

STATE OF CALIFORNIA  
REGIONAL WATER QUALITY CONTROL BOARD  
SAN FRANCISCO BAY REGION

STAFF SUMMARY REPORT (Dyan Whyte)  
MEETING DATE: April 8, 2009

ITEM: 9

SUBJECT: **Aramburu Island Restoration Project, Richardson Bay, Marin County** –Resolution Requesting Funding From the State Water Pollution Cleanup and Abatement Account

DISCUSSION: The Tentative Resolution (Appendix A) requests the State Water Board to release up to \$965,000 from the State Water Pollution Cleanup and Abatement Account to fund Phase II of the Aramburu Island Clean Up, Restoration, and Enhancement Project (Project). The Richardson Bay Audubon Sanctuary has developed the Project to restore wildlife habitat and cleanup and abate past and ongoing discharges of sediments and debris from a 17-acre island in Richardson Bay, referred to as Aramburu Island.

Aramburu Island served as a disposal site in the late 1950s and early 1960s for dredge spoils, excavation waste, and construction debris from residential development in the Strawberry Point area. Sediment discharges from the island degrade water quality in Richardson Bay, where they adversely impact fish, aquatic mammals, eelgrass beds, and estuarine habitat. The need to clean up, restore and enhance the island became apparent during the 2007 Cosco Busan Oil spill and the 2008 avian cholera outbreak when Audubon Sanctuary staff found sick and dying birds and mammals seeking refuge on the island.

Compounding these problems, in January 2008, the Sewerage Agency of Southern Marin (SASM) discharged approximately 2.45 million gallons of screened but untreated sewage and 1 million gallons of partially treated sewage to Pickleweed Inlet, a tributary to Richardson Bay near Aramburu Island. Due to a lack of sampling, specific impacts to beneficial uses associated with these spills are unknown. In August 2008, the Board's Assistant Executive Officer issued an administrative civil liability (ACL) complaint to SASM for unauthorized discharges into Richardson Bay. This complaint proposed a penalty of \$1,600,000.

In February 2009, the Board's Prosecution Team and SASM signed a settlement agreement for the August 2008 ACL complaint in which SASM agreed to pay \$800,000 to the Cleanup and Abatement Account. In addition, the settlement agreement requires SASM to implement two Supplemental Environmental Projects: Phase I of the

Project, costing \$200,000, and a private sewer lateral replacement program, costing \$600,000. An ACL order that would impose the \$1,600,000 penalty and the terms of the settlement agreement on SASM is Item 6 of this month's Board agenda.

The Tentative Resolution is specific to Phase II of the Project. Phase I of the Project will not be sufficient to complete the cleanup and provide the high quality refuge Richardson Bay wildlife need in times of crisis, considering the geographic nexus between sewage spills and the Island. Therefore, the Board's Prosecution Team agreed as part of the settlement agreement to propose this resolution requesting Cleanup and Abatement Account funds for Phase II of the Project.

As part of its development of the Project, the Richardson Bay Audubon Sanctuary has developed a comprehensive cleanup, restoration, and enhancement plan for Aramburu Island that includes a scope of work and budget (Appendix B). The ACL order for SASM, the SASM settlement agreement, and the draft scope of work for Phase I and II of the Project were distributed for public review. We received 11 letters of support (Appendix C) from local government agencies, environmental groups, and Congresswoman Woolsey. We received no comments opposing the Project.

Funding Phase II of the Project using Cleanup and Abatement Funds offers a rare opportunity to cost effectively clean up, restore and enhance a variety of habitats in an otherwise urban area that will have great biological value while maintaining resiliency to rising sea levels. As noted in the comment letters, funding of the Project will be the "silver lining" associated with the SASM sewage spills. Board approval of this resolution will be great news not only for the wildlife and ecological health of Richardson Bay, but also for the surrounding community of humans who enjoy these waters.

RECOMMEN-  
DATION: Adopt the Tentative Resolution

APPENDICES: A -- Tentative Resolution  
B – Aramburu Island Clean Up, Restoration, and Enhancement Project  
Plan and Scope of Work  
C – Comments