

reissuance, mrp@Waterboards

From: Monty J Heying <mheyng777@yahoo.com>
Sent: Sunday, June 07, 2015 3:14 PM
To: lyris@swrcb18.waterboards.ca.gov; reissuance, mrp@Waterboards
Cc: April Squires; Michael D.; Elissa Vinson; Gretchen Lipow; Eric Kos; Chris Ringewald; Trish Spencer; Crane, Dave@Wildlife; Goeden, Brenda@BCDC; Weston Robert Env. Health; Sharol Nelson-Embry; Christian, Elizabeth@Waterboards; City Manager; DOUGLAS LONG; pw@alamedaca.gov
Subject: Re: Notice of Public Workshop and Hearings for the Tentative Order for the SF Bay Region Municipal Regional Stormwater Permit
Attachments: May 2015 Public Notice FINAL.pdf

I would like speak at the June 10 meeting in support of the tentative draft and would like to know what audio-visual aids are available at the auditorium.

Specifically, I would like to present from my laptop computer showing photographic evidence of environmental damage to San Francisco Bay apparently caused by discharges from the "finger" lagoons on Alameda Island. My computer can use either HDMI or SVGA connection or I can supply a CD for someone to project from a site computer.

It would also be good, but not essential, if a wireless internet connection were available so I can present findings and evidence from my "Alamedagoo.org" blog, documenting my extensive and continuing investigation of a toxic spill I witnessed and tried unsuccessfully to report and strongly suspect was discharged from Alameda's lagoons and that may also be the source of the co-called "Mystery Goo" that killed the 300 seabirds in January.

My findings point to a potentially catastrophic ecological threat to the waterfowl and marine habitat in San Leandro Bay stemming from apparent chemical-laden discharges from Alameda's finger lagoons. Tidal patterns caused by dredging in the Oakland-Alameda ship channel and the build-up of sediments due to four years of drought are also a suspected factor in the routing of lagoon emissions repeatedly and regularly through San Leandro Bay, thereby exposing the fragile marine habitat there to an accumulation of toxins.

I consider Alameda's finger lagoons to be integral to the City's storm sewer system, either as a "catch basin" or as a "man-made channel" as defined in the MS4 regulation. ***These lagoons are therefore subject to the pending regulation the same as a storm drain or any other element of our stormwater system.*** I seek confirmation that this is the case, and if not, why not and what it takes to appeal any such adverse determination. I also want to be informed of the enforcement process and how best concerned citizens such as myself can be of assistance in this regard.

Please let me know of any time limits and the aforementioned A-V hookups.

I will phone tomorrow afternoon to follow-up.

Sincerely,

Monty J Heying
Alameda, CA

510-872-3144 (cell)
510-749-8386 (land/fax)

On Monday, May 11, 2015 4:17 PM, "lyris@swrcb18.waterboards.ca.gov" <lyris@swrcb18.waterboards.ca.gov> wrote:

California Regional Water Quality Control Board

San Francisco Bay Region
1515 Clay Street, Suite 1400, Oakland, CA 94612

NOTICE OF PUBLIC WORKSHOP HEARINGS AND PUBLIC COMMENT PERIOD

FOR THE TENTATIVE ORDER FOR THE SAN FRANCISCO BAY REGION MUNICIPAL REGIONAL STORMWATER PERMIT

Notice is hereby given that the San Francisco Bay Regional Water Quality Control Board's staff has prepared a tentative order for the National Pollutant Discharge Elimination System (NPDES) permit under the Clean Water Act covering municipal stormwater discharges from the entities listed below (Permittees). This Municipal Regional Stormwater Permit (Draft MRP), if adopted, will replace Permittees' existing regional NPDES permit. Each Permittee owns and/or operates a municipal separate storm sewer system (MS4) from which stormwater is discharged into receiving waters including Bay Area creeks and rivers, San Francisco Bay, and the Pacific Ocean. The MRP will require the Permittees to reduce the discharge of pollutants from their MS4s to the maximum extent possible and to effectively prohibit non-stormwater discharges into storm sewers. The Draft MRP requires Permittee actions in the following areas: municipal operations; new development and redevelopment; industrial and commercial site controls; illicit discharge detection and elimination; construction site controls; public information and outreach; water quality monitoring; and specific pollutant controls, including for pesticides, trash, mercury, PCBs, pathogens, and copper.

The cities of Alameda, Albany, Berkeley, Dublin, Emeryville, Fremont, Hayward, Livermore, Newark, Oakland, Piedmont, Pleasanton, San Leandro, Union City, Alameda County, the Alameda County Flood Control and Water Conservation District, and Zone 7 of the Alameda County Flood Control and Water Conservation District, which have joined together to form the Alameda Countywide Clean Water Program

The cities of Clayton, Concord, El Cerrito, Hercules, Lafayette, Martinez, Orinda, Pinole, Pittsburg, Pleasant Hill, Richmond, San Pablo, San Ramon, Walnut Creek, the towns of Danville and Moraga, Contra Costa County, Contra Costa County Flood Control and Water

Conservation District, which have joined together to form the Contra Costa Clean Water Program

The cities of Campbell, Cupertino, Los Altos, Milpitas, Monte Sereno, Mountain View, Palo Alto, San Jose, Santa Clara, Saratoga, Sunnyvale, the towns of Los Altos Hills and Los Gatos, Santa Clara Valley Water District, County of Santa Clara, which have joined together to form the Santa Clara Valley Urban Runoff Pollution Prevention Program The cities of Belmont, Brisbane, Burlingame, Daly City, East Palo Alto, Foster City, Half Moon Bay, Menlo Park, Millbrae, Pacifica, Redwood City, San Bruno, San Carlos, San Mateo, South San Francisco, The towns of Atherton, Colma, Hillsborough, Portola Valley, and Woodside, the San Mateo County Flood Control District and San Mateo County, which have joined together to form the San Mateo Countywide Water Pollution Prevention Program

The cities of Fairfield and Suisun City, which have joined together to form the Fairfield-Suisun Urban Runoff Management Program

The City of Vallejo and the Vallejo Sanitation and Flood Control District

Notice is additionally hereby given that the Water Board will hold two public workshop hearings to receive oral testimony on the Draft MRP as follows:

DATE: Wednesday, June 10, 2015
TIME: 9:00 AM (approximate)
LOCATION: Elihu M. Harris State Building
First Floor Auditorium
1515 Clay Street
Oakland, CA 94612

At this hearing, the Board will accept oral testimony for all provisions of the Draft MRP, **except** for Provision C.10. – Trash Load Reduction.

DATE: Wednesday, July 8, 2015
TIME: 9:00 AM (approximate)
LOCATION: Elihu M. Harris State Building
First Floor Auditorium
1515 Clay Street
Oakland, CA 94612

At this hearing, the Board will accept oral testimony for Provision C.10. – Trash Load Reduction and any testimony that the Board continued at the June 10, 2015, hearing due to time constraints.

To ensure productive and efficient workshops in which all participants have an opportunity to participate, oral testimony may be time-limited. The Board will not be adopting the Draft MRP at these workshop hearings. The Board will consider adopting the Draft MRP at a future noticed hearing.

Any updates or changes in the date, time, and place of the public workshops will be noticed on the MRP Lyris email list. **Any person desiring to receive future notices on the Draft MRP must sign up for the MRP Lyris email list.** To sign up for the Lyris list, access the email list subscription form and select “Municipal Regional Stormwater Permit Reissuance” at http://www.waterboards.ca.gov/resources/email_subscriptions/reg2_subscribe.shtml.

Notice is additionally hereby given that there will be a written public comment period on the Draft MRP. **The deadline for receipt of written comments on the Draft MRP is 5:00 p.m. on Friday, July 10, 2015.** Written comments should be submitted to the following email address:

mrp.reissuance@waterboards.ca.gov. Please submit all attachments to the email as one electronic file with a file name clearly identifying the commenting entity. Written comments may also be submitted by mail to: Dale Bowyer, 1515 Clay St., Ste. 1400, Oakland, CA 94612.

Persons wishing to file written comments on or objections to the Draft MRP or other aspects of this matter must do so no later than this deadline, so that the comments may be considered. No written comments will be accepted or responded to in writing after that date. Interested persons are invited to attend and express their views at the workshops on this matter.

Pursuant to California Code of Regulations Title 23 section 2050(c), any party who challenges the Board's action through a petition to the State Water Resources Control Board under Water Code section 13320 will be limited to raising only those substantive issues that were raised before the Board at the hearing or in timely submitted correspondence.

All documents related to the MRP may be inspected at the Water Board office and are also available at: http://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/stormwater/Municipal/mrp_sw_reissuance.shtml.

If you have any questions regarding this matter, or would like an electronic copy of the documents in compact disk format or a paper copy sent by mail, please contact Dale Bowyer at (510) 622-2323, via U.S. Mail to Dale Bowyer, Regional Water Board, 1515 Clay Street, Suite 1400, Oakland CA 94612, or via email to mrp.reissuance@waterboards.ca.gov.

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Statement

I am Monty Heying [rhymes with “flying”], a 14-year resident of Alameda.

This is a plea for strict enforcement of the new MS4 regulations. My concern is for the thousands of seabirds whose habitat in San Leandro Bay is threatened by contaminants released from Alameda’s stagnant finger lagoons, which were built in the 1950s without circulation pumps or an aeration system for algae control.

1. Attack algae with chemicals and you attack the foundation of the marine food chain and put at risk every marine creature, including seabirds.
2. Chemicals usage in the lagoons has apparently increased due to the effect of global warming.
3. The lagoons have become an ecological wasteland (see photos.)
4. I have evidence suggesting that these chemicals have so damaged the environment around the lagoon portal that herons and egrets no longer feed there.
5. In October 2014 (see Timeline) I observed tidal currents drawing grayish-brown lagoon effluent through San Leandro Bay, where migrating seabirds abound.
6. How much time do we have to reverse the destruction of marine habitat?"

The following images and Timeline document: a) the utter destruction to marine habitat within the lagoons, b) the deterioration in marine habitat in San Francisco Bay apparent from contaminated effluent from the lagoons, c) the apparent use of a surfactant to clarify the lagoons after dredging, d) a map showing the path of a plume of grayish-brown sludge and debris I observed flowing into and through San Leandro Bay at the time of the dredging, e) a timeline documenting related events and observations, and f) a copy of my complaint #42975 with CalEPA.

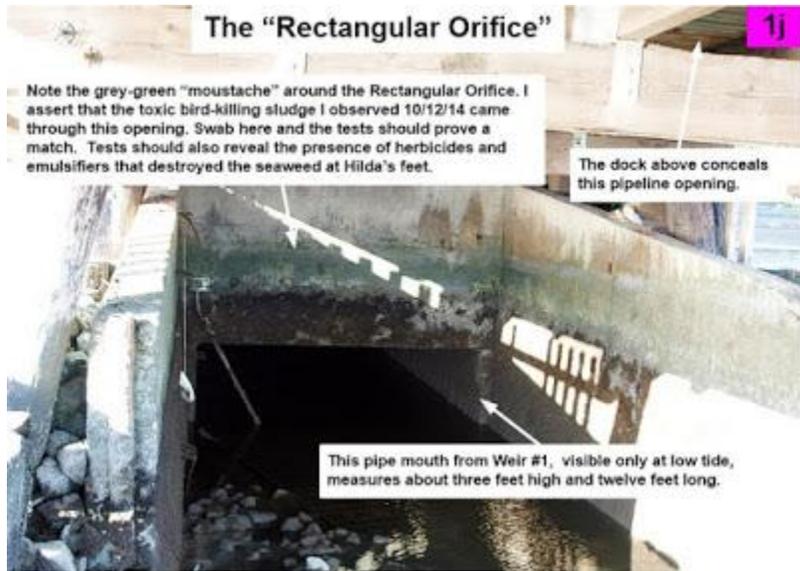
Documentation



The Finger Lagoons, at mid-left, extend half-way across the south-eastern edge of Alameda Island, and connect with the San Francisco Bay through a single 3x12-foot portal just west of the bridge to Bay Farm Island.

Lagoon photos below were taken from Grand Avenue looking westward down the spine connecting the fingers.

Millions of gallons of water must pass through this small 3x12-foot portal each year into San Francisco Bay. It takes two weeks just to empty the lagoons for annual maintenance.



At left is the long spine of Lagoon #1, starting at Grand Avenue and looking west, toward Washington Park.

The water level has been lowered for annual maintenance. Note the lack of green marine vegetation.

The lagoons are a biological wasteland.

At right is a close-up view of the right (north) side of the lagoon. Still no sign of marine vegetation vital to seabird habitat.



At left is a further close-up, showing the dead vegetation. This devastation is universal throughout the entire lagoon system.

Whatever chemicals are being used have been frighteningly effective.

At right is a view looking back toward the Grand Ave. Bridge.

The absence of marine vegetation is pervasive. No moss, no seaweed. Nothing. Marine habitat destruction is complete.



At left is a healthy marine environment along a seawall a few blocks west of the finger lagoons. Note the abundance of green marine vegetation.

At right is another nearby example of a healthy marine environment. Note the green vegetation.





At left, marbled godwits feed in a healthy marine environment. Note the abundance of seaweed.

All three previous photos contrast markedly with the devastated marine habitat in the lagoons. A few birds may occasionally be seen there looking for food, but finding the cupboard bare, they soon leave.



Below the dock at right is the previously shown lagoon portal that delivers contaminated effluent into San Francisco Bay.

For years, I used to delight in observing a night heron and snowy egrets feeding on small fish below and to either side of this dock, but not since the surrounding marine environment was devastated by whatever has been released from the lagoons.



The photo in the center at left was taken September 12, 2013, a few yards to the right of the dock shown above. Note the abundance of seaweed on the rocks.

Surrounding the center photo is a shot taken 18 months later, in March, 2015, in the same area and the same time of day, around 7AM. Note the stark absence of vegetation.

At right is the same March 2015 photo without the inset of the heron. The rocks are virtually bare of vegetation.

This is evidence of the ecological damage done to this marine habitat during this 18 month period.





Victims of Lagoon Goo?

1b

At left are shots taken the morning of September 12, 2103, of the night heron and snowy egret that used to regularly feed below the dock.

They no longer come here

September 12, 2013, these pictures were taken to either side of a dock above a rectangular pipe leading from the finger lagoons to San Francisco Bay.

Timeline

2012 – Blue dye released into lagoons to control algae

Sept- 2013 – The marine habitat surrounding Lagoon Portal was healthy

Oct 2014 – The lagoons were being dredged and I observed (and reported) a plume of greyish-tan sludge & debris entering San Leandro Bay from the Lagoon Portal

Nov 2014 – A white and grey foam (an apparent surfactant) appeared in Lagoons

Jan-Feb 2015 – A grey “Mystery Goo” kills 300 seabirds in local vicinity

Mar 2015 – I filed a complaint (#42975) with CalEPA, which was referred to County Environmental Services.

Apr 2015 – I presented my findings to the Alameda City Council.
“**AlamedaGoo.Org**” blog created to inform citizens.

July 2015 -- Nothing heard from my complaint.

The photo at right of Lagoon #5 was taken around November 20, 2014, right after dredging. The large plume of white foam is evidence of a massive quantity of chemicals.

You will notice the foam is turning grey around the margins, indicating chemical action between the foam and particles in the water, as would be expected of a surfactant.

Surfactants are used for algae control by Clear Lakes, Inc. CLI was hired by the Alameda Department of Public Works to "keep the lagoons clean of trash," according to a city engineer.



At left is a map of Alameda with arrows indicating the direction of travel of the plume of greyish-brown sludge and debris I observed October 12, 2014, (see Timeline) as dredging was underway in the lagoons.

The red arrows indicate the path of the sludge that I observed. Green indicates the path of the sludge down the Oakland-Alameda Estuary toward San Francisco Bay.

It is apparent that strong tidal currents in the Estuary combined with sediment build-up outside the lagoon portal to move the lagoon effluent around the eastern tip of Alameda Island and through San Leandro Bay.



At right is a shot of the dock and lagoon portal (seen at center-right) during low tide from across the Alameda-Bay Farm channel.

Note the build-up of sediment caused by four years of drought.



At left is the complaint I filed in March with CalEPA concerning the plume of sludge. CalEPA referred my complaint to Alameda County Environmental Services.

I have not heard from anyone about progress.

Sincerely,

Monty J Heying

510-872-3144 (cell)

510-749-8386 (land/fax)