently collected 5,000 gallons of water and approximately 100 gallons of diesel. To capture any remaining spilled petroleum migrating downstream, the contractor laid a pipe and absorbent pads at the confluence.

On July 16, Board staff Laurent Meillier inspected the site to assess the spill's potential water quality impacts. He identified areas where contaminated soil needed to be removed and areas in the small creek where globules of free-floating product were still present. The contractor subsequently worked to clean up these areas, which involved removing soil. The contractor will sample the creek on a regular basis to determine if there are any long term effects. The confirmation sample taken in the area where soil was removed did not detect any diesel, suggesting that the contaminated soil had been fully removed.

In the coming weeks, the County will oversee the removal of Half Moon Bay Orchids' three onsite aboveground tanks and any diesel inside them. Additionally, the piping leading to the abandoned boiler room and the boiler room structure itself will be removed. Under the County's supervision, Half Moon Bay Orchids will implement a monitoring plan that will include sampling following the first fall rains to ensure that spill cleanup is complete.

**Enforcement – Complaints and Settlements** (Brian Thompson/Keith Lichten)

The Board's Prosecution Team issued four administrative civil liability (ACL) complaints for sanitary sewer overflows and storm water discharges from construction sites. Copies of the complaints can be found on our web site:
http://www.waterboards.ca.gov/sanfranciscobay/public_notices/pending_enforcement.shtml

- East Bay Municipal Utility District (Alameda and Contra Costa Counties) – a $209,851 fine is proposed for sanitary sewer overflows and effluent limit violations. Approximately 108,700 gallons of primary-treated sewage with elevated chlorine concentrations, 89,000 of partially-treated sewage, and 233,000 gallons of raw sewage were discharged from its Point Isabel Wet Weather Facility, San Antonio Creek Wet Weather Facility, and Webster Street Diversion Structure, respectively.
- HSR, Inc. (San Francisco County) – a $118,085 fine is proposed to this contractor operating two construction sites at the Presidio for discharges of sediment-laden storm water.
- California Department of Transportation (Alameda County) – a $664,400 fine is proposed for alleged violations of Caltrans' statewide NPDES storm water permit and Water Quality Certification for the Interstate 680 Sunol/Fremont Roadway Rehabilitation Project.

- Sonoma Valley County Sanitation District (Sonoma County) – a $348,400 fine is proposed for 37 sanitary sewer overflows from its collection system, which discharged 930,077 gallons of untreated sewage.

During July, I publicly noticed one tentative order setting ACL for a case in which the Board's Prosecution Team reached a $600,000 settlement agreement with ConocoPhillips Company in association with wastewater discharges from the San Francisco Refinery located in Rodeo (Contra Costa County). ConocoPhillips has agreed to pay $310,000 to the State Water Board's Cleanup and Abatement Account and, in lieu of a further fine of $290,000, complete a Supplemental Environmental Project to restore the upper reaches of Pinole Creek for steelhead trout access ($190,000) and complete an Enhanced Compliance Action for additional upgrades to its wastewater treatment plant that will improve effluent water quality ($100,000). I intend to sign the agreement and issue the ACL order if no significant comments are received within the 30-day comment period. A copy of the tentative order can be found on our web site:
http://www.waterboards.ca.gov/sanfranciscobay/public_notices/pending_enforcement.shtml

Also during July, I issued an ACL order which directs West Valley Charter Line, Inc., to pay $2,475 to the State Water Board's Cleanup and Abatement Account. I issued the order after a settlement agreement was reached with the Board's Prosecution Team and a 30-day public comment period did not did generate any opposition to issuing the order.

**Lower Crystal Springs Dam Improvement Project** (Xavier Fernandez)

The San Francisco Public Utilities Commission (SFPUC) owns a regional water system that serves approximately 2.4 million people, most of whom live in the San Francisco Bay Area. The system obtains about 85 percent of its water from the Tuolumne River in the Sierra Nevada, with the remainder originating from watersheds in Alameda, Santa Clara, and San Mateo counties. The SFPUC conveys water from Hetch Hetchy Reservoir, located in Yosemite National Park, directly to customers and to three local reservoirs in the Bay Area. One of these local reservoirs, Crystal Springs Reservoir, is located on San Mateo Creek about 12 miles south of San Francisco in unincorporated San Mateo County. In 1983, the California Department of Water Resources, Division of Safety of Dams (Division of Safety) restricted the amount of water the SFPUC could store in Crystal Springs Reservoir because of concerns that its dam could be overtopped and subsequently damaged and/or even fail during the Probable Maximum Flood (PMF). The SFPUC is currently proposing to lift the Division of Safety's restrictions and restore the reservoir's historical capacity. To accomplish this, the SFPUC will retrofit the Lower Crystal Springs Dam and raise reservoir levels.

Board staff are currently participating in an Inter-Agency Task Force to develop mitigation for the direct and indirect impacts associated with this project. Direct impacts include permanent and temporary fill of 1.62 acres and 362 linear feet of jurisdictional waters. Indirect impacts include the inundation of wetlands, creeks and riparian habitat surrounding the reservoir. Mitigation for all impacts will be identified as part of the permitting process. Staff expect to bring a tentative order for water quality certification/waste discharge requirements before the Board by the end of 2010.

**Calaveras Dam Replacement Project** (Xavier Fernandez)

The other project that staff is working with the SFPUC is the Calaveras Dam replacement project. Calaveras Reservoir is the largest of SFPUC's reservoirs in the San Francisco Bay Area and is located on the boundary of Alameda and Santa Clara Counties, about 10 miles southeast of Fremont. Calaveras Dam is located at the northern end of the reservoir, about one mile upstream from the confluence of Calaveras and Alameda creeks.

In 2001, the Division of Safety placed operational restrictions on Calaveras Reservoir because its dam is located near the Calaveras Fault Zone and was determined to be vulnerable to catastrophic failure during strong earthquakes. These restrictions have reduced the reservoir's operating capacity by about 60 percent. The SFPUC is currently proposing to lift the Division of Safety's restrictions and restore the reservoir's historical capacity. To accomplish this, the SFPUC will replace Calaveras Dam with a new seismically stable dam just downstream of the current dam.

Board staff are currently participating in an Inter-Agency Task Force to develop mitigation for the impacts associated with this project. Direct impacts include permanent and temporary fill of 51 acres and 6,031 linear feet of jurisdictional waters, including wetlands, creeks and riparian habitat. Mitigation for all impacts will be identified as part of the permitting process. Staff expect to bring a tentative order for water quality certification/waste discharge requirements before the Board by late 2010 or early 2011.

**In-house Training and Seminars**

We had no in-house training in July and none scheduled in August. Scheduled brownbag seminars include an August 10 session on soil gas and vapor intrusion issues by Dr. Blayne Hartman and an August 17 session on the design and field research completed on the use of tree box filters for LID stormwater management by Dr. Robert Roseen.

**Staff Presentations**

On July 22, I spoke as part of a panel on federal, State and regional water quality policy initiatives at the California Council for Environmental and Economic Balance's Summer Issues Seminar. I focused on the regulated community's need to maintain and upgrade its infrastructure, our increased emphasis on enforcement when failed infrastructure causes spills, and our desire to work with the regulated community on the strategic planning necessary to accomplish infrastructure upgrades.