

**California Regional Water Quality Control Board
San Francisco Bay Region
EXECUTIVE OFFICER'S REPORT**

A Monthly Report to the Board and Public

February 2005

The next regularly scheduled Board meeting is February 16, 2005.

See <http://www.waterboards.ca.gov/sanfranciscobay/> for latest details and agenda

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Desalination Project at Marin Municipal Water District ([Gina Kathuria](#))

In the Bay Area, new sources of drinking water are in short supply and expensive to develop even if available. One almost inexhaustible source could be saltwater (i.e., via desalination) from the Bay or Ocean. Desalination is a process that changes saltwater to drinkable water. Desalination process technology has improved and costs for necessary treatment have significantly decreased over the last several years. The process uses a combination of conventional filtration to remove solids, followed by two phases of reverse osmosis, which passes pure water but not salt. The process produces two streams of water: brine (really salty water), and drinkable water.

Use of the Bay as a source of drinking water is being given serious consideration by the Marin Municipal Water District (District). In March, you will be asked to consider adoption of an NPDES permit for a pilot-scale desalination plant that the District plans to operate for about 9 months, after which it will be decommissioned. The pilot plant will be used to evaluate the feasibility of producing drinking water from Bay water that meets both the District's and regulatory standards using the reverse osmosis desalination process. Additionally, the District will host public tours to observe the desalination process and taste the water.

The pilot plant will intake about 125 gallons per minute of Bay water. During this pilot phase, the brine and drinkable water produced by the process will be recombined and returned to the Bay as regulated by the proposed NPDES permit.

The American Water Works Association will hold its national conference in San Francisco in June. Due to national interest, the conference will highlight a tour of the District's pilot plant.

New/Redevelopment Hydromodification Requirements in Santa Clara Valley ([Jan O'Hara](#))

At the January Board meeting, staff updated the Board on the development of the Hydromodification Management Plan (HMP) by the Santa Clara Valley Urban Runoff Program. Since then staff has met with representatives of the Program and the City San Jose to discuss our major concerns, which include:

- Use of a "phased implementation" approach to the HMP requirements to address the fairness issue raised at the January hearing;
- Definition of "highly developed areas," which are exempted by the permit from HMP requirements; and
- The Program's proposed exemptions for sites less than 20 acres, "Smart Growth" projects, and those due to "impracticability."

Regarding a "phased implementation" approach, Board staff asked the Program to provide a detailed written description of what and where hydromodification controls will be required for Phase I and what legal authority the cities have to actually require developers to do so. Our goal is for the "phased implementation" approach to be clear to the public as well as the Board.

The Board's permit exempts tidal channels, completely hardened channels, and "highly developed areas" from HMP requirements. On the diagram below, the red lines (*note: a color version of the diagram can be found on the Water Board's web site under [item 4](#) of the February 16, 2005, Board meeting agenda*) represent the tidal or hardened channels. The blue lines represent non-hardened, natural creeks/rivers. The City proposed defining the yellow AND purple areas, which encompass essentially the entire city, as "highly developed areas," and thus exempt from HMP requirements. In a late January meeting with staff from the City and the Program, Board staff proposed the purple area, where the landscape is 70% or more paved, to be "highly developed areas". This approach is intended to both align with permit requirements and be protective of two major natural waterways through San Jose, Coyote Creek and Guadalupe River, which both support salmonids. City staff agreed to consider this approach and give us a response in early February.

Both parties agreed to further research the cost and operation/maintenance issue of "when is a site too small to use a detention basin for hydromodification control?" We also are looking into situations where regional solutions or in-stream controls may make better sense. In order to assess the practicality of construction and long-term maintenance of hydromodification controls, we are evaluating examples of operating basins around the country and their design specifications.

We also discussed options for defining "impracticability" and for combining "Smart Growth" with the "highly developed areas" definition. We will meet again later in February and look forward to continuing productive discussions with the Program and the City.

has been established onsite) that is not allowed in any other Bay Area stormwater permits issued by the Board. The exempted projects would be projects with site areas less than 5 acres that are redeveloped as multi-storied commercial or industrial buildings. San Jose staff argues that these projects provide an inherent environmental benefit because presumably they reduce sprawl. We do not agree with this argument because it is a presumption that there will be less new development elsewhere in the City. Furthermore, compact, multi-story development will only lower the unit cost for effective stormwater controls either on-site or off-site. We will continue to discuss this issue with City staff in advance of the City Council meeting.

Milpitas. In early January, Board staff provided Milpitas with comments on its revised Waiver Program. The comments raised concerns that Milpitas's Waiver Program exempts many new and redevelopment projects from permit requirements. Board staff and I met with Milpitas staff on January 13 to further discuss our concerns. In response to our concerns, Milpitas sent a letter to further clarify the intent of the exemptions granted in its Waiver Program. Board staff met again with Milpitas staff on January 28 and discussed ways to narrow the scope of exemptions, either with geographical representation or tighter definitions. Milpitas staff appeared receptive to all of Board staff's suggested changes and will submit another revised Waiver Program in February. We will continue to work with Milpitas and hope to bring closure to the issue in March.

Time Extension Granted for Marsh Restoration, Former Zeneca Site, Richmond
([Curtis Scott](#))

On February 4, the U.S. Army Corps of Engineers announced approval of a time extension that allows the continued removal of contaminated sediments from Stege Marsh as part of the Habitat Restoration Project at the former Zeneca Site in Richmond. The Corps' time extension came with approval by the U.S. Fish and Wildlife Service (Service) to extend the allowable work period from February 1 to March 1. To ensure that any additional temporal impacts to the endangered clapper rail are addressed, the Service is requiring additional mitigation consisting of the removal of invasive plant species from 17 areas in the Bay where new invasions of spartina (cord grass) have been identified. This species of cord grass is prolific, non-native, and invasive by expanding rapidly, replacing native species and impacting present wildlife habitat.

Board staff supported the time extension and will be continuing to oversee the work at the Marsh. Staff had been concerned that without the extension and complete removal of sediments toxic to wildlife this season, any remaining contamination would create a condition of even more removal being needed next fall, greater impacts to wildlife habitat, and greater disruption to the local community. The Service had similar concerns.

The goal of the Habitat Restoration Project is to completely remove contaminated sediments from the Marsh and backfill it with clean sediments by March 1. Completion of the Project will still require some additional work next fall to complete revegetation, and if necessary, the addition of more clean fill to finalize required grades.

While we have continued to work with the Habitat Restoration Project's developer and contractor to ensure that the Project is conducted to be protective of human and ecological health and to address all issues raised by the public, some members of the local community continue to have concerns about how the work has been conducted. The Bay Area Residents for Responsible Development (BAARD) has expressed its intent to request that the City of Richmond seek Department of Toxic Substances Control (DTSC) oversight over the full extent of the former Zeneca site, including the

Project. On February 15, BAARD plans to make its request to the Richmond City Council that DTSC take over all responsibility for the former Zeneca site and the adjacent Richmond Field Station site. We will continue to provide updates to the Board on the status of these sites.

Cleanup and Restoration at Former Hamilton Army Airfield ([Naomi Feger](#))

In October 2003, 630 acres of the former Hamilton Army Airfield were transferred to the State of California as an “early transfer”, even though all cleanup was not complete, in order to allow the Hamilton Wetlands Restoration Project to move forward. The State accepted the deed for the site on the condition that the Army complete all necessary environmental cleanup. The Army and State regulatory agencies signed a Remedial Action Plan/Record of Decision (Decision) at the time of the transfer, detailing all remaining cleanup, including the Wetlands Restoration Project. The Board then issued Site Cleanup Requirements to the Army, reflecting the Decision’s agreements.

Since then, the Army has made substantial progress on the remaining cleanup. A number of the remaining cleanup sites were located in Hamilton’s existing outboard coastal salt marsh. Significant excavation of contaminated materials occurred during this past December and January at sites such as the antenna debris disposal area, the outfall drainage ditch, the pump station outfalls, the former sewage treatment plant outfall, the east levee construction debris disposal area, and the boat dock.

These excavations are being conducted during a very short construction window to avoid the clapper rail breeding season. The tidal marsh is also habitat for the salt marsh harvest mouse. Removal of vegetation, mainly *salicornia virginica*, commonly known as pickleweed, occurred using hand tools to avoid harming the mouse. Biologists overseeing this effort counted more than 30 mice at the site, some of which were relocated by hand. Cerrudo Services, a local Novato contractor, is the prime contractor overseeing the excavations. The Army will be monitoring the site to ensure that the marsh vegetation is restored over the next few years.



Inboard of Hamilton’s levees, the Army Corps of Engineers has removed soils contaminated with DDTs and PAHs in and around the former airfield taxiways and runways, areas where the future Hamilton tidal marsh will be located. The Corps has also excavated DDT-contaminated soil from the perimeter drainage ditch and taken those soils offsite to appropriate landfills. The Army plans to complete the remaining cleanup activities by September 2005.

The Hamilton Wetlands Restoration Project began site preparation activities in August 2004. Through the end of last year, significant progress was made on levee construction adjacent to Pacheco Pond and the City of Novato’s open space property. Additional levee construction will be conducted this year. The Corps is working to get the wetlands area ready to receive dredged sediments from the Port of Oakland’s 50-foot deepening project. With funding in place for its project, the Port plans on dredging in the fall of 2005. Sediment from the Port will most likely be the foundation for a seasonal wetland at the former airfield. The Corps is also currently working on wetland design issues and plans on submitting an application for Waste Discharge Requirements

(WDRs) to the Board as early as March 2005. Board staff will then prepare WDRs for Board adoption. Adopted WDRs are necessary prior to the Corps' import of the dredged sediment.

While it is anticipated that the Port of Oakland will provide the in-Bay hydraulic off-loader necessary to transfer the dredged sediments to Hamilton this Fall, the Corps is also exploring options for future transfer of dredged sediments to the site. Alternatives to a fixed hydraulic off-loader include creation of an in-bay aquatic transfer basin, a semi-confined in-bay aquatic transfer facility, an unconfined in-bay aquatic transfer facility and a combination of methods. All these alternatives involve transferring sediment by slurry to the proposed wetland areas from a location in central San Pablo Bay, approximately five miles offshore from Hamilton. San Pablo Bay is too shallow in the vicinity of Hamilton to accommodate hopper dredges or haul barges.

A public meeting was held on January 26, 2005, to discuss the Notice of Intent/Notice of Preparation to prepare a Joint Supplemental Environmental Impact Statement/Environmental Impact Report. This SEIS/EIR is required before any changes in the aquatic transfer. SEIS/EIR comments are due by February 25, 2005.

I will keep you updated on progress of this very significant wetland restoration project. You can also expect that we will request Board approval of the WDR this summer as part of the implementation of the Project's restoration plans.

Richmond's Terminal One Remediation Moves Ahead ([Mark Johnson](#))

In mid-January, Ashland Chemical again challenged our approval of Richmond's cleanup plan for this redevelopment of the former port terminal on the Richmond waterfront. Ashland was a past tenant at the terminal and is being sued by the City (the current landowner) to help pay for the cleanup costs. Ashland had petitioned our original cleanup-plan approval, partly on procedural grounds. We re-approved the cleanup plan on December 7, after addressing a procedural issue. Ashland is still concerned about the cost of the approved cleanup approach and therefore petitioned our second approval to the State Board. I will update you as the petition proceeds.

South Bay Salt Ponds' Initial Stewardship Plan Review ([Robert Schlipf](#) and [Steve Moore](#))

As one of the significant first steps in the restoration of the South Bay Salt Ponds, the Board adopted Waste Discharge Requirements for the U.S. Fish & Wildlife Service (Service) and the California Department of Fish & Game (CDFG) in March 2004, which specifies terms and conditions for these "Agencies" to discharge saline waters from the former salt ponds to South San Francisco Bay. In July 2004, the Agencies initiated discharge from five pond systems. The Agencies plan to release waters from the remaining pond systems in March or April 2005, when Bay waters are typically fresher, more oxygenated, and better able to assimilate pond waters.

The Agencies have recently submitted their annual monitoring report, and we are currently reviewing the results and proposed management actions. Monitoring data from 2004 indicate that the Agencies were able to comply with salinity, pH, and temperature limitations, but the Agencies often did not meet the dissolved oxygen limitation at specified discharge points and some locations in the receiving waters. In fact, we required the Service to cease discharge from one pond system for about six weeks until dissolved oxygen levels recovered. The causes of oxygen problems are complex, but relate to the fact that algae had accumulated in the pond systems by mid-summer when the waters were released to the Bay, and some of it was dead and decaying. Living algae consume dissolved oxygen at night, and replenish it during the day by photosynthesis. The microbial consumption of

dead algae consumes dissolved oxygen throughout the day and night. While daily variations in dissolved oxygen are naturally observed in sloughs and wetlands due to algal effects, the variations documented in some of the Agencies' pond systems were more severe, with observed periods of anoxic conditions that are known to adversely affect fish species. In the Bay, with a few minor exceptions, dissolved oxygen is highest at high tide.

The Agencies are investigating corrective measures that could be implemented to increase dissolved oxygen levels and protect water quality. Some of the corrective measures under consideration by the Agencies include: a) ceasing nighttime discharges during the most problematic time periods (late summer), b) installing baffles to prevent significant algae accumulation near discharge points, c) adjusting weirs to increase flow to suppress algal buildup, d) operating the ponds as muted tidal systems, allowing high tide waters to replenish dissolved oxygen, and e) installing aerators. To resolve this issue, we plan to meet with the Agencies soon, and closely work with them to ensure that they will quickly implement corrective measures if dissolved oxygen becomes problematic next summer.

California Human Health Screening Levels ([Stephen Hill](#))

In late January, Cal/EPA released statewide soil screening levels to facilitate cleanup and redevelopment of Brownfield sites throughout California. The screening levels, known as CHHSLs, are for about 50 commonly encountered contaminants and focus on human health concerns. They are based on existing screening levels including this Water Board's "Environmental Screening Levels" (or ESLs). While the new statewide screening levels cover fewer contaminants and fewer environmental concerns than our ESLs, they represent a good first step at establishing statewide screening levels and add credibility to the screening-level concept. We are working with our counterparts at the other water boards to expand the CHHSLs to cover other important concerns (e.g., leaching of soil contaminants to groundwater). Water Board staff, particularly [Roger Brewer](#), were instrumental in the development of the CHHSLs and the associated user guide. Both can be found on the Cal/EPA website at <http://www.calepa.ca.gov/Brownfields/documents/2005/CHHSLsGuide.pdf>.

Phase II Storm Water Program Progress ([Selina Louie](#))

The Board has regulated stormwater runoff from municipalities in most of the populous areas of the Bay Area since the early 1990s under Phase I of the U.S. EPA's stormwater regulations. Phase I covers our major urban areas (large and medium Municipal Separate Storm Sewer Systems (MS4)), including the municipalities within Santa Clara, Alameda, San Mateo, and Contra Costa Counties, and the Cities of Vallejo, American Canyon, and Fairfield-Suisun). Phase II of the stormwater regulations addresses communities operating small MS4, which includes most of the remaining urban areas in our Region. The State Board's Statewide Stormwater Phase II NPDES General Permit (General Permit), adopted in April 2003, lists four steps that must take place for a Phase II municipal program to obtain General Permit coverage:

1. The program must submit a complete application and fee for coverage under the General Permit to the appropriate water board;
2. The program's proposed stormwater management plan (SWMP) must be determined to be in compliance with the General Permit and Phase II regulations by water board staff;
3. A water board staff's determination that a municipality's application is complete must be publicly noticed for a minimum of 60 days, and copies provided to the public for review and comment upon request; and

4. The SWMP/program must be approved by the executive officer, or by the water board in a public hearing, if so requested.

We started public noticing complete applications in late 2003. As such, the following have developed approved SWMPs and obtained General Permit coverage: City of Petaluma, City of San Francisco, Port of San Francisco, City of Sonoma, Marin County Stormwater Pollution Prevention Program, Napa County Stormwater Management Program, Port of San Francisco, Solano County, and City of Benicia. In other words, all of these entities have begun implementing stormwater programs that are consistent with Phase II regulations.

Sonoma County and the Sonoma County Water Agency are currently in the 60-day SWMP noticing process. If a public hearing is not requested to consider their respective SWMPs, they will be eligible to receive General Permit coverage on March 12, 2005. Once these two entities are permitted, all entities in our Region named in the General Permit will have permit coverage.

With the exceptions of the City of San Francisco and the Port of San Francisco, the remainder of the entities with General Permit coverage submitted Annual Reports in September 2004 for the July 2003 - June 2004 program year. (The City of San Francisco and the Port of San Francisco received our approval to submit Annual Reports last March 1. Therefore, their first Annual Reports will be submitted this March 1.) Board staff has reviewed the Annual Reports and provided feedback. All programs appear to be on schedule for full implementation of their respective SWMPs. Later this fiscal year, we will be auditing a number of these entities' programs to ensure General Permit compliance. Board staff meets regularly with the Phase II entities to answer questions, provide trainings, and foster cooperative efforts among them. During the past six months we:

1. Met in October with the Phase II entities to discuss our expectations for each of the General Permit's Minimum Control Measures;
2. Assisted the City of Benicia with the development of its SWMP;
3. Assisted Sonoma County with the development of its SWMP;
4. Discussed SWMP requirements with the Sonoma Developmental Center;
5. Attended a meeting with the City of Napa to discuss post-construction controls;
6. Worked with the Phase II entities on monitoring/annual reporting;
7. Attended joint industrial inspections with the Phase II entities, where we educated them on what things to look for.

In October 2004, I designated the Sonoma Developmental Center as a small MS4 requiring coverage under the General Permit. We anticipate that the Developmental Center will obtain coverage by Fall 2005, in accordance with the regulatory timelines for designated Phase II communities.

Remediation at the Former Mobil Bulk Fuel Terminal, Fisherman’s Wharf, San Francisco
(Priya Ganguli)

Water Board staff are working with ExxonMobil, the Port of San Francisco (Port), and stakeholders in the Fisherman’s Wharf area to initiate cleanup efforts at the former Mobil Bulk Fuel Terminal Site (Fig.1). The Site is situated in an area with a diverse land use history. Fisherman’s Wharf is constructed on fill material, much of which is believed to have come from debris associated with the

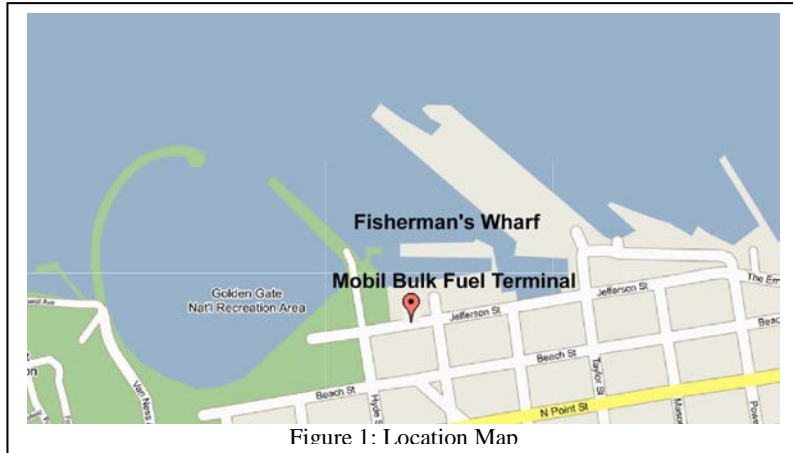


Figure 1: Location Map

1906 San Francisco earthquake. Throughout the 1900s to the present, industry as well as local businesses and restaurants have occupied the area. Today, Fisherman’s Wharf is one of San Francisco’s most popular tourist attractions.

The Port owns the Fisherman’s Wharf area and rents space to various businesses and companies. The area is zoned for industrial and commercial use. This includes the storage and distribution of petroleum products. During Mobil’s lease, gasoline and diesel fuel were stored at the Site in underground and above ground tanks and dispensed via pipelines. Historic lease information indicates other petroleum companies including former subsidiaries of ARCO, ChevronTexaco, Shell Oil, and Unocal also operated facilities in the vicinity of Mobil’s terminal (Fig.2, an aerial photo from 1936). In addition, industries such as the California Packing Company (now Del Monte Foods) stored petroleum products for production operations near the Site. Currently the Site is leased by General Petroleum Resources and marine diesel is stored in above ground tanks and then dispensed via pipelines to a boat fueling dock. Commercial retail shops and restaurants occupy the surrounding area.

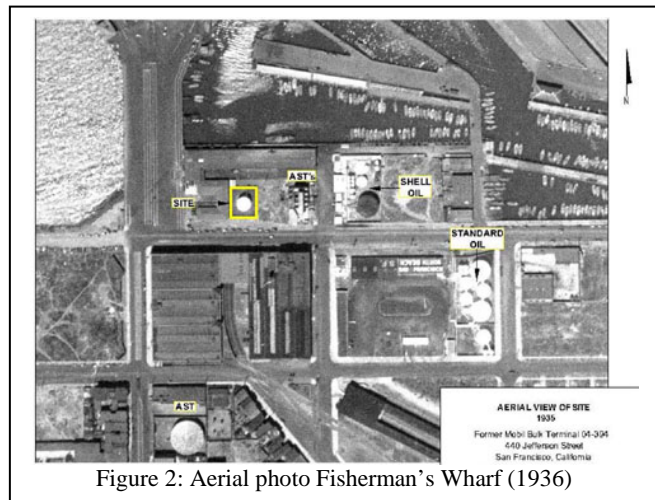


Figure 2: Aerial photo Fisherman’s Wharf (1936)

Water Board staff are aware of two reports of petroleum contamination at the Site during the period of Mobil’s lease. The first evidence of soil contamination was identified in December 1986 when an underground gasoline storage tank was removed. Correspondence from the Port cites documents indicating the San Francisco Department of Public Health directed subsequent investigations to delineate the extent of diesel and gasoline-contaminated soil. The second event occurred in February 1990, when a 20,000 gallon above ground tank was overfilled, resulting in a 336 to 692 gallon diesel spill. During this time frame, the San Francisco Department of Public Health maintained lead agency status, overseeing investigations and remediation efforts, including soil removal. Several groundwater wells were installed, and in 1990 ExxonMobil began submitting quarterly monitoring reports.

In November 1999, regulatory oversight of Site remediation was transferred from the Department of Public Health to the Water Board. This decision was made shortly after the State Water Board established the Above Ground Tank Program, which was specifically created to address petroleum contamination resulting from above ground tank spills. The release of gasoline and diesel at the Site impacted groundwater and poses a direct threat to San Francisco Bay. When the Above Ground Tank Program was eliminated due to budget cuts, the Site was transferred to the Board's Spills, Leaks, Investigation, and Cleanup (SLIC) Program, where it remains to date.

In March 2003, Board staff issued ExxonMobil a Water Code Section 13267 Enforcement Letter requesting a Technical Information Report. In its response, ExxonMobil attempted to identify other potential responsible parties, characterize the extent of contamination, and identify potential conduits and/or barriers to contaminant migration. In February 2004, Board staff issued a second Enforcement Letter to ExxonMobil requesting an Environmental Risk Assessment and Feasibility Study, and Remedial Action Plan. When the Environmental Risk Assessment and Feasibility Study was submitted, staff notified the public and requested comment letters. The period for public comment ended December 31, 2004. Staff is currently preparing a formal response to the document. Data suggests there are potential sources of petroleum contamination in addition to that attributed to ExxonMobil's historic operations. Therefore Board staff issued Enforcement Letters to other potentially responsible parties in January 2005, requesting technical reports on each company's historic operations in the vicinity.



Because the Site is located in a densely populated commercial area, any viable remediation strategy must take several issues into consideration. Public outreach is critical. Many local business owners are members of the Fisherman's Wharf Environmental Quality Advisory Committee (EQAC) and meet regularly with the Port. Members of EQAC must be included in discussions regarding existing Site conditions and potential remedial alternatives. Several remediation technologies that have proven successful at other locations are not options here because of the potential impact to businesses.

Construction roadblocks, noise, and odor must be kept to a minimum. Available space and access to the subsurface are severely limited, as the area is covered with buildings and streets (Fig. 3). Accessing subsurface soil is further complicated by the fact that the Site is constructed on fill material. Chemical analyses of the soil were completed during historic remediation activities and the soil was found to have elevated arsenic and lead concentrations likely associated with the 1906 earthquake debris material. This poses both logistical and economic obstacles to remediation alternatives that may involve soil removal. Any soil handling must take into account potential human health and environmental risks associated with both the petroleum and the fill, and excavated soil may require disposal at a Class 1 landfill if it is found to exceed thresholds for hazardous waste.

In addition, the Site is currently in a state of uncertainty regarding the Wharf J-10 building, which is located immediately north of the Site, adjacent to San Francisco Bay (Fig. 4). Due to structural hazards, the Port proposes to demolish the Wharf J-10 building. If demolition proceeds, more aggressive remediation alternatives that would otherwise be nonviable can be considered. However, because of concerns regarding the environmental hazards that may be associated with demolition as

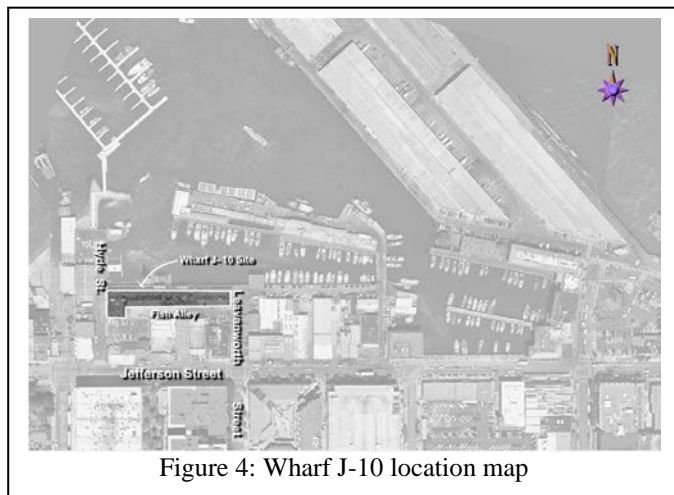


Figure 4: Wharf J-10 location map

well the potential historical significance of the building, the Port is completing an Environmental Impact Report (EIR) for the demolition project under the guidelines of the California Environmental Quality Act (CEQA). The outcome of the EIR will play a key role in determining how to most effectively remediate subsurface contamination.

The Wharf J-10 area is under intense public scrutiny and has been the focus of lawsuits and newspaper articles for a variety of reasons. Public interest in the vicinity of the

Site ranges from the status of lease holdings, to interpretation of CEQA, to the subsurface environmental remediation. In January 2005, the Governor's office requested that the Water Board respond to a letter from a citizen regarding public health concerns associated with historic soil removal activities that occurred during the Department of Public Health's oversight. My response indicated that while staff share the writer's concerns regarding historic and current public health and environmental impacts at the Site, we are unable to evaluate historic risks associated with remediation activities prior to Board staff's direct involvement. However, I also noted that our standard procedures require that all ongoing remediation activities we oversee consider potential health threats, and staff is committed to keeping the public informed and involved.

Although the Board's primary goal is Site remediation, staff is also working to provide an opportunity for the public to voice concerns and have all questions addressed. Staff has encouraged the stakeholders to participate in reviewing submitted reports and to attend project update meetings ExxonMobil is required to hold. A duplicate set of the Board's public records has been made available at the Port's office to allow local tenants easier access to the records, in addition to Internet access to electronic copies of recent reports. The information Board staff has requested from ExxonMobil, other potentially responsible parties, and the Port helps staff to better understand the site history, review existing site conditions, identify data gaps, evaluate risks to human health and the environment, evaluate potential remedial alternatives, and identify additional potentially responsible parties in the Site vicinity. Our objective is to ensure we thoroughly understand existing site conditions and the extent of contamination so we can be confident the final remediation plan provides a reliable and safe long-term solution.

Stakeholder Meetings on Attainment Strategy and TMDL for Diazinon and Pesticides in Urban Creeks ([Bill Johnson](#))

We have drafted a Basin Plan amendment that would establish a strategy to address pesticide-related toxicity in Bay Area urban creeks. The strategy meets TMDL requirements for 36 impaired creeks. Before we submit the draft Basin Plan amendment and a supporting staff report for scientific peer review, we are embarking on an intense effort to solicit and respond to stakeholder feedback. Throughout February and March, we will meet multiple times with urban runoff management agency representatives, County Agricultural Commissioners, California Department of Pesticide Regulation staff, and environmental community representatives. We are also seeking technical feedback from the Clean Estuary Partnership pesticides workgroup. On March 15, we will convene a meeting with all stakeholders at once so they can exchange their views directly with one another. In addition, we will consult with California Structural Pest Control Board and U.S. EPA staff.

The March 15 meeting will occur in conjunction with an Urban Pesticide Committee meeting. The Urban Pesticide Committee has met roughly every other month since the mid-1990s and currently serves as a stakeholder forum for developing a water quality attainment strategy and coordinating its implementation. Its participants include representatives from various water boards, the Department of Pesticide Regulation, U.S. EPA, urban runoff management agencies, wastewater agencies, Agricultural Commissioners, the pesticide industry, and the environmental community. Urban Pesticide Committee meetings are open to all stakeholders.

Following this intense stakeholder involvement process, we will send the draft Basin Plan amendment and staff report out for scientific peer review. We hope to complete the scientific peer review process by June, seek formal public comments in July and August, and present the proposed Basin Plan amendment for the Board's consideration in the early fall.

Board Retains Authority in Mirant Bankruptcy ([Dorothy Dickey](#))

On January 18, 2005, a United States Bankruptcy Court judge approved a stipulation between the Water Board and Mirant Corporation in Mirant's bankruptcy proceeding. The stipulation was filed by the Attorney General's Office on behalf of the Board in bankruptcy proceedings that involve Mirant and its various subsidiaries, including those that operate the Pittsburg and Potrero (San Francisco) power plants in our Region. Under the stipulation, Mirant's subsidiaries that operate the two power plants will remain responsible for complying with federal and state environmental laws and regulations at those plants. The stipulation provides that the Board retains various legal authorities in connection with its regulation of the power plants, including that it may take enforcement action against the subsidiaries in the event of discharge violations at the power plants.

In-house Training

Our January in-house training was on presentation skills. We will have no in-house training in February and due to schedule conflicts may also forego in-house training in March. We had one noontime seminar -- a January session on ethanol releases from underground fuel tanks.

Staff Presentations and Outreach

January 11-12: [Andree Breaux](#) attended a U.S. EPA meeting on the California Rapid Assessment Method in Los Angeles to present a paper on "Wetland Ecological and Compliance Assessments in the San Francisco Bay Region, CA" which was a study conducted on wetland mitigation sites in Spring 2003. Co-authors with Andree include S.Cochrane, J. Evens, M. Martindale, B. Pavlik, L. Suer, and D. Benner. The original draft report is on the website at <http://www.waterboards.ca.gov/sanfranciscobay/download/wecareport0803.pdf>. A final version will be published this month in the [Journal of Environmental Management](#) (Vol 74, Issue 3, pp. 217-237). Hard copies of the journal article can be obtained from Andree at Abreaux@waterboards.ca.gov.

January 24: [Rebecca Tuden](#), [Karen McDowell](#) and [Dale Hopkins](#) organized a public educational workshop on boating in Point Reyes Station, Marin County. The multi-agency workshop, *Getting Ship-Shape in Tomales Bay in 2005*, was part of the ongoing effort to reduce pathogen contamination in Tomales Bay, an impaired waterbody. Rebecca Tuden presented the results of a study identifying the need for adequate vessel sewage disposal facilities. The Gulf of the Farallones National Marine Sanctuary and the U.S. Coast Guard provided information on environmentally friendly boating and boating rules and regulations, respectively.

January 27: I made a presentation at the Annual Meeting of the Bay Area Clean Water Agencies (BACWA), emphasizing the expanded partnerships the Board and BACWA have engaged in over the past year and plan for the coming year, the need to work together to address issues such as sanitary sewer overflows and TMDL implementation, and the desire to continue to improve the relations between BACWA, its members, and the Board. I also moderated a panel of BACWA members that expanded on how BACWA members can better work together and with the Board. Tom Mumley made a presentation on the development of TMDLs and BACWA's role in implementing them.

January 28: [Marcia Brockbank](#) of the San Francisco Estuary Project and [Larry Kolb](#) briefed Marc-Andre Thiveirge, an attorney with the Canadian Province of Quebec, on dealing with environmental issues within various layers of government. Mr. Thiveirge noted that restoration of rivers and riverfronts is very much in the news in Canada. Quebec City is embarked on such a project in the area where the St. Charles River flows into the St. Lawrence River in Quebec.

February 1: [Stephen Hill](#) briefed other Water Board Executive Officers and managers on the newly released statewide screening levels (see item on "[California Human Health Screening Levels](#)" or [CHHSLs](#)).

February 1: [Keith Lichten](#) spoke on current issues in stormwater regulation to UC Berkeley's graduate hydrology class.

February 4: [Jan O'Hara](#) and [Larry Kolb](#) spoke before the [UC Berkeley Graduate Seminar in Environmental Engineering](#). They discussed the implication of new impervious surface on streams, and the measures that can be taken to mitigate these impacts.