

**California Regional Water Quality Control Board**  
**San Francisco Bay Region**  
**EXECUTIVE OFFICER'S REPORT**  
**A Monthly Report to the Board and Public**  
**September 2004**  
*Next scheduled Board meeting is September 15, 2004.*

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**Wetland Restoration, Campus Bay (former Zeneca) Site in Richmond (Curtis Scott)**

The Campus Bay remediation project, which would restore a portion of this contaminated former industrial site to wetlands, has received considerable attention in the press over the last few weeks. The current remediation phase of the project involves the removal of contaminated sediments in wetlands along the Bay Trail adjacent to San Pablo Bay.

The overall remediation of the Campus Bay site is being done in response to Site Cleanup Requirements adopted by the Board in 2001. The remediation project approved by the Board is for cleanup to industrial/commercial reuse (the current zoning) for the upland portions of the site. Remediation on these upland areas has been implemented during the 2002 and 2003 summer construction seasons. Little public concern or complaint about this remediation occurred until after the 2003 construction season when the site developer announced plans to develop part of the upland portions of the site for residential use. At that time, a number of adjacent businesses expressed concerns over the past remediation and initiated a number of “after-the-fact” complaints. At the request of adjacent landowners and businesses and in anticipation of potential residential use, our sister agency, the Department of Toxic Substances Control (DTSC) has entered into the picture to review public health issues and the on-site treatment and reuse of excavated and treated waste materials. The issues raised by DTSC are the issues that have become the focus of the local press.

At present, we are reviewing ongoing work to address the concerns of the public and DTSC prior to approving workplans for the wetland restoration. These concerns will be addressed in the near future, ideally before the Board meeting. The window to perform wetland restoration work is limited to only a few fall months due to the pending rainy season and requirements not to work during the breeding season of the endangered California Clapper Rail. Thus, we want to ensure that issues revolving around the proposal to develop part of the site’s uplands for residential use do not delay the wetland restoration portion of the project.

Site remediation has also been brought to the attention of several local legislators and Cal/EPA Secretary Tamminen. We expect to meet with them in the next several weeks. At this time, the wetland restoration is on hold awaiting results of additional testing of the wetlands’ contaminated sediments and subsequent responses from the developer.

**Phase II Storm Water Program Update (Selina Louie)**

The Board has regulated stormwater runoff from municipalities in most of the populous areas of the Bay Region since the early 1990s under Phase I of the federal stormwater program. Phase I covers most major urban areas (Santa Clara, Alameda, San Mateo, and Contra Costa counties, and the cities of Vallejo and Fairfield). Phase II of the federal stormwater program will cover the rest of the urban areas in the Region. The State Board's Statewide Stormwater Phase II General Permit, adopted in April 2003, lists four steps that must take place before a Phase II municipal program will have permit coverage:

1. Program has submitted a complete application to the appropriate water board;
2. Program's proposed stormwater management plan (SWMP) has been reviewed for compliance with the Permit and Phase II regulations by water board staff;
3. Receipt of a complete application has been publicly noticed for a minimum of 60 days and copies provided to the public for review and comment upon request; and
4. SWMP has been approved by the appropriate executive officer or approved by the water board in a public hearing, if requested.

We started public noticing complete applications in late 2003. In February and March 2004, BayKeeper requested hearings on the following programs' SWMPs: City of San Francisco, Marin County Stormwater Pollution Prevention Program, and Napa County Stormwater Management Program. BayKeeper stated that these SWMPs might not comply with Permit terms and federal regulations. Staff met with the BayKeeper in late spring 2004 to discuss and address its concerns over the SWMPs' monitoring and Integrated Pest Management activities. In response to these meetings, BayKeeper retracted its requests for hearings. No other hearing requests were received, so there is no need for Board hearings on these SWMPs.

As such, I have approved the SWMPs for the following municipal programs, so that they are now covered by the Permit: City of Petaluma, Napa County Stormwater Management Program, City of San Francisco, Marin County Stormwater Pollution Prevention Program, City of Sonoma, and Solano County. We anticipate noticing the City of Benicia and Sonoma County – the last two programs needing Permit coverage – this fall.

**Industrial Stormwater General Permit – 2003/2004 Annual Reports (Rico Duazo)**

The State's General Permit for discharges of stormwater runoff from industries (General Permit) requires dischargers to submit by July 1 of each year an annual report that documents their monitoring of stormwater runoff quality. The annual report also includes an annual comprehensive site compliance evaluation. This report is a key tool for staff to determine the quality of stormwater runoff at a discharger's site and whether the discharger has implemented appropriate best management practices (BMPs) at its site to reduce pollutants in stormwater runoff. The General Permit covers facilities with light and heavy industrial activities such as auto dismantlers, concrete plants, printing plants, and warehouses that are exposed to stormwater.

There were 1514 active sites listed for our Region in the General Permit's database for the 2003/2004 reporting period. The bulk of the required reports arrived between mid-June and late July. Reports were reviewed for completeness and those with benchmark value exceedances were identified for future follow-up.

On August 2, 2004, I issued 341 Notice of Non-Compliance (NNC) letters for dischargers that had not yet submitted their annual reports. In September 2004, I will issue a second NNC letter to approximately 100 dischargers that have not responded to the first NNC letter. Since the August letters went out, staff has responded to numerous phone calls and

requests from General Permittees. Further follow-up will include additional phone calls and inspections of sites that are unresponsive or difficult to contact.

Staff will prepare ACL complaints for facilities that still have not submitted an annual report despite two NNC letters, phone calls, and site visits. I expect ACL complaints to be issued during the first week of October 2004. Orders for these complaints will be scheduled for Board consideration at the November 2004 meeting. In the first quarter of 2005, staff plans to bring to the Board a trend analysis of the annual reports' monitoring data collected to date.

### **State Board Compliance Assurance and Enforcement Roundtable Visits Wetland Restoration Sites (Priya Ganguli)**

On August 18, the State Board's Compliance Assurance and Enforcement Roundtable meeting incorporated field trip visits to two wetland restoration sites in Martinez: McNabney Marsh and Peyton Marsh. Staff of Mountain View Sanitary District gave an overview of ongoing and potential future Supplemental Environmental Projects (SEP) projects in the McNabney Marsh area, located just east of Highway 680. Board staff, Priya Ganguli, and Rhodia Inc.'s Project Manager, Mary Brown, gave an overview of Rhodia's "Peyton Slough Remediation Project". This slough and wetland remediation project will address one of the Bay Area's Regional Toxic Hot Spots and was approved by the Board in October 2002. The "Peyton Slough Remediation Project" involves excavating a new slough alignment further east in relatively uncontaminated wetlands and constructing an engineered cap on the existing channel to contain the contaminated sediments in-place. All the required permits have been obtained, construction began in May of this year, and excavation of the new channel is underway. The construction phase of the project is expected to take two to three years, and will be followed by ten years of post-remediation monitoring.



### **Statewide Screening Levels for Soil Contamination (Stephen Hill)**

Board staff are spearheading an effort to develop statewide screening levels for soil contaminants that would protect groundwater and fill a significant gap in existing statewide screening levels. Screening levels are conservative values for contaminants that can be applied to sites with a minimum of site-specific data. Responsible parties can either meet the screening levels directly or derive site-specific cleanup targets based on more detailed data. Screening levels help streamline site investigation/cleanup and can hasten brownfields redevelopment, by providing more certainty about our cleanup targets early in the remediation process.

Roger Brewer of our staff has already developed environmental screening levels (ESLs) for our Region that address a full range of exposure pathways and human/ecological receptors ("Screening for Environmental Concerns at Sites with Contaminated Soil and Groundwater (Interim Final – July 2003," available on the Water Board's website at <http://www.swrcb.ca.gov/rwqcb2/esl.htm>). These ESLs are widely used by dischargers and redevelopers in our Region. Statewide screening levels do exist, but they only address a subset of

the exposure pathways and specifically do not address groundwater or surface water impacts. These include the U.S. EPA preliminary remediation goals and Cal/EPA's draft California Human Health Screening Levels (scheduled for public review this fall). Expanding these statewide screening levels to cover a wider range of situations would extend the benefits of this Region's ESL approach and improve consistency among all water boards.

In May, Board staff convinced the other water boards to participate in an ad-hoc subcommittee to develop statewide soil screening levels to protect groundwater. In other words, what contaminant levels can remain in soil without threatening to leach and reach groundwater? Key issues include: what is the appropriate groundwater quality goal and what, if any, leachate dilution to allow. The subcommittee had its initial meeting on August 12. We intend to present an outline of our screening level document at the next meeting in September. We will also look at how other states address this issue. We will be coordinating with other Cal/EPA agencies during the process. The completion schedule has not been determined yet. We will keep you informed of our progress on this significant initiative.

### **Cal/EPA Brownfields Initiative (Stephen Hill/Stephen Morse)**

Board staff are participating in the development of a brownfields "memorandum of agreement" (MOA) among the water boards and DTSC, although it now seems unlikely that it will be completed and ratified by the September 13 deadline set by Cal/EPA Secretary Tamminen. The Secretary met with department heads and Board chairs on August 23 to discuss the initiative; Stephen Morse attended on behalf of Chairman Waldeck. We have participated by phone in several MOA meetings since Secretary Tamminen announced the brownfields initiative on July 20.

A key issue is how to determine the appropriate oversight agency for new brownfields cases. The current draft MOA includes various criteria that are still in debate between the agencies over who should be designated as lead regulatory agency for new sites. As a practical matter, most sites involve a mix of human health and water quality issues, and the water boards are quite capable of overseeing cleanup of such sites. Our Board has a strong track record on brownfields cleanup and redevelopment with consideration given for all factors. We will keep you updated on MOA progress and its potential impact on our Board operations.

### **In-house Training**

Our August training was on environmental data quality. Our September training will consist of an 8-hour health and safety refresher for staff whose work takes them to hazardous waste and other potential unsafe sites.

### **Staff Presentations and Outreach**

On August 14, Peter Krottje conducted a workshop on "Water Quality Testing-How to Sample; What to Test For; What Does the Data Mean?" at the Coho Confab 2004 Conference sponsored by the Trees Foundation, Salmonid Restoration Federation, and Salmon Protection and Watershed Network (SPAWN) at the Samuel P. Taylor State Park in Marin.

On September 2, 2004, Rico Duazo and Katie London made a presentation to 30 local inspectors from the Napa, Solano, and Sonoma county Stormwater programs. The presentation provided background information on the Industrial Stormwater General Permit and guidance on how to perform inspections of industrial sites. After the presentation, Board staff helped lead practice inspections at two local sites, a winery and a pipe manufacturing facility.