

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

January 2010

The next regular scheduled Board meeting is January 13, 2010.

See <http://www.waterboards.ca.gov/sanfranciscobay/> for latest details and agenda

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Guadalupe River Watershed Mercury TMDL (Carrie Austin)

On November 17, 2009, the State Board approved the Basin Plan amendment establishing water quality objectives, TMDLs, and an implementation plan for mercury in the Guadalupe River watershed, adopted by our Board in October 2008. State Board staff, while preparing for the for the approval hearing, found that minor editorial changes were necessary to comply with Office of Administrative Law (OAL) requirements. These corrections address the OAL requirement that regulations do not contain retroactive compliance dates. Therefore, I revised the Basin Plan amendment to specify that TMDL implementation compliance dates begin after OAL approval. The State Board approved this corrected Basin Plan amendment.

Typically, we do not wait for complete approvals of TMDLs before beginning implementation. The following shows actions taken while the State Board has been considering this TMDL and constitutes our Annual Progress Report on Mercury TMDL Implementation Actions in the Guadalupe River Watershed, since this TMDL commits Board staff to present an annual progress report on implementation of the TMDL to the Board. The following is our first an annual progress report on implementation of this TMDL.

Implementation Actions for Mercury Mines

Implementation of the TMDL at former mercury mine sites is proceeding in a series of three steps. Step 1 occurred in June, when I issued California Water Code § 13267 technical report requirements to several former mercury mine sites. These first orders require responsible parties to map the locations of mining wastes and seeps, evaluate and rank the erosion potential and bioavailability of the wastes and seeps, and report their results by December 31, 2010. Santa Clara County Parks owns the majority of the mercury mine sites, and their investigation efforts are well underway. The second and third implementation steps will grow out of the findings of the Step 1 evaluations, and will

require the development of erosion control plans and installation and monitoring of effective erosion controls. The goal is source control for mining wastes and restoring the landscape to more natural erosion rates.

Implementation Actions for Reservoirs and Lakes

Dry season thermal stratification of reservoirs and lakes that have received mercury waste increases the conversion of inorganic mercury to methylmercury, a bioaccumulative toxin. In turn, dry season releases from these reservoirs and lakes may discharge elevated methylmercury concentrations to downstream, receiving waters. To address this impairment, the Santa Clara Valley Water District is continuing its studies of methylmercury production controls.

Monitoring

In May you approved revisions to the monitoring program for the Downtown Guadalupe Flood Control Project. To comply with this order, in October the Santa Clara Valley Water District resumed monitoring for mercury (and other pollutants) at the Highway 101 location on the Guadalupe River, and initiated sampling at an upstream location on the Guadalupe River. Data from these sample locations, together with flow data from throughout the watershed, will allow estimates of mercury loading to the Bay from different sources and facilitate distinguishing loads from mining versus urban stormwater runoff sources.

In October you approved the Municipal Regional Permit for urban stormwater runoff. Like the Downtown Guadalupe Flood Control Project, this permit requires monitoring for mercury loads from the Guadalupe River to the Bay.

The Guadalupe TMDL envisions a coordinated watershed monitoring effort. Therefore, in November I issued a § 13267 technical report requirement for monitoring that encourages such a coordinated monitoring effort, allows for more efficient use of resources, and builds on the two orders you issued earlier this year. Responsible parties met once to discuss coordination—prior to receiving this § 13267 requirement.

Enforcement – Complaints and Settlements (Brian Thompson)

The Assistant Executive Officers issued one notice of public hearing and administrative civil liability (ACL) complaint in December, with a proposed fine of \$490,000 to the ConocoPhillips San Francisco Refinery in Rodeo, Contra Costa County, for violating NPDES permit effluent limitations for acute toxicity, copper, selenium, and chlorine residual. Copies of the complaint can be found on our web site:

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

I issued two ACL orders in the past month after settlement agreements were reached with the Board's Prosecution Team and 30-day public comment periods did not generate any opposition to issuing the orders.

- Sausalito-Marin City Sanitation District in Sausalito (Marin County) will pay a fine of \$139,000 to the State's Cleanup and Abatement Account and, in lieu of the remaining penalty of \$119,000, complete a Supplemental Environmental Project that will assist

the Marine Mammal Center with a seal rehabilitation project. This penalty addresses unauthorized wastewater discharges and sanitary sewer overflows.

- The State of California, Department of Transportation (District 4, Santa Clara County) has paid a fine of \$150,000 to the State's Cleanup and Abatement Account. This penalty addresses untreated sewage and sediment discharges to the Guadalupe River.

Four dischargers agreed to conditional offers to settle mandatory minimum penalty violations through the Board's Expedited Payment Program in November. The following payments will be made to the State's Cleanup and Abatement Account if circulation of the payment agreements for a 30-day public comment period does not generate opposition to accepting the offers:

- North Marin Water District, Stafford Lake Water Treatment Plant, Marin County (\$3,000)
- City of Vallejo, Fleming Hill Water Treatment Plant, Solano County (\$3,000)
- East Bay Municipal Utility District, Orinda Water Treatment Plant, Contra Costa County (\$9,000)
- Vulcan Materials Company, Pleasanton Plant, Alameda County (\$15,000)

Napa/Sonoma Grazing Waiver (Rico Duazo)

Board staff have begun the process of developing a Waiver of Waste Discharge Requirements for Grazing Operations in the Napa River and Sonoma Creek watersheds. This waiver will implement requirements of the Pathogen and Sediment TMDLs for both Sonoma Creek and the Napa River, and help to address nutrient TMDLs under development for these watersheds. The waiver would also implement the State Board's Nonpoint Source Enforcement Policy.

This new waiver will be similar to the Tomales Bay grazing waiver adopted by the Board in July 2008. The waiver would establish management practices for grazing activities that are designed to minimize pathogen and sediment discharges to waterways in the Napa and Sonoma watersheds.

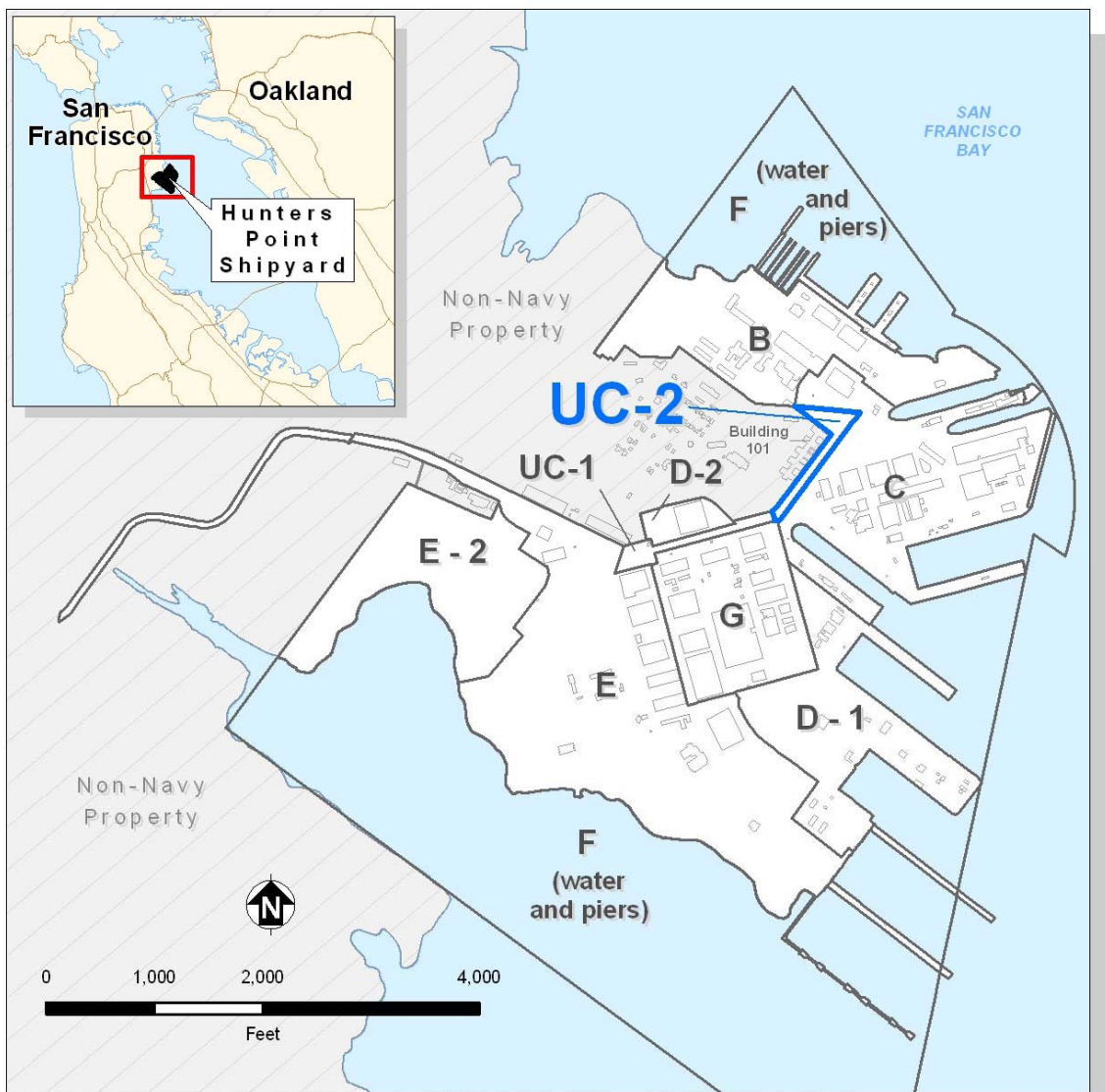
In December 2009, we conducted a kick-off meeting with various local agencies and interested parties to discuss the waiver process and to receive initial feedback on requirements to be included in the new waiver. The participants at the kick-off meeting included representatives from Natural Resources Conservation Service, Southern Sonoma Resource Conservation District, Napa County Farm Bureau, Sonoma Ecology Center, Western United Dairymen, and University of California Cooperative Extension. Some of the individuals at the table were also significantly involved in the development of the Tomales Bay grazing waiver, and provided some feedback to the others in terms of lessons learned and the success of the Tomales Bay program.

We plan to have regular meetings with these interested parties in the coming months, and we will prepare a draft version to be presented at a future California Environmental Quality Act scoping meeting. The waiver process will take approximately one year and we anticipate bringing a final waiver for Board consideration around December 2010.

Hunters Point Shipyard Cleanup (Ross Steenson)

The Navy has finalized two additional records of decision (RODs) at the Hunters Point Shipyard, bringing the total for 2009 to four RODs. The two most recent RODs are for areas referred to as Parcels D-1 and UC-1 (July 2009), and UC-2 (October 2009). Earlier this year, the Navy finalized RODs for Parcels B and G, which were discussed in the January and March 2009 Executive Officer's reports, respectively.

The RODs document the selected cleanup approach that will ultimately be completed after the parcels are transferred for redevelopment to the San Francisco Redevelopment Agency and subsequently to Lennar Corporation.



Map of Hunters Point Shipyard, showing Parcel D-1, UC-1, and UC-2 (highlighted)

According to reuse plans, the future uses for Parcels D-1, UC-1, and UC-2 include roadway and utility corridors, maritime industrial, industrial, and mixed commercial and residential. As discussed in the March 2009 Executive Officer's Report, future uses for Parcels B and G include open space, mixed commercial and residential, research and development, and educational/cultural uses. Parcel G has also been identified as a potential stadium site for the San Francisco 49ers.

The RODs for Parcels D-1, UC-1, and UC-2 document similar cleanup actions:

- Decontaminate buildings and structures
- Excavate contaminated soil, storm drains, and sewer lines
- Treat groundwater to reduce organic compounds and metals and/or monitor groundwater
- Install protective soil, asphalt, and concrete covers
- Implement land use, engineering, and administrative controls to maintain cover integrity and protect future site occupants, utility workers, and the public from unintentional exposure to residual contaminants

Transfer of these parcels is currently forecast for June 2011 (Parcels UC-1 and UC-2) and November 2011 (Parcel D-1). The Navy anticipates that all or most of the cleanup will be complete prior to transfer to the City and subsequently to Lennar. We intend to regulate post-transfer cleanup under a cost-recovery consent agreement with the City and Lennar and draft tentative site cleanup requirements, as necessary, for your consideration.

Next spring, the Navy expects to issue a ROD for Parcel D-2.

Alameda Point (Former Naval Air Station) (John West)

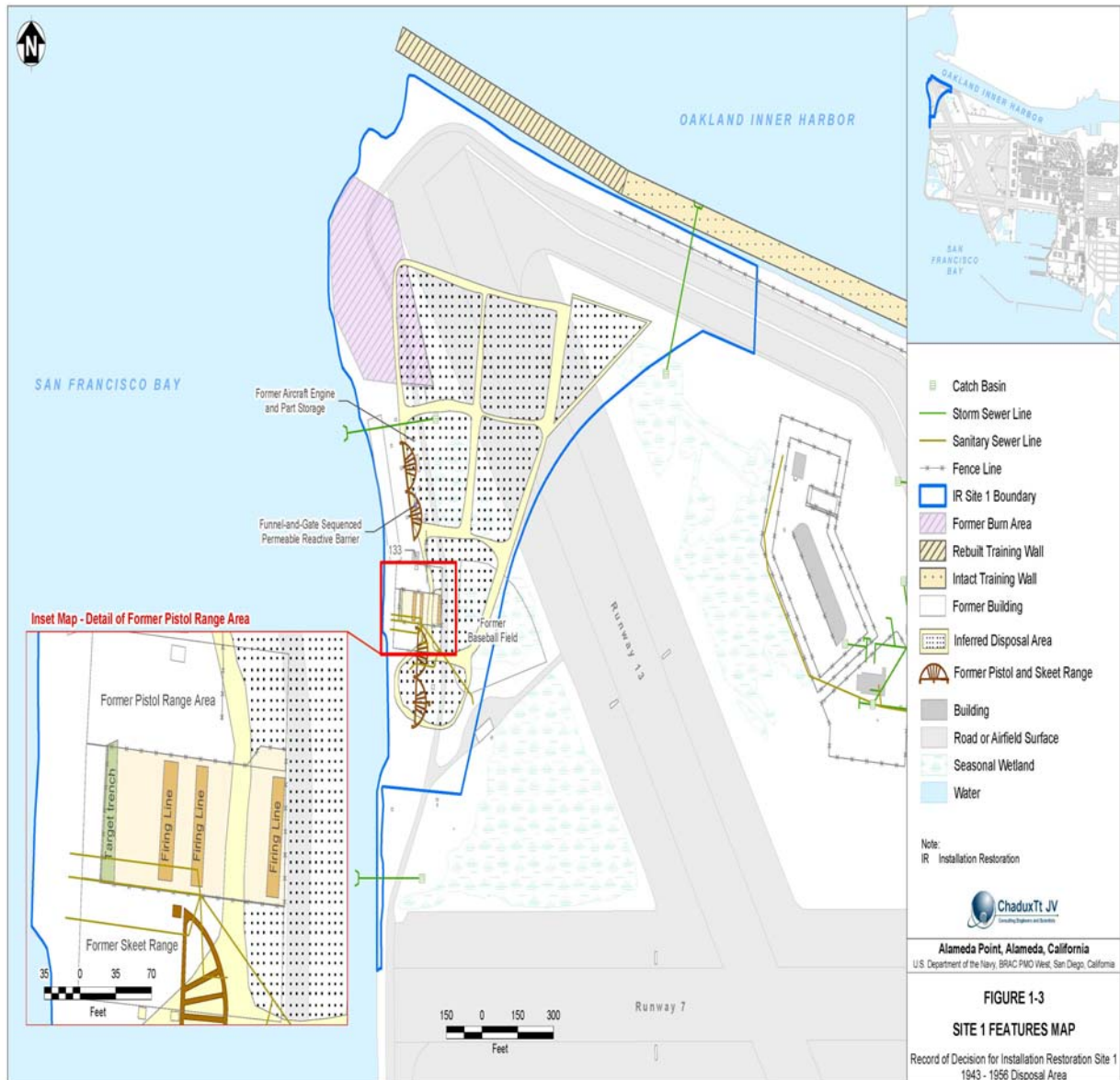
I signed the Record of Decision for Alameda Point IR (Investigations and Removal) Site 1 on November 17, 2009, concurring with its recommendation. This ROD is focused upon ecological and human health impacts in soil, groundwater and surface waters, and presents a selected remedy.

IR Site 1 is approximately 36.8-acres and is located on the northwestern tip of Alameda Point, where the Oakland Inner Harbor joins the San Francisco Bay (see Location Map). The site was historically used as a landfill to dispose of waste, as an airplane runway, a storage area for various aircraft-related parts, and as a pistol and skeet range. IR Site 1 includes Areas 1a, 1b, 2b, 4, 5a, 5b, site-wide chemically and radiologically-impacted soil, and groundwater. Areas 2a, 3a and 3b that were formerly part of IR Site 1 have been separated into a different site and are not included as part of this ROD.

Chemicals of interest in soil and groundwater include Radionuclides (Radium 226), volatile organic compounds (VOCs), polynuclear aromatic hydrocarbons (PAHs), and metals. Potential sources of contaminants in soil and groundwater include dredged fill material used to create the site, historical activity releases, and historical up-gradient groundwater VOC releases.

The selected remedies provide a four-foot protective cover over almost the entire site; excavation and removal of the burn area near the San Francisco Bay; active groundwater treatment including in-situ chemical oxidation (ISCO); mitigation for wetland impacts; long term monitoring; and Institutional Controls (ICs).

IR Site 1 Location Map



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In-house Training

Our November training was on computer topics, including the Adobe Acrobat and "paperless office" software we use. We also had our 8-hour health and safety "refresher" training in December. Our January training will be on effective meetings, with a trainer provided by the State Board's Training Academy.

Staff Presentations

On November 17, Vic Pal made a presentation to the Citizens Advisory Group (CAG) for the SunQuest development site in Brisbane. The 550-acre parcel development is mostly comprised of the closed Brisbane landfill. The CAG, which includes members of the public and City of Brisbane staff, meets once a month to discuss issues related to current site management and future site development. The current property owner, Universal Paragon Corporation, and the City have been trying for many years to redevelop this bay front parcel. Vic's presentation focused on the Leachate Management Plan for the landfill and the remediation of several leachate seeps at the southern site boundary.