

California Regional Water Quality Control Board
San Francisco Bay Region
EXECUTIVE OFFICER'S REPORT
A Monthly Report to the Board and Public

February 2008

The next regular scheduled Board meeting is February 13, 2008.

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

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San Lazaro Investigation (Nathan King)

We have been successful in obtaining site investigation reports from 150, 154, and 162 San Lazaro Avenue after the Board imposed administrative civil liability (ACL) in the amount of \$20,000 against two land owners at its September 2007 meeting. Mr. John Travis, the owner at 162 San Lazaro Avenue, has paid the ACL amount and has submitted an acceptable site investigation report. Mr. Don Medeiros, the owner at 154 San Lazaro Avenue, requested a payment schedule in September 2007 for his ACL, based on financial hardship and has submitted an acceptable site investigation report. The Water Code requires ACL payment within 30 days, although we have enforcement discretion in the event of late payment. I informed Mr. Medeiros that I would not initiate a collection action against him for the ACL, provided he completed payment of the ACL in three installments over a five-month period ending in mid-February 2008. We received the first installment from Mr. Medeiros on time in October 2007. As of this date, we have not received the second payment of \$8,000 due in December 2007. Since Mr. Medeiros has not made the payments on time, I will be referring this case to the Attorney General for a collection action against Mr. Medeiros for the remaining amount of \$16,000.

Regional Watershed Planning (Ann Riley and Dale Hopkins)

On January 25, Board staff sponsored a meeting to establish an initial Regional Watershed Coordinating Committee. This Committee will, in part, form organized working groups to address regional watershed planning, assessment and protection needs for the San Francisco Bay Area. The participants included representatives of non-profits, cities, counties, flood control agencies, resource conservation districts, and several existing coordinating organizations such as the San Francisco Bay Joint Venture and the San

Francisco Estuary Project. The Committee would represent a cross-section of stakeholders motivated to advance the development and use of watershed partnerships to coordinate planning, regulation and restoration of streams and watersheds at the local and regional level.

Immediate needs for coordination include helping direct a proposed new statewide watershed program in the California Department of Conservation and to help direct the completion of a watershed plan and evaluation of watershed projects that could potentially receive funding through the State's Integrated Regional Water Management Program (IRWMP). One of the objectives for this coordinated approach is to create fuller participation in the development of Bay Area priorities for protection and restoration projects, inventories, and assessments, and to advance the development of technical information to better inform restoration design for streams and rivers. The working groups established by this meeting are: 1) Developing technical information needed for restoration, 2) Policy and Advisory, 3) Water and Land Use, 4) Development of a Regional Watershed Plan and Coordinating with the IRWMP, 5) Indicators and Monitoring, 6) Coordinating environmental education programs, and 7) Advisory group for the Department of Conservation's State watershed program. The Coordinating Committee is committed to pulling in the wider watershed community to participate in and coordinate the working groups. Staff will keep the Board informed on progress of this effort.

Sonoma Creek Sediment TMDL and Habitat Enhancement Plan (Tina Low)

A draft Basin Plan amendment and Staff Report for the Sonoma Creek Sediment TMDL and Habitat Enhancement Plan is out for public comment through March 24. A testimony hearing is scheduled for the April Board meeting and an adoption hearing for the June Board meeting. The documents are on our website at <http://www.waterboards.ca.gov/sanfranciscobay/TMDL/sonomacrkssedimenttmdl.htm>. The issuance of these documents follows several workshops conducted last year to present issues related to sediment in Sonoma Creek. Last February, Board staff discussed sediment and fish habitat conditions at a public workshop held in Sonoma, and last October, staff presented the project report and conducted a CEQA scoping session.

Due to excessive erosion and sedimentation in the Sonoma Creek Watershed, the narrative water quality objectives for sediment and settleable material are not being met and cold freshwater habitat, wildlife habitat, fish spawning, recreation and preservation of rare and endangered species beneficial uses are impaired. Staff proposes to address this impairment by amending the Basin Plan to incorporate a Total Maximum Daily Load (TMDL) for sediment and a Habitat Enhancement Plan designed to protect beneficial uses of Sonoma Creek and restore and protect the fishery.

The proposed TMDL will establish sediment targets for spawning gravel permeability, pool filling, and channel substrate composition for Sonoma Creek and its tributaries. The associated Implementation Plan is designed to achieve TMDL targets and related habitat enhancement goals, and includes measures both to control sediment and to restore stream complexity and habitat.

For each sediment source category identified in the TMDL, the implementation plan summarizes relevant existing plans, policies, or regulations, and discusses approaches to further reduce sediment loads through new regulatory programs, or through expansion and improvement of existing programs. Staff expects that new regulatory programs to address sediment discharges from roads, vineyards, and grazing lands (significant sediment sources that are currently not regulated) will be developed. In addition, the Habitat Enhancement Plan lays out a strategy that includes collaborative, multi-stakeholder actions to address habitat issues (such as lack of instream shelter and large woody debris, channel incision, and low summer base-flows), in order to support fisheries' restoration goals.

We look forward to presenting the Sonoma Creek Sediment TMDL and Habitat Enhancement Plan to you in April.

Richardson Bay Pathogens TMDL (Farhad Ghodrati)

A draft Basin Plan amendment and Staff Report for a TMDL for pathogens in Richardson Bay is out for public comment through March 24. This TMDL has been in the planning stages for more than a year. A testimony hearing on the proposed Pathogens TMDL is scheduled for the April Board meeting and an adoption hearing for the June Board meeting. The documents are on our website at <http://www.waterboards.ca.gov/sanfranciscobay/TMDL/richardsonbaypathogens.html>.

The TMDL is intended to address the ongoing impairment of Richardson Bay by pathogens. The TMDL is designed to protect shellfish harvesting and recreational uses in Richardson Bay and calls for actions to manage potential pathogen discharges from sanitary sewer systems, stormwater runoff, houseboats, and vessels. As demonstrated by the late January sewage spills from the Sewerage Agency of Southern Marin's wastewater treatment plant, there is significant public concern over pathogens in Richardson Bay. The TMDL also includes an adaptive management program to evaluate the effectiveness of implementation actions, monitor progress toward targets, and review the scientific understanding pertaining to pathogens which may result in modifying the TMDL in the future.

Aquatic Science Center (Dyan Whyte)

The Aquatic Science Center, a new Joint Powers Authority established by the State Water Board and the Bay Area Clean Water Agencies, officially exists and is up and running. This effort was initiated by staff and formally endorsed by our Board in 2006 when it adopted a resolution requesting the State Water Board to enter into a joint powers agreement. The overall mission of the Aquatic Science Center is promotion and delivery of science support functions and information management for governmental and non-governmental organizations with roles in water quality protection, policy development, and assessment.

The Aquatic Science Center is administered by the San Francisco Estuary Institute (SFEI). SFEI's role is similar to the work it does in managing the San Francisco Bay Regional

Monitoring Program (RMP) and providing scientific support for implementation of the San Francisco Estuary Project's Comprehensive Conservation and Management Plan. With SFEI administering the Aquatic Science Center, the State and Regional Water Boards will be able to more efficiently utilize our TMDL and monitoring and assessment contract resources, strengthen the integration of regional monitoring information generated through a variety of efforts, and collaborate on projects with other State or local entities.

In November 2007, the Aquatic Science Center held its first board meeting. At this meeting we formally established bylaws, elected officers, and adopted a program plan. The Aquatic Science Center officers include representatives from the State Water Board, our Board, the Central Valley Regional Board, the Bay Area Clean Water Agencies, and the U.S. EPA. I agreed to serve as chair of the Board. Our next meeting will be held February 29. At this meeting we plan to discuss the program plan in more detail and emerging scientific issues.

Newark Dumbarton Rail Corridor Project (Cherie McCaulou, Brian Wines)

Caltrain and the Federal Transit Administration, in cooperation with local agencies, are preparing an Environmental Impact Statement/Environmental Impact Report for the Dumbarton Rail Corridor Project, which will connect Union City with Redwood City via the currently unused Dumbarton rail bridge across the South Bay. Funding for this project is included in Regional Measure 2, which was passed by Bay Area voters in 2004.



The proposed Willow Street Station in Newark is located in an industrial-zoned area where soil and groundwater pollution exists. Board staff oversees cleanup of soil and groundwater contamination resulting from approximately 50 years of chemical manufacturing in the area. Site Cleanup Requirement Orders require the former manufacturers and/or property owners (the responsible parties) in this area to implement cleanup plans to restore soil and groundwater for protection of human health and the environment. The chemicals of concern include chlorinated solvents, heavy metals,

petroleum hydrocarbons, dioxins, and pentachlorophenol, among others. In addition, elemental phosphorous has been buried and capped in-place on one of the properties.

City of Newark officials have met on several occasions with representatives from the responsible parties and Cargill Corporation, who owns the adjacent salt ponds, to discuss likely redevelopment scenarios. A Concept Plan is due by March 2008, pending input by the community. The Environmental Impact document and Specific Plan will take an additional 12 to 18 months. Construction may begin by 2011.

If approved, the Willow Street Station site and the surrounding area will be re-zoned for mixed commercial and residential land use. Considering the constraints posed by existing soil and groundwater pollution, housing is likely to be podium-style with commercial or parking on the ground level. The wetlands in the area are currently one of the few areas available where marshes have the room to move inland in response to rising sea levels. Board staff intends to work with the project proponents in the early stages of the project to reduce the footprint of the proposed development to avoid, minimize, and then mitigate any stormwater and wetland impacts. Board staff will also have significant involvement with the project during planning and construction phases to address protection of human health and provide input for the necessary site management plans, deed covenants, and health and safety plans.

Hunters Point Shipyard Early Transfer (Erich Simon)

In December, a federal appropriations bill was passed that will greatly increase the funding for environmental cleanup efforts at the Hunters Point Shipyard Superfund site in San Francisco. The \$82 million in federal funding, \$20 million more than has been awarded the past several years, will be used to expedite remediation efforts. The increased funding will also be used to support the effort to accomplish an early transfer of a portion of the shipyard to the City and County of San Francisco by 2010.

Board staff, along with regulators at the U.S. EPA and the Department of Toxic Substances Control, provide regulatory oversight at the shipyard to ensure remedial actions will be protective of future users and beneficial uses. The expedited schedule to complete the early transfer will significantly increase the regulatory workload over the next two years. To prepare for this increased effort, Board staff (within the DoD sections) will be redirected to provide support as needed.

The portions slated for early transfer include Parcel 49 in the central portion of the shipyard and Parcel B on the north side of the shipyard (See map). Parcel 49, 27 acres of land, is the proposed location of a new football stadium if the 49ers do not move to Santa Clara. The transfer of Parcel 49 by the end of 2009 would allow time for a new stadium to be built by the 2012 football season. Parcel B is currently planned to be redeveloped to include mixed uses, open space, and maritime/industrial reuses.



(Map adapted from a map provided by the City and County of San Francisco)

In-house Training

Our January training was emerging contaminants. Our February training will be on land use issues, including how they affect various Board programs and how those programs in turn can influence land use.

Staff Presentations

On January 24, I spoke at the annual meeting of the Bay Area Clean Water Agencies (BACWA) reflecting on wastewater permitting developments and accomplishments in 2007 and looking ahead to our priorities for this year. I emphasized the need to upgrade wastewater collections systems and minimize sewage spills. Lila Tang served on a panel about the reporting of collections system spills. BACWA is an association of nearly all of the 50 plus public wastewater treatment and collection system agencies in the Bay Area.

On January 25, Lila Tang spoke through interpreters with a delegation of nine Russian visitors. Their visit was arranged by the U.S. Department of State's International Visitor Leadership Program. Its purpose was to introduce Russian government officials, journalists, and non-governmental organization representatives to waste management practices in the U.S. The day before the meeting, Lila had arranged for them to take a tour of San Francisco's Oceanside Wastewater Treatment Plant. The visitors were very impressed by that facility. At the meeting, Lila briefly described all of the Water Board's programs and its great successes in reducing pollution in the Bay since the late 70s and

current challenges. Their questions related mostly to the legacy mercury problem, other factors impairing the Bay and its creeks, and enforcement actions. Their next stops were Nevada, Texas, and New York.

On January 29, Stephen Hill and Roger Papler participated in a kickoff meeting of the dry cleaner workgroup, an internal forum with members from various Water Boards, as well as the Department of Toxic Substances Control. All of the regions are struggling with the problems of soil and groundwater contamination from dry cleaner facilities. The workgroup is intended to identify the scope of dry cleaner problems and prioritize specific actions we might take to address those problems. Our office will be involved in future workgroup meetings.