

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

February 2010

The next regular scheduled Board meeting is February 10, 2010.

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

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Enforcement – Complaints and Settlements (Brian Thompson)

The Board's Prosecution Team issued two administrative civil liability (ACL) complaints in January for sanitary sewer overflows. No settlements were reached in January. Copies of the complaints can be found on our web site:

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

- City of Sausalito (Marin County) – a \$75,300 fine is proposed for untreated wastewater discharges (two sanitary sewer overflows that discharged 29,000 gallons of raw sewage).
- The City of Oakland (Alameda County) – a \$299,600 fine is proposed for untreated wastewater discharges (eleven sanitary sewer overflows that discharged 27,765 gallons of raw sewage) and violations that occurred in response to the spills, including discharges of chlorinated water, failure to notify agencies, and late and inaccurate reporting.

Redwood Creek Restoration (Leslie Ferguson, Marla Lafer, Dale Hopkins)

The first phase of the Redwood Creek wetland and creek restoration at Big Lagoon in Marin County was successfully accomplished last summer (2009). The restoration is a joint project of the National Park Service (NPS) and the County of Marin. The project, located at Muir Beach in the Redwood Creek watershed, includes approximately 40 coastal acres encompassing the entire wetland, creek, and riparian area – extending from just downstream of Highway 1 to the beach, including a small intermittent tidal lagoon at the beach. Redwood Creek is a relatively protected watershed; 95% of the land is owned by public agencies. However, lower Redwood Creek has been significantly altered by

sedimentation, channelization, levee construction, and other adverse channel modifications. The goal of the restoration project is to restore a functional, self-sustaining ecosystem. The Redwood Creek watershed supports coho salmon and steelhead, and this project is important in statewide recovery efforts for these species. Further, its restoration is critical, as there are few examples of self-sustaining coastal lagoon, floodplain and wetland systems in our Region.

The restoration's technical design review and approval, as well as participation in a series of stakeholder meetings, took several years to complete and was a Board staff inter-division team effort. The water quality certification for the project was issued in July 2009. The Phase 1 activities (located in the restoration area closest to the beach) included: expanding the intermittent tidal lagoon and floodplain areas; shortening the parking lot, removing non-native fill and subsurface concrete in wetland areas; constructing a pond for the endangered *California Red-legged Frog*; removing non-native vegetation and revegetating with native plants; and creating visitor access through an improved boardwalk. Board staff inspected the site in January 2010 and found that the project was functioning well with the new floodplains inundated and the lagoon flooded, as expected. Board staff will continue to work with NPS to implement the remaining project phases. This is an exciting project, and its successful completion will be an important milestone for improving coastal lagoon, floodplain and wetland habitat in our Region.

PRE-CONSTRUCTION (03-11-2009)



POST-CONSTRUCTION (11-19-2009)



Lagoon and wetland area between lagoon and the parking lot, facing E-NE and looking upstream from Pacific Way on the hill near the mouth of the creek. The photo on the right shows the new 0.4-acre lagoon expansion, which is a backwater to the existing creek alignment. In the lower left side of the photo on the right, the bright green kikuyu grass has been removed from the sandy area. The kikuyu grass was scraped out to rooting depth and screened, then the sand was replaced. The remaining vegetation between the new lagoon expansion and the cleared sand is native wetland vegetation.

Construction Stormwater Workshops (Xavier Fernandez, Christine Boschen)

Board staff has once again teamed with the San Francisco Estuary Partnership to provide Construction Stormwater Workshops. During the workshops, attendees were instructed on appropriate best management practices to manage construction stormwater discharges and the requirements in the new general construction permit issued by the State Board in September 2009. The workshops were held in Brisbane on December 3, San Rafael on

December 10, Cupertino on January 19, San Jose on January 20, and Oakland on January 23. In addition, a fifth workshop is being organized for Contra Costa County in mid-March.

Some of the new permit requirements include: (1) calculating risk levels based on sensitivity of receiving waters and erosion potential, (2) numeric action levels for medium-risk sites and effluent limits for high-risk sites, (3) minimum qualifications and mandatory training for individuals who prepare and implement stormwater pollution prevention plans, and (4) preparation of rain event action plans.

Attendees included 296 municipal staff (inspectors, public works, parks departments, and water districts), 24 consultants, 14 Water Board staff, 10 Navy staff, and 6 developers. Given the mandatory training requirement in the new general construction permit and high attendance by municipal staff, Board and Partnership staff will identify opportunities to provide municipal staff with low-cost training equivalent to the mandatory training requirement.

U.S. EPA Municipal Stormwater Rule (Tom Mumley and Dale Bowyer)

Tom Mumley and Dale Bowyer attended a U. S. EPA-hosted public listening session on January 20 on possible regulatory changes to the federal stormwater program. This effort is partly in response to a recent National Academy of Sciences' review of the program that concluded there is a need for major improvements in the clarity and implementation of the program's regulations. Information on U.S. EPA's plans is available at: <http://www.epa.gov/npdes/stormwater/rulemaking>.

We provided input on the ideas U.S. EPA is considering for strengthening federal stormwater regulations, which included:

- Expand areas subject to federal stormwater regulation - nearly all areas of our region are already covered by stormwater permits, as compared to large gaps in other parts of the country.
- Develop specific requirements for New and Re-Development – this has been a focus and component of our municipal permits for several permit cycles, including the inclusion of specific low impact development requirements in the Municipal Regional Stormwater Permit (MRP) issued by the Board in October.
- Develop a single set of consistent requirements for Phase I (large and medium municipalities) and Phase II (small municipalities) permits – our MRP includes consistent requirements for municipalities regardless of size, which are scaled or adaptable based on a municipality's size and characteristics.
- Consider retrofit of stormwater treatment measures in areas of existing development – this will be necessary to correct stormwater quality problems. Our MRP includes retrofit requirements for trash, mercury, and PCBs. However, costs of large-scale retrofits will far exceed existing municipal resources.

In summary, U.S. EPA is considering improvements to federal stormwater regulations that are largely consistent with existing permits in our region and in other parts of the State. We intend to work with staff from the State Board and other regions to provide further input to U.S. EPA on the experience we have in this region grappling with many of the regulatory issues they are now tackling nationwide.

Cleanup of the Hamilton North Antenna Field (Agnes Farres)

The U.S. Army Corps of Engineers (USACE) has proposed a step-wise cleanup of a small portion of the former Hamilton Army Airfield in Novato, known as the North Antenna Field (NAF). The NAF was the location of former communications equipment and buildings and was used for small arms and fire suppression training. Lead is the primary contaminant of concern; however other soil contaminants are present such as: polycyclic aromatic hydrocarbons, petroleum hydrocarbons, and dioxins.

At a public meeting on January 14 in Novato, USACE, along with the State Coastal Conservancy and the Department of Toxic Substances Control (DTSC) presented proposed actions to remove and manage lead-impacted soil and debris from the upper two feet of the NAF. The goal is to make the NAF suitable for future wetland restoration because it is part of the 2600-acre congressionally-authorized Hamilton Wetland Restoration Project (HWRP). The HWRP is a partnership between the USACE and the Coastal Conservancy.

Over 60 people from the nearby Bel Marin Keys and Hamilton Field communities attended the January 14 meeting. Community members expressed concern that the excavated soil would expose residents to toxic dust or would find its way into Novato Creek. Some residents opposed the cleanup and requested that the contaminated soil be left in place. Others supported the cleanup but were concerned about its implementation and how stockpiled soil would be managed. Community members of the Hamilton Army Airfield Restoration Advisory Board (RAB), who have been involved in cleanup of the Airfield and implementation of the HWRP since the late 1990's, also voiced their opinion in favor of the proposed cleanup and soil management actions to reduce immediate risks and not further delay the wetland restoration project.

The Coastal Conservancy intends to re-use some of the lead-impacted soil from the NAF to construct the core of a flood protection levee that will protect Bel Marin Keys from San Pablo Bay storm surges. Placing lead-impacted soil within the core of the levee will isolate it from human and ecological contact using a thick buffer of clean levee material or other engineered barriers.

NAF cleanup is planned for the coming spring. USACE will haul off any soil containing debris, bullets/fragments, and any other foreign objects not suitable for reuse. The remaining soil, which could be acceptable for levee core construction, will be stockpiled and managed until the Coastal Conservancy is funded to construct the levee (likely within one to two years). DTSC, in consultation with Board staff, is preparing a soil management plan to regulate the stockpiled soil during the interim period. Board staff intend to draft an

amendment to the existing waste discharge requirements for the HWRP over the coming year to regulate the reuse of lead-impacted soil in the levee core to ensure there are no unacceptable risks to human health, water quality, and the environment.

Cleanup of Hangar 1 at Moffett Field (Elizabeth Wells)

The U.S. Navy has initiated cleanup of Hangar 1 at the former Naval Air Station Moffett Field in Mountain View. Hangar 1 was constructed in 1932 to house airships as part of the Navy's Lighter-than-Air Program. Construction materials used for the siding and roof contained polychlorinated biphenyls (PCBs) and asbestos. In addition, the steel frame was coated with lead-based paint containing PCBs. Investigations showed that PCBs



were released from Hangar 1 as dust, some of which was carried via storm drains and deposited in a bay margin stormwater retention pond referred to as Site 25.

The Navy stopped using Hangar 1 in 2003. At that time, the Navy implemented an interim remedy consisting of coating the hangar with an asphalt emulsion to stop the release of PCB dust and the deposition of PCB-containing sediment to the stormwater retention pond. In 2006, the Navy analyzed long-term options and proposed demolition of the hangar.

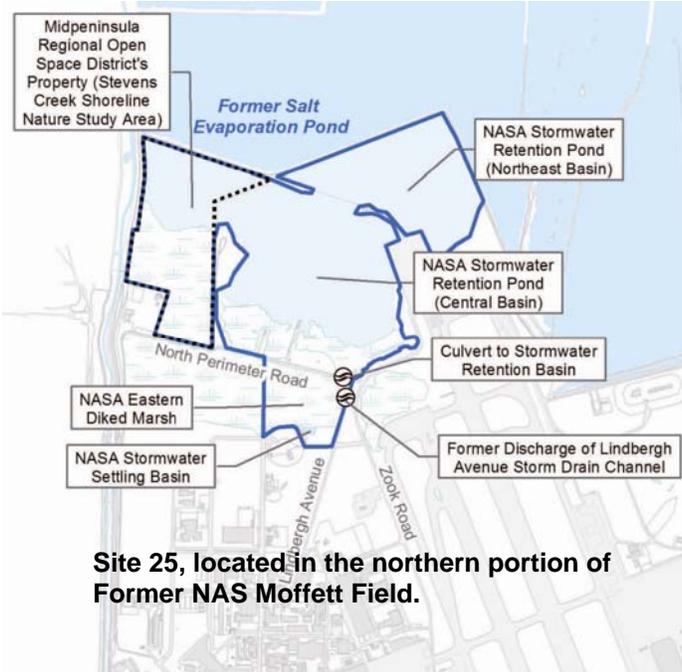
Historical photo of Hangar 1 and dirigible mooring circle, looking north toward San Francisco Bay.

Based on community concerns, including a desire to preserve the hangar for its historic nature and future use, in 2008 the Navy re-evaluated removal options and selected a different alternative. The new alternative includes removal of the siding and sealing of the steel frame with an epoxy coating. The Navy plans to implement this alternative this summer and anticipates it will take one year to complete. The Navy does not plan to re-side the hangar. However, the Navy and NASA (the current owner of the hangar) are discussing which agency will take responsibility for re-siding the hangar.



Hangar 1, view of south clamshell doors.

The Site 25 stormwater retention pond, which is owned by NASA, is the subject of a separate cleanup action by the Navy that will begin after the Hangar 1 cleanup is complete. Although evaluations show that there is no significant risk to human health from PCBs in retention pond sediment, there is some risk to ecological health.



Site 25, located in the northern portion of Former NAS Moffett Field.

As a result, the Navy recently finalized a Record of Decision (ROD) for cleanup of Site 25 that involves excavation and treatment of PCB-contaminated sediment.

Site 25 encompasses approximately 230 acres of land consisting of a diked marsh owned by the Mid-Peninsula Regional Open Space District and a stormwater retention pond used by NASA.

Cleanup will allow for possible future use of the site as a tidal marsh. Cleanup of Site 25 is expected to begin in 2011, after Hangar 1 cleanup is complete.

Tesoro Golden Eagle Refinery –Waste Management Units Closure (Vic Pal)

The Golden Eagle Refinery, formerly called the Avon Refinery, sits on approximately 2,200 acres east of Martinez. The Board adopted the waste discharge requirements (WDRs) for the refinery in 2004, which required the refinery to close its inactive on-site waste management units (WMUs).



The refinery processes crude oil into gasoline and diesel fuels, liquid petroleum gas, heating oil, and petroleum coke. The refinery also operates the Amorco wharf and terminal, a satellite facility located adjacent to the Benicia Bridge. The refinery began operations in 1913 and has had a variety of owners during its operation.

Both Tesoro Refining and Marketing Company (Tesoro) and Texaco Downstream Properties, Inc. (TDPI) are the successors in interest to the historical operators of a number of on-site

WMUs. Tesoro and TDPI work cooperatively together as the Avon Remediation Team (ART) to identify and mitigate potential environmental impacts associated with the WMUs.

The refinery used to operate on-site WMUs for the treatment, storage, and/or disposal of wastes from the refinery. Fourteen inactive WMUs are currently undergoing closure (see photos). Each WMU ranges in size from one tenth of an acre to over ten acres. As required by the WDRs, all of the WMUs will be closed with a cover that meets California standards.



In addition to WMUs, the Oily Water Canal (OWC) is currently being closed. The OWC is an unlined 2,300-foot long drainage canal that was used until 1990 to transport partially treated refinery wastewater. The closure process involves removing existing sludge material and backfilling the former canal with clean soil.



Required capping has been completed at six of the inactive units (WMUs 1, 2, 3, 6, 8, and 9). The remaining WMUs and the OWC are at various stages of closure planning and construction. We anticipate all of the WMUs and the OWC will be closed by the end of 2012. ART will be working cooperatively with various agencies to obtain permits in addition to the WDRs for the remaining units, which include coordination with the U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, San Francisco Bay Conservation and Development Commission, Contra Costa Water District, and California Department of Fish and Game.

In-house Training

Our January training was on effective meetings, with a trainer provided by the State Board's Training Academy. Our February training will be on effective presentations, also with a State Board Training Academy trainer.

Staff Presentations

On January 12, Shin-Roei Lee gave a presentation to Cupertino City Council on the Board's regulatory roles and responsibilities with regard to Lehigh Cement's Permanente Quarry.

On January 14, I was part of a panel at the National Brownfield Association's "Staying Alive in a Contracting Market" that focused on how Brownfield developers and their

consultants can best work with the Water Boards and the Department of Toxic Substances Control to complete site cleanups in a timely manner. While emphasizing that expanded funding for Brownfield cleanup is available from multiple State and federal sources, developers should also work closely with local agencies to couple their cleanups with the increasing number of "green" and "sustainable" projects being implemented.

On January 21, Shin-Roei Lee gave an overview of the Municipal Regional Stormwater Permit to the environmental group FishNet 4C in San Rafael and how it might affect Phase II communities, such as those in Marin County.

On January 22, Stephen Hill and Chuck Headlee presented a regulatory update to the Bay Area branch of the Groundwater Resources Association at Spenger's Restaurant in Berkeley. They focused on several topics: State budget woes (and implications for the Water Boards), new State Board policies on water recycling and enforcement, our recent accomplishments and priorities in the cleanup programs, performance measures in the cleanup programs, vapor intrusion to buildings, the State Board's recent resolutions on the underground storage tank program, and the new GeoTracker/GAMA database. The audience of about 150 came mainly from the discharger and consultant community.

On January 28, I spoke at the annual meeting of the Bay Area Clean Water Agencies on our priorities for municipal wastewater discharges for the coming year. I emphasized that agencies need to continue to push the maintenance and upgrade of their collection and treatment systems, that the Board will rigorously enforce violations related to inadequate maintenance and operation, and that the agencies should explore all opportunities for State and federal funding for their system upgrades.