

**California Regional Water Quality Control Board
San Francisco Bay Region
EXECUTIVE OFFICER'S REPORT
A Monthly Report to the Board and Public
November 2004**

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Legislative Committee Hearing on Campus Bay / Zeneca Site in Richmond (Steve Morse)

Concerns over wetland restoration and site cleanup at the Campus Bay (former Zeneca) site, reported on last month, remains prominent in local news. Previous and future cleanup at the site, conducted under the Board's 2001 cleanup order, is primarily oriented towards the upland portion of the site. However, the current phase of remediation would cleanup, enhance and restore over 20 acres of wetlands and ponds that lie along the Bay Trail adjacent to San Pablo Bay, and is not associated with upland cleanup.

The Board's oversight of the cleanup at the Campus Bay site continues to draw criticism and concerns from various stakeholders, adjacent property owners, local legislators, and the press. The community has concluded that cleanup activities at the site in response to the Board order are causing public health problems, and that Board staff oversight of these activities is not protecting the community's health. While we do not agree with these conclusions, these perceptions have been widely accepted among the community. Added to the community's concerns about our role are many additional scenarios in play about the site and its land use, of which the Board and staff have no control.

These concerns led to a five hour public hearing in Richmond November 6th conducted by Assemblymembers Hancock and Montañez representing the Assembly's Committee on Environmental Safety and Toxic Materials and the Select Committee on Environmental Justice. The leaflet distributed for the hearing posed three questions as its theme:

- Does the State cleanup process guarantee meaningful public participation?
- What needs to happen to safely redevelop contaminated sites in order to protect public health now and future generations?
- What's happening with the cleanup of the former Zeneca site near Bayview Avenue and I-580?

Assemblymember Montañez also held a similar hearing recently on the Price-Pfister site in the community of Pacoima in Los Angeles.

The hearing was attended by at least 150 people. Brief opening comments were made by the two Assemblymembers, which focused on their concerns about public participation and the

Zeneca site. Chairman Waldeck attended and made brief remarks. I also attended and made a short presentation, mainly about the conditions at the site and our historic and current role in overseeing site cleanup. Four of our staff working on the site also attended for the entire hearing. Presentations were also made by Cal/EPA on the State's cleanup process; the State Department of Toxic Substances Control (DTSC) on its cleanup and public participation process; the developer, Cherokee-Simeon Ventures (CSV); Bay Area Residents for Responsible Development; Pacoima Beautiful; Jane Williams of California Communities Against Toxics; the City of Richmond Redevelopment Agency; and Contra Costa Public Health.

Most of the five hours were consumed by about 50 community members, representing groups and as individuals. While a few commenters applauded our efforts in marsh and wetland restoration, most others expressed their displeasure at our oversight with comments that we were not protecting the community and public health nor involving them in the decision-making process. While I disagree with the "facts" as stated by many in the community, the community's perception was overwhelmingly against continuing our oversight of the cleanup in favor of DTSC. These same perceptions were reiterated by the Assemblymembers at the end of the meeting when they directed Cal/EPA to "fix it now"; they also vowed to legislatively require standardized community involvement and cleanup statewide.

While we continue to affirm that we do not agree with the claims made at the hearing, a teleconference Monday, November 8, between Cal/EPA, DTSC, State Water Board and us (including Chair Waldeck) led to the conclusion that we do not have the public trust in overseeing the cleanup at the site and that there were no reasonable paths to change this situation with the Water Board remaining in the lead. I agreed to transfer all oversight for cleanup of the upland portion of the site to DTSC as soon as feasible, while maintaining oversight of the wetland cleanup and restoration. Cal/EPA has informed the Assemblymembers of this agreement and that DTSC and Board staff are discussing the logistics for transitioning lead regulatory oversight of the upland area from the Board to DTSC. CSV has agreed to immediately halt work on the wetland cleanup and restoration (marsh dredging and upland deposition of marsh sediments) while these discussions are taking place. DTSC and Board staff will also be meeting with CSV to discuss transition details and next steps. CSV has expressed its willingness to cooperate with whomever is lead agency.

From the staff perspective, this has been a less than pleasant experience, but one that periodically occurs when we push for timely cleanup of a contaminated site in a highly urbanized area. We are using this experience to look at "lessons learned" and review our practices of the last 25 years of successful cleanups in a commitment to not let this happen again. I will keep you apprised of further developments.

San Francisco Airport's New Treatment Plant Takes Off (Alexa LaPlante)

The San Francisco International Airport "launched" its new \$40 million Sequencing Batch Reactors (SBRs) in early September. This is the second SBR system in our region. The SBR system is a "state-of-the-art" treatment process that combines all secondary treatment processes into one. "Secondary" treatment is a level of treatment for sewage that is the national standard. SBRs provide secondary level treatment in one step as opposed to the three to five separate units at conventional plants. Furthermore, computers control SBRs so minimal operator interaction is necessary.

The lack of redundancy prior to completing the SBRs caused the Airport to violate its permit limits anytime it performed necessary maintenance. The Water Board issued a CDO in 2001, requiring the Airport to build redundancy into the plant. The Airport constructed the three SBR units with a total design treatment capacity of two million gallons per day (MGD). On average, the Airport discharges 0.8 MGD, and thus only needs to run two SBR units at a time. The

Airport plans to use the third SBR unit and the tanks from the old plant as holding tanks, providing for 1.6 million gallons of extra storage for when one of the SBR units is out of service for maintenance. Alternatively, the third SBR unit can be put into service for treatment during increased wet weather flows.

As allowed by the regulations, we granted the Airport a 90-day grace period from mandatory minimum penalties during start-up of its SBRs. We are pleased to say the Airport has come in for a "perfect landing," because the SBRs are performing well and the Airport has thus far complied with its permit limits.

Aerial view of the new Sequencing Batch Reactors at the San Francisco Airport



Collaborative Effort Alerts Public to High Mercury and PCBs Levels in Reservoir Fish (Karen Taberski, Wil Bruhns)

In August, we reported that Surface Water Ambient Monitoring Program (SWAMP) data showed high mercury and PCBs concentrations in fish caught in numerous Bay Area reservoirs. Since then, the Board's SWAMP staff have worked collaboratively with the agencies responsible for managing these reservoirs, county health departments, Office of Environmental Health Hazard Assessment (OEHHA) and the Department of Health Services, to alert the public through a press release, web postings, and printed advisories posted at the reservoirs.

Released on October 14, 2004, the joint Water Board/OEHHA press release generated significant press interest. Wil Bruhns received 10 press inquiries, and stories ran in the San Francisco Chronicle, the San Jose Mercury News, the Oakland Tribune, and the Contra Costa Times as well as on KCBS and KQED radio stations. Wil also received a number of public inquiries in response to the San Francisco Chronicle article.

Fish consumption advisories are now posted at all ten Bay Area reservoirs sampled: Del Valle, Shadow Cliffs and Chabot reservoirs in Alameda County; Soulajule, Nicasio and Bon Tempe reservoirs in Marin County; San Pablo and Lafayette reservoirs in Contra Costa County; and Anderson and Stevens Creek reservoirs in Santa Clara County. Many of these fish advisories are posted in several languages to help ensure that the public has access to complete, accurate, and consistent information. An interim fish consumption advisory was also posted online at http://www.oehha.ca.gov/fish/so_cal/bayareares.html

Fish from all reservoirs sampled exceed human health mercury guidelines. Largemouth bass have the highest mercury concentrations and in most cases are twice as high as any other fish caught. Carp and channel catfish have the highest PCB and chlorinated pesticide concentrations. Fish from SoulaJule, Anderson and Stevens Creek reservoirs have the highest mercury concentrations. Lake Chabot and San Pablo reservoir have the highest PCBs and chlorinated pesticides.

Although the fish in these reservoirs contain elevated levels of pollutants, the water remains safe to drink. High levels in fish are the result of mercury and PCBs bioaccumulating in fish tissue over time. Mercury and PCBs can accumulate in fish at concentrations thousands of times higher than in the surrounding water. All reservoirs used for drinking water are regularly monitored to verify that the water is safe to drink.

District Dedicates Recycled Water Facility in Daly City (Richard Condit)

A dedication ceremony was held in Daly City in late October for the North San Mateo County Sanitation District's (District) newly-constructed \$7.4 million, recycled water facility. District and City officials and project partners for the historic multi-agency collaboration were in attendance to tour the plant that is designed to produce 2.8 million gallons per day of high quality reclaimed water.

The District's Recycled Water Program was approved by the Executive Officer on July 30, 2004, under the Water Board's General Reuse Order 96-011. In April 2002, the District, along with the San Francisco Public Utilities Commission (SFPUC), executed a landmark 50-year recycled water use agreement to provide irrigation for three of the Region's leading golf courses — the Olympic Club, the Lake Merced Golf Club, and the San Francisco Golf Club. Recycled water will also be provided to the athletic fields at Westlake and Marchbank Parks, along with landscape median irrigation on John Daly Boulevard from Highway I-280 to Highway 35. Delivery of irrigation water from the recycled water facility to the Olympic Club actually began August 5th of this year. The Club has already reported an improvement in the course's turf and is very happy with the results of its new alternative water supply.

Funding for the project was provided by a \$4.5 million loan and a \$1.4 million grant from the State Water Board, a \$1 million contribution from the SFPUC, and the remainder from the District.

First Place for San Francisco's Oceanside Water Pollution Control Plant (Alexa La Plante)

San Francisco's Oceanside Water Pollution Control Plant received first place in Operations and Maintenance Excellence from the U.S. EPA's 2004 National Clean Water Act Recognition Awards in early October. The presentation of these awards helps raise the public's awareness about the contributions that wastewater treatment facilities make to clean water, and to recognize communities that go much beyond the minimum needed to meet Clean Water Act requirements.

The Oceanside Plant is located at the southwest corner of the City. It treats approximately 18 million gallons a day of wastewater from the western side of the City. The flow jumps to more than 65 million gallons a day during the rainy season because San Francisco has a combined sewer system that collects both wastewater and all storm water runoff from its streets. The discharge is to the Pacific Ocean 4.5 miles offshore.

This first place award recognizes San Francisco for successfully preventing equipment corrosion caused by the harsh marine environment. The Oceanside Plant also has a state-of-the-art computerized operation system that provides excellent process performance control. This has helped achieve zero effluent violations for the past five years. Most of the Plant is located underground, some underneath the San Francisco Zoo. So, when you visit the giraffes and

elephants at the Zoo, you can think of the award-winning treatment plant working away beneath your feet.

Public Auction of Excess Parcel at former Hamilton Army Airfield, Novato

(Laurent Meillier)

The Navy has opened on-line bidding for a 2.7 acre parcel at the former Hamilton Army Air Field. The property is the site of a former Navy gasoline station. Under Water Board cleanup order, remediation of petroleum contaminated soils has been completed at the site except for some residual petroleum hydrocarbons and metals under a portion of an existing building at the site. Small amounts of residual benzene, ethylbenzene and MtBE are also present in groundwater underlying the property. Further development of the site for restricted uses is now allowed after a land use covenant signed by all participatory agencies outlined stringent restrictions for excavating soils and using groundwater at the site.

The federal General Services Administration has suggested an opening bid of \$500,000. After more than two weeks into the public auction, only one unidentified party has made a bid, and for only \$100,000 (the same amount required as a deposit to be eligible to bid). Several others have submitted their deposits to be eligible to participate in the auction. A final posting will be made within 72 hours of the scheduled end of the auction (a period yet to be determined) that could be extended by a day at a time if new, higher bids are received before the deadline. This auction is an interesting example of a federal agency attempting to convert ownership of excess property into private ownership. It remains to be seen, however, if the sale will be completed and/or the Navy will use this process in the future for transfer of excess property.

ITRC Technical Guidance for Environmental Cleanup (Gary Riley and Alec Naugle)

Last month, Alec Naugle and Gary Riley attended the fall 2004 meeting of the Interstate Technology Regulatory Council (ITRC) held in Albuquerque. Established in 1995, the ITRC is a state-led coalition of environmental regulatory personnel from over 40 states; multiple federal agencies; tribes; and public and industry stakeholders. The ITRC is devoted to reducing technical and regulatory barriers to the deployment of innovative environmental techniques. The ITRC currently consists of more than 20 technical teams working on various topics.

Gary is a member of the ITRC's Brownfields Team that focuses on redevelopment of contaminated properties to foster economic growth, a cleaner environment, and more livable communities. The Team is currently working on a document entitled "BRAC and Brownfields: Breaking Down the Barriers" that will assist states and communities in the application of successful brownfields tools to military facilities closed under the federal Base Realignment and Closure Act. The next round of base closures is scheduled for 2005, making this effort particularly timely. At the ITRC meeting, Gary presented recommendations to the group for a case study of the early transfer success at the former Mare Island Naval Shipyard in Vallejo, where we are actively overseeing cleanup. The Brownfields Team expects to release its BRAC and Brownfields report later this year, and I will keep the Board apprised of progress.

Alec is a member of the ITRC's Permeable Reactive Barriers (PRB) team, which focuses on the use of unique materials such as iron or compost to cleanup polluted groundwater. Information regarding the use of PRBs was presented in the September Executive Officer's Report. In Albuquerque, the PRB team put the finishing touches on its final guidance document, which will be published in December. This document is the fourth and final technical/regulatory guidance document produced by the PRB team and highlights how many different materials can be used in the ground to cleanup dry cleaner solvents, chromium, arsenic, and even radionuclides. Alec will continue with the team throughout 2005 providing internet-based training on the use of PRBs. All ITRC training is free to state regulators.

Consent Judgment Funds Contra Costa Infiltration Study (Christine Boschen)

In September 2001 the Board adopted an ACL for \$113,500 against Pacific Custom Materials for stormwater violations at its site in Port Costa, Contra Costa County. PCM contested this ACL in a lawsuit. In January 2004, the Board entered into a Consent Judgment with PCM, to settle the lawsuit. As the judgment required, PCM provided the Contra Costa Clean Water Program with \$113,500 for completion of a "Countywide Site Characterization and Guidance Study" (the Study). The Study will provide guidance to Contra Costa municipalities on when and where infiltration is a good option for stormwater treatment, and under what conditions it should be avoided. Infiltration is one of the methods available for controlling impacts to a stream brought about by development in the watershed. This Study is timely and important, in light of the February 2003 amendment to Contra Costa's municipal stormwater permit. The permit amendment requires post construction treatment controls and hydromodification management for new and redevelopment projects. The Consent Judgment requires Board staff to periodically report back to our Board and to PCM on the status of the Study. This is the first milestone progress report.

In May 2004, the Contra Costa Clean Water Program hired a consultant to conduct the Study. In August 2004, the consultant completed the first step of the Study—the Literature Review. Over a hundred articles, books, and reports were compiled and reviewed for the Study. The topics addressed in the Literature Review cover a range of issues related to the design, implementation, and maintenance of stormwater infiltration systems. Specifically, the review addresses: infiltration methods, groundwater protection, design parameters, construction issues and costs, site conditions feasibility, long-term functionality, public health and vector control considerations, and ground stability.

The next milestone progress report is projected for February 2005, at which point an interim work product, the Infiltration System Matrix will be completed. The Matrix will serve as technical backup to the final guidance document that will be provided to Contra Costa municipalities at the conclusion of the Study, projected for May 2005. Upon project conclusion, Board staff and PCM will also be provided with copies of the final guidance document and related items.

Hookston Station Update (George Leyva)

We have made arrangements for the review of the risk assessment for this Pleasant Hill contamination site by another state agency with extensive expertise in this area. The Hookston Station responsible parties (RPs) will submit a Baseline Human Health Risk Assessment for the site on November 15. We have secured the assistance of the California Department of Health Services - Environmental Health Investigations Branch (EHIB) in review of the Risk Assessment. EHIB has agreed to provide the support we need to ensure that human health concerns are adequately addressed and that any risks are properly communicated to the public. EHIB will review the Risk Assessment and related human health documents, provide technical comments to those documents, and represent the Board's concerns at working meetings as well as community meetings. We expect to hold the next community meeting shortly after receiving the Risk Assessment.

One of the tasks of the recently amended cleanup order for the site is indoor-air sampling. One reason for the additional indoor-air sampling at the homes downgradient of Hookston Station is to validate the first indoor-air sampling that occurred in January 2004. The homeowners had concerns about the first indoor-air sampling because they felt the quality control measures may have been lax, leading to suspect data. To correct that perception, for this round of sampling we required that the RPs submit a detailed workplan specifying what

procedures would be followed during data collection and analysis. The homeowners' representatives were given an opportunity to participate in developing the workplan, and we approved it on October 28th. The results of this sampling event are due February 15, 2005.

UNESCO Workshop “Water as a Catalyst for Peace”, Zaragoza, Spain (Laurent Meillier)

Laurent Meillier, utilizing his own funds, attended a UNESCO (United Nations Educational, Scientific and Cultural Organization) workshop in Zaragoza, Spain in October. The workshop focused on the role of water as a critical component in World Peace. Zaragoza is currently one of several candidate cities to be selected as host for the upcoming 2008 international exposition on water (<<http://www.zaragozaexpo2008.es/EN/index.asp>>).

Among the purposes of the workshop was to train water professionals, decision makers, and diplomats representing various elements of civil society and academia to employ proper water management as a catalyst for peace within the context of co-operative basin management and conflict resolution (<http://www.unesco.org/water/wwap/pccp/index.shtml>).

The proceedings were conducted in both English and Spanish and were structured around three major elements: 1) the keynote speech introducing the trans-boundary watershed scenario, 2) role-playing, and 3) a debriefing. Participants were assigned to one of four case studies, encompassing several nations. Members of these nations participated as observers. After completion of the role-playing exercises, the case study nations provided feedback at the debriefings.

For Laurent, his role-playing session involved the trans-boundary watersheds of the Incomati River Basin that is shared between Swaziland, Mozambique and South Africa. In this session, Laurent was assigned the role of Environmental Minister of South Africa. In this exercise, a “three nation” team was created and given 8 hours within which a shared vision of the Incomati River Basin would be crafted for the year 2022. Laurent found this particularly challenging, as arduous negotiations were ongoing between “government representatives” right up to the last minute of the assigned timeframe.

Ultimately, Laurent's group produced a signed agreement:

“Water unites the Incomati region beyond political boundaries within precious environmental ecosystems. This upper watershed should be protected to continually provide high quality water to all boundary states. To foster equitable and efficient water use sustainable to all economic sectors we will honor multilaterally approved past agreements (such as the SADC). South Africa proposes integrated water resource management in order to improve standards of living for riparian populations protecting the overall river basin hydrologic health. To fulfill that goal, we advocate the deployment of a hydroecological monitoring network and support science based information sharing. To spearhead this effort, we favor the creation of a Peace Park assembling Krüger Park and the adjacent Gaza region as a model for regional cooperation and symbiosis. This effort will ensure the enjoyment of future generations a pristine and sustainable environment”.

The subject states' observers applauded the participant's work. Unfortunately, real-world negotiations conducted between the tri-partite nations are usually much more difficult. There is a great disparity between the three nations in the per capita GDP. South Africa is an emerging market with abundant natural resources while Mozambique struggles with two-digit inflation. Swaziland is landlocked and subsistence agriculture is the predominant occupation of 80% of its population, rendering the nation highly dependent on South Africa. These disparities impede negotiations. However, the observers acknowledged that the concept of building a common ground with the expansion of an international park is a promising concept for the region.

Attendees were often probing the purpose of Laurent's participation. Being the only American workshop participant, Laurent often fielded questions focused on interstate water sharing agreements, i.e., "How does California share water with its southern neighbor?" "Does this common resource enhance cultural exchange between Mexico and California?" "How does our state reconcile resource utilization conflicts as the Colorado River makes its way through 4 states and two nations?"

In summary, this workshop provided a great professional experience for Laurent as well as providing him with a unique insight on the complexities of water politics.

In-house Training

Our October training was on wastewater treatment technologies. Our next in-house training will be in January 2005 and will be on presentation skills.

Staff Presentations

On October 13, Shin-Roei Lee made a presentation to about 60 attendees at the Pacific Industrial and Business Association at its 2nd Annual Regulatory Conference. The topic of her presentation was how the recently adopted Mercury TMDL will affect stormwater dischargers.

I spoke to the Santa Clara County Bay Association's Environmental Law Section on October 28 and the Industrial Association of Contra Costa County on November 3. In both presentation's, I described the Board's role in the California Performance Review and the challenges of implementing TMDL's such as the recently adopted mercury TMDL for San Francisco Bay.

I also spoke to the board of the Citizens for Eastshore State Park about the Zeneca site on October 20, to East Bay MUD's Board of Directors on October 26, in celebration of the District's winning U. S. EPA's National Pretreatment Award (as described in last month), and to the Sunnyvale City Council on October 26, on the challenges and our expectations of the City in implementing the mercury TMDL.