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

MEETING DATE: September 12, 2018

ITEM: **5**

SUBJECT: **EXECUTIVE OFFICER'S REPORT**

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
SAN FRANCISCO BAY REGIONAL WATER QUALITY CONTROL BOARD

# EXECUTIVE OFFICER'S REPORT: *September 2018*

A Monthly Report to the Board and Public

**NEXT MEETING:** September 12, 2018 **WEBSITE:** http://www.waterboards.ca.gov/sanfranciscobay/

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## **Mission Clay Site – Fremont** (Ralph Lambert and Kevin Brown)

In early August, we issued a Cleanup and Abatement Order (CAO) for the Mission Clay site. The CAO requires abatement work to eliminate recently-discovered petroleum seepage into nearby Alameda Creek. This work will be in addition to onsite cleanup work already under way. We consider this a high-priority site, since the Alameda County Water District (ACWD) diverts water from Alameda Creek about 1.5 miles downstream for drinking-water purposes (see Figure 1).

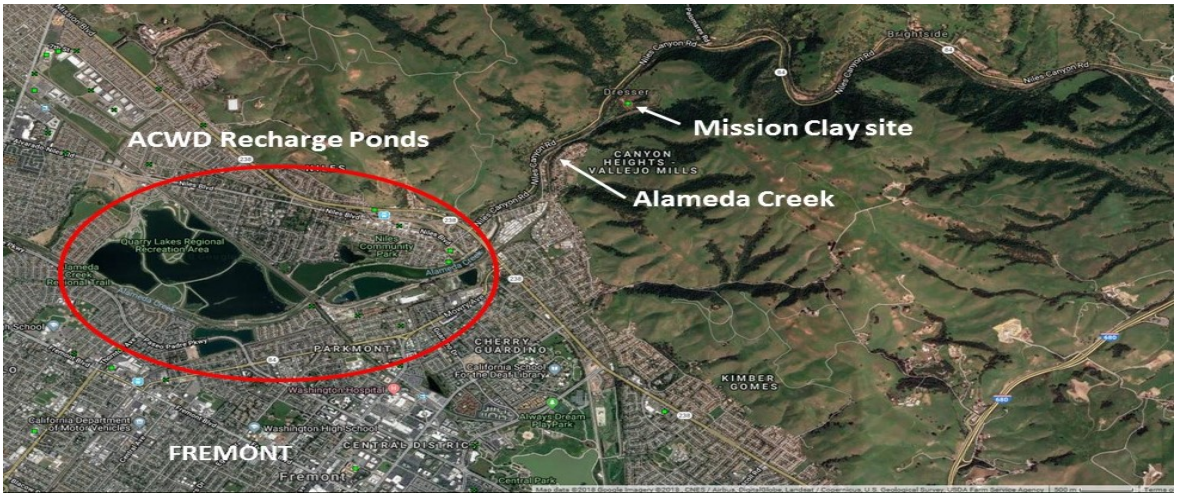


***Figure 1:*** *Location of Mission Clay site relative to Alameda Creek and ACWD's recharge ponds.*

The Mission Clay site is located in Niles Canyon, on the eastern edge of Fremont. Alameda Creek is located about 250 feet northwest of the site. Between 1907 and 1992, three different companies manufactured brick and sewer pipe at the site, using clay from an onsite open-pit mine. Various petroleum products were stored and used at the site in the manufacturing process. In the late 1980s, several fuel underground storage tanks were removed. In 2000, fuel vaults were removed along with some petroleum-impacted soils. Substantial petroleum impacts to soil and groundwater were discovered during subsequent investigations. Groundwater contamination extends several hundred feet to the north and northwest of the source area, crossing beneath the adjacent rail line and extending toward Alameda Creek. ACWD oversaw site investigation for several years, transferring the case to our office earlier this year.

The current landowner, BBG KRG, Inc., is in the process of performing reclamation work for the open-pit mine. Onsite petroleum-cleanup work is being done as part of the reclamation. The landowner prepared a March 2017 *Amended Reclamation Plan* to comply with the State's Surface Mining and Reclamation Act; the Reclamation Plan was later approved by the State Mining and Geology Board. The landowner also prepared a May 2018 Remedial Action Plan (RAP) to clean up onsite soil and groundwater contamination; Board staff approved the RAP in August following a public comment period.

The RAP and Reclamation Plan propose to excavate over 150,000 cubic yards of onsite soil. The excavation project is currently underway (Figure 2). Approximately 21,000 cubic yards of this soil is impacted by heavy hydrocarbons and will be hauled from the site. Contaminant-free soils and recycled clay materials will be reused. Impacted groundwater that flows into the excavation will be pumped out, treated, and reused onsite. The excavation will be backfilled, regraded, and planted as part of the Reclamation Plan.

***Figure 2:*** *Part of the overburden excavation on August 16, 2018. View looking west. A large haul truck is in the background on the edge of the excavation.*

An 0.1-acre wetland that formed from a prior excavation was recently removed to allow excavation. Another onsite wetland will be enlarged by an equal or greater amount to offset the loss of the 0.1-acre wetland.

Earlier this year, site inspections found evidence of petroleum contamination reaching Alameda Creek. In February, a petroleum sheen was observed in interstitial water adjacent to the creek. In June, a petroleum sheen and oil globules were observed in standing water adjacent to the creek (see Figure 3). These findings prompted Board staff to prepare a CAO, which I signed on August 3.

For context, the Board has delegated to the Executive Officer the authority to issue, amend, or rescind cleanup and abatement orders pursuant to Water Code section 13304. The choice between having these orders acted upon by the Board or by the Executive Officer hinges on the degree of controversy and urgency in each case. In general, I issue, amend, or rescind these orders in situations where there is little or no controversy or when there is some urgency (e.g., cleanup action is needed promptly to address a current or imminent threat to human health or the environment). Otherwise, we bring these types of cleanup orders to the Board for its consideration and action in a public hearing. In this instance, rapid issuance of the CAO was needed due to the water quality impact to Alameda Creek.

***Figure 3:*** *Petroleum hydrocarbon sheen in inner channel adjacent to Alameda Creek. Photo taken on August 16, 2018.*

The CAO required the current landowner to undertake interim abatement action within a week (by August 10) and near-creek investigation and abatement activities on an accelerated schedule. It also requires frequent sampling, observations, and reporting. The landowner completed interim abatement action on schedule, installing absorbent pads and straw wattles in a small section of

pooled water along the creek channel. These measures appear to be working; no petroleum sheens have been observed since.

Board staff will be closely monitoring the landowner's compliance with the CAO and will provide updates to the Board as needed. We view the CAO as an interim measure; we will be requiring further investigation and cleanup in the offsite area (between the source property and the creek) to reduce subsurface petroleum contamination below levels of concern and prevent future discharges to the creek.

## **Prosperity Cleaners Update** (Ralph Lambert)

The Prosperity Cleaners site is located in the Marinwood Plaza shopping center in Marinwood, north of San Rafael. Releases of tetrachloroethene (PCE) from past dry-cleaning operations at the site have impacted soil, soil vapor, and groundwater. In 2014, the Board adopted a cleanup order for the site. Two source areas were identified onsite and each has been treated. All subsequent confirmation soil samples collected onsite meet site cleanup goals. Onsite soil vapor concentrations still exceed established cleanup levels, but the exceedances are not adjacent to any occupied structures. Extensive soil vapor sampling in the nearby residential neighborhood has not detected any PCE or breakdown products. A groundwater plume, exceeding drinking water standards, extends to the east about ½ mile under Silveira Ranch and other agricultural lands. Silveira Ranch uses local groundwater, but its wells do not exceed the PCE drinking water standard of 5 ug/l.

The Board amended the site cleanup order in July to confirm the 10-year timeframe for meeting offsite groundwater cleanup levels and to make other revisions. We have several updates since the Board's July meeting:

*Additional soil vapor probes:* We previously required the discharger to install additional soil vapor probes to confirm that PCE vapors are not migrating from the subsurface into any Casa Marinwood residences located across the street from Marinwood Plaza. The approved workplan envisions placing two of the probes on Casa Marinwood property. Installation of these two probes has been delayed while the discharger and the homeowner's association complete the necessary access agreement. In late July, we approved a time extension for completion of this work.

*Approval of offsite pilot test report:* In early August, we conditionally approved the discharger's offsite groundwater treatment pilot test report. The pilot test was conducted to confirm the effectiveness of the proposed groundwater treatment technology – permeable reactive barriers (PRBs) – in the offsite area. The report documented significant reductions in groundwater concentrations of PCE and its breakdown products in an area where PCE concentrations exceeded 30 µg/l. It proposed full-scale implementation of this treatment technology using 12 PRB treatment lines located about 250 feet apart (see Figure 4). We provided an opportunity for public comment on this report and received comments from representatives of Silveira Ranch and Caltrans. A key comment was that the proposed treatment-system design may not attain cleanup levels in the "fringe" areas of the groundwater plume, where PCE concentrations are less than 30 µg/l. We agree and approved the report on the condition that the discharger

demonstrate within three months how the fringe areas will meet applicable groundwater cleanup levels within 10 years. We listed two possible ways to meet this condition (there may be others): (i) another pilot test in the fringe areas or (ii) an assessment of natural attenuation in the fringe areas (e.g., monitor for constituents that would indicate natural attenuation).

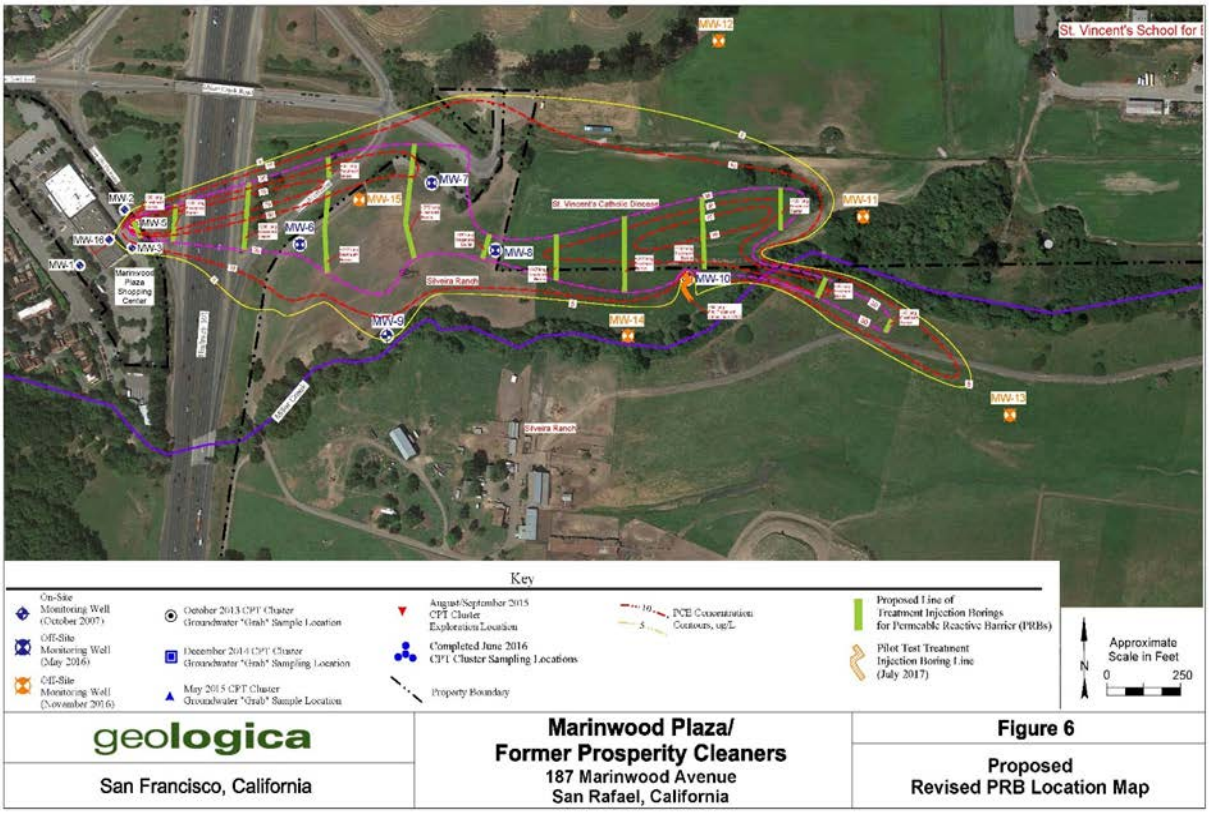


***Figure 4:*** *Offsite groundwater treatment system design*

*Comfort letter:* On August 10, I issued a "comfort letter" to a prospective buyer of the Marinwood Plaza property; the letter states that we will not require it to perform cleanup work as long as the current landowner is conducting necessary cleanup work and complying with our order. Such letters can encourage reuse of properties that are vacant or under-utilized due to contamination (such as this one) and do not limit our ability to require cleanup.

*Offsite fieldwork:* On August 26, the discharger was scheduled to begin offsite borings and sampling along the proposed PRB treatment lines to finalize injection depths and locations along each line. Treatment injections are anticipated prior to the 2018-19 wet season.

We are continuing to keep interested parties – including offsite landowners, Marinwood community members, and the County Supervisor's office – informed about site activities and reports. Over the last two months, we have responded to several emails from neighbors as well as copying interested parties on all formal correspondence. Earlier this year, we circulated two fact sheets inviting comments on site reports. We will provide the Board with future updates on this case as circumstances warrant.

## **State Water Board Approval of the Suisun Marsh TMDL** (Barbara Baginska)

On August 21, the State Water Board unanimously approved the Basin Plan amendment to establish new site-specific objectives and a TMDL for dissolved oxygen in the Suisun Marsh (Figure 5) that was adopted by this Water Board this past April. Only one public comment letter was submitted during the State Water Board's public review period. That comment letter was from the San Francisco Baykeeper and posed similar issues to those raised before this Board in April. We will be submitting the Basin Plan amendment to the State's Office of Administrative Law for approval and then to U.S. EPA. We will keep the Board informed of progress in the approval process.

***Figure 5:*** *Pacific Flyway Center at Suisun Marsh*

## Staff Presentations

On August 22, Naomi Feger made a presentation to the San Francisco Estuary Partnership's Implementation Committee on the progress of implementation of Estuary Blueprint Action 17, Policy Review to Promote Multi-benefit Projects. She was part of a panel that included a discussion of the Bay Restoration Regional Integration Team being developed for permitting Measure AA-eligible projects and the Bay Conservation and Development Committee's review of its Bay fill policies. She provided an overview of the Board's policies under consideration for revision to facilitate baylands multi-benefit projects, including sediment management and the use of treated wastewater for wetland creation.

## **Disposal of Hunter's Point Shipyard Radiological Wastes** (Keith Roberson and Alan Friedman)

Falsification of data related to the cleanup of the Hunter's Point Naval Shipyard (HPNS) is having a ripple effect. Concern has been expressed regarding the possible disposal of radiological materials from HPNS into landfills that are not authorized to receive hazardous radiological wastes. According to records provided by the Navy, materials from HPNS (soil and building demolition debris such as concrete, asphalt, and wood) during the period of concern were transported to, and disposed in, two Region 2 Municipal Solid Waste Landfills. Data reviewed by Board staff confirmed that approximately 230,000 tons of debris and soil from HPNS were transported to the Keller Canyon Landfill in Pittsburg/ Bay Point between 2009 and 2016. Another 12,700 tons of demolition debris (no soil) was transported from HPNS to the Ox Mountain Landfill in San Mateo County between 2008 and 2012. Republic Services, the owner of these two landfills, has corroborated the receipt and disposal of the materials from HPNS. What is not known is whether these materials from HPNS contained detectable radiological materials. Radiation detectors at each landfill's entry points were not triggered by receipt of any waste loads originating from HPNS.

A public meeting was held in Bay Point on June 21 to inform the public and to hear concerns from the public about the possibility that HPNS radiological material may have been disposed at the Keller Canyon Landfill. In general, Board staff support radiation screening around landfill perimeters, along with sampling and analysis of landfill leachate for evidence of radiation. However, we are concerned that such efforts may not provide definitive results in this case. While negative radiological detection test results might help ease community concerns, positive results would increase community concerns. Furthermore, positive results may not be directly tied to wastes from HPNS and could very well be from other sources, including from natural background radiation in soils. We believe that any radiological wastes buried within landfills would currently pose little to no risk to neighbors because of the isolation of those wastes within the very large refuse mass. A more legitimate concern, if radiological wastes were inadvertently accepted at municipal landfills, would be that landfill workers could have been temporarily exposed during waste disposal operations or that dust from the landfill may have blown into nearby communities during disposal.

Board staff will continue to work with other regulatory agencies, the Navy, Republic Services, and the concerned communities to assess any impacts to public health and the environment and determine if any corrective actions are necessary.

## In-house Training

In-house trainings are scheduled to resume in the fall.

## **Enforcement Actions** (Mary Boyd and Brian Thompson)

The following table shows the proposed and settled enforcement actions since last month's report. In addition, enforcement actions are available on our website at:

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

**Proposed Settlements**
The following are noticed for a 30-day public comment period. If no significant comment is received by the deadline, the Executive Officer will sign an order implementing the settlement.

| Discharger | Violation(s) | Proposed Penalty | Comment Deadline |
|---|---|---|---|
| Lennar Homes of California | Effluent limit violation | $3,000 | Sep 3, 2018 |
| Burlingame Point, LLC | Effluent limit violation | $3,000 | Sep 7, 2018 |
| Chevron Environmental Management Company | Effluent limit violation | $3,000 | Sep 7, 2018 |
| Golden State Warriors | Effluent limit violation | $3,000 | Sep 7, 2018 |
| Browning Ferris Industries | Effluent limit violation | $9,000 | Sep 7, 2018 |
| Sausalito-Marin City Sanitary District | Effluent limit violation | $3,000 | Sep 12, 2018 |
| City of St. Helena | Effluent limit violations | $21,000 | Sep 13, 2018 |
| City of Half Moon Bay | 12 sanitary sewer overflows | $26,800 | Sep 24, 2018 |

**Settled Actions**
On behalf of the Board, the Executive Officer approved the following:

| Discharger | Violation(s) | Imposed Penalty | Supplemental Environmental Project |
|---|---|---|---|
| Lehigh Southwest Cement Company | Unauthorized discharge and violations of effluent limits | $301,000 | $158,000 |
| San Jose Water Company | Unauthorized discharge resulting in fish kill | $75,000 | $37,500 |
| Sewer Authority Mid-Coastside | 11 sanitary sewer overflows and various reporting violations | $600,000 | $300,000 |
| Schnitzer Steel Industries | Effluent limit violations | $12,000 | $12,000 |
| Google, LLC | Effluent limit violations | $18,000 | none |
| Ford Motor Company | Effluent limit violations | $3,000 | $3,000 |

## **401 Water Quality Certification Applications Received** (Abigail Smith)

The table below lists those applications received for Clean Water Act section 401 water quality certification from July 16 through August 8, 2018. A check mark in the right-hand column indicates a project with work that may be in BCDC jurisdiction.

| **Project Name** | **City/Location** | **County** | **May have BCDC Jurisdiction** |
|---|---|---|---|
| Ballena Bay Canal Floating Breakwater System Replacement | Alameda | Alameda | ✓ |
| San Francisco Public Utility Commission Ornellas Lower Pond Restoration | Milpitas | | |
| San Francisco Public Utility Commission Ornellas Upper Pond Restoration | Milpitas | | |
| Spotorno Ranch Residential Development | Pleasanton | | |
| Moraga Creek Bank Stabilization on the Shapiro Property | Moraga | Contra Costa | |
| Bank Stabilization and Repair | Pittsburg | | ✓ |
| El Portal Retaining Wall Stabilization | San Pablo | | ✓ |
| Wildcat Creek and Greenway Trail Restoration | San Pablo | | ✓ |
| Beach Road Seawall Toe Stabilization | Belvedere | Marin | ✓ |
| Belvedere Land Company Dredging | Belvedere | | ✓ |
| Olema Bolinas Road - Maintenance Cleaning of Sediment in Culverts | Bolinas | | |
| Marshall Petaluma Road Bridge Pier Reinforcement | Petaluma | | |
| First Street - Mahon Creek Bank Repair | San Rafael | | ✓ |
| Landry B Trails Decomissioning | Napa | Napa | |
| Fire Boat Station 35 at Pier 22.5 Pier Replacement | San Francisco | San Francisco | ✓ |
| Potrero Power Plant Redevelopment Geotechnical Exploration | San Francisco | | ✓ |
| Burlingame Point Pedestrian Bridge Cone Penetrometer Test | Burlingame | San Mateo | ✓ |
| Pillar Point Harbor Fishing Pier and Access Walkway Rehabilitation | Half Moon Bay | | |
| Port of Redwood City Wharves 1 and 2 Redevelopment | Redwood City | | ✓ |
| East-West Segment 4 Water Transmission Pipeline Installation | Fairfield | Solano | |
| Suisun Creek Bank Repair | Fairfield | Solano | |
| Glen Cove Marina Maintenance Dredging | Vallejo | | ✓ |