

*STATE OF CALIFORNIA*

**REGIONAL WATER QUALITY CONTROL BOARD  
SAN FRANCISCO BAY REGION**

MEETING DATE: June 10, 2015

ITEM:       **4**

SUBJECT:    **EXECUTIVE OFFICER'S REPORT**

## EXECUTIVE OFFICER'S REPORT: *June 2015*

A Monthly Report to the Board and Public

NEXT MEETING: June 10, 2015

WEBSITE: <http://www.waterboards.ca.gov/sanfranciscobay/>

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### **San Francisquito Creek Flood Control Project Update (Susan Glendening)**

Len Materman, Executive Director of the San Francisquito Creek Joint Powers Authority (JPA), appeared before the Board at the May Public Forum to express the JPA's appreciation in receiving the Water Quality Certification (Certification) I issued on April 7 for the San Francisquito Creek Flood Reduction, Ecosystem Restoration, and Recreation Project (Project) but also to express the JPA's concerns over some of the Certification's conditions.

One of the JPA's concerns involves a Certification condition requiring removal of an abandoned PG&E gas pipeline, buried beneath the future San Francisquito Creek (Creek) channel's footprint. He indicated that: a) removal of the abandoned pipeline would be cost prohibitive, and b) the Board staff has not provided sufficient justification demonstrating a water quality-based need to remove the pipeline. Aside from the abandoned PG&E pipeline, the JPA plans to remove 1,600 feet of utility lines during project construction, including 960 feet of existing sanitary sewer lines that will presumably require groundwater management practices similar to what would be necessary for removal of the PG&E pipeline. In a letter I sent to the JPA today, I

indicated that we would be willing to amend the condition if the JPA could demonstrate that leaving the abandoned pipeline in place will not constrain the channel or otherwise cause water quality impacts. It is estimated that the pipeline is less than 6 feet below the existing channel, but the JPA has not determined its actual depth.

In response to the JPA's concern regarding the lack of an end date for submittal of reports analyzing the project's response to the impacts of climate change, it is not our intention to require these past the operational life of the project. We have required such reports in our permits for infrastructure projects located in or adjacent to the Baylands since 2009. As indicated in today's letter, we will work with the JPA to determine more appropriate language for the Certification.

Mr. Materman also discussed the JPA's general concern that 19 of 35 conditions require approval of deliverables by the Executive Officer. These conditions generally address deliverables that would usually be approved before certification issuance. In this case, the JPA had requested issuance of the Certification prior to other agencies' review and approval of the project, so it is appropriate that the Executive Officer review and approve the JPA's final submittal of the deliverables.

Mr. Materman also raised concern that the impacts identified in the Certification are inaccurate. With one exception, this information was provided by the JPA, and we are waiting for the JPA to provide us with updated information. We are continuing to track the other regulatory and resource agencies' efforts to accurately identify and characterize the Project's creek and wetland impacts and proposed mitigation. This is due, in part, to the Project design still being evaluated and discussed by the other agencies, including a recent National Marine Fisheries Service request for the Project to include construction of fish refugia habitat in the Creek channel to provide shelter during high flow events and to increase habitat diversity. As indicated in today's letter, we will amend the Certification once we receive updated information from the JPA.

In his presentation to the Board, Mr. Materman stated that the other agencies are waiting for the Board to amend the Certification before they proceed. Board staff has subsequently contacted staff at those agencies. At this time, no agency is waiting for the Board to amend the Certification. Rather, the National Marine Fisheries Service and the U.S. Fish and Wildlife Service are awaiting a written response from the JPA to the agencies' November 2014 letters requesting more Project information. The Army Corps of Engineers has indicated that review of the Project's application is not a high priority since the JPA has yet to respond to the federal resource agencies. Similarly, the California Department of Fish and Wildlife is waiting for a response to its December 2014 notice of incomplete application. We will keep the Board aware of the status of this Project.

### **1,4-Dioxane at Zanker Road and Newby Island Landfills (Vic Pal)**

During the May Board meeting's Public Forum, members of the public raised concerns about detections of 1,4-dioxane in groundwater beneath the Zanker Road Landfill in northern San Jose. They also expressed concern that 1,4-dioxane may be present beneath the nearby Newby Island Landfill. It is not clear why this particular chemical was identified as the cause for the

citizens' concern, as other more toxic compounds (such as trichloroethene (TCE) or vinyl chloride) are much more prevalent in the environment and more commonly detected in landfill leachate. 1,4-dioxane is a manmade compound primarily used as an industrial solvent and as a solvent stabilizer that prevents the breakdown of chlorinated solvents during vapor degreasing and other uses. 1,4-dioxane is typically present in the part-per-million range in leachate as a by-product of surfactant production in many common household products such as shampoos, detergents, cosmetics, even baby lotion. 1,4-dioxane is considered a probable human carcinogen if ingested, but a maximum contaminant level for 1,4-dioxane in drinking water has not been established by either U.S. EPA or Cal EPA. California has issued a Notification Level for drinking water suppliers of 1 parts per billion (ppb), and U.S. EPA has issued a non-binding Health Advisory Level of 0.35 ppb.

As of 2014, 1,4 dioxane has not been detected above the Notification Level of 1 ppb in any public drinking water supply wells in Santa Clara County or any other Bay Area county. A more appropriate screening tool to assess environmental risk near these landfills would be the Board's 2013 environmental screening levels for protection of estuarine and marine habitats. The results of biotic testing of aquatic species indicate that concentrations of 1,4-dioxane would need to exceed 50,000 ppb to pose a significant environmental risk to fauna in these estuarine or marine habitats.

The most recent semiannual report for the Zanker Road Landfill reports up to 93 parts per billion of 1,4-dioxane in several perimeter monitoring wells. Board staff does not consider these concentrations to pose a threat to public health because there is no route of exposure via drinking water. This occurrence of 1,4-dioxane also does not pose a threat to the environment because aquatic toxicity thresholds are very high; hence this concentration does not trigger any Board action. Because of the landfill's close proximity to the Bay, groundwater beneath the landfill is highly saline and is not a drinking water source. All nearby surface water bodies are also saline. Thus, the concentrations detected at the Zanker Road Landfill are well below the applicable levels of concern.

At the Newby Island Landfill 1,4-dioxane has not been identified as a chemical of concern, and therefore groundwater samples have not been analyzed for it. However, in the coming months we will independently sample and test groundwater from select landfill perimeter wells for 1,4-dioxane. Groundwater beneath the Newby Island site is also highly saline and, as such, it is not suitable as a drinking water source. As at Zanker, 1,4-dioxane concentrations would need to exceed 50,000 ppb to trigger Board action.

It is important to note that Board staff requires corrective actions where leakage from landfills poses a threat to public health or the environment. A current example is occurring at the former Nine Par Landfill, which is adjacent to the Zanker Road Landfill. During monitoring associated with the recent closure of this landfill, a small plume of TCE was identified in the marsh on the north side of the landfill. Concentrations of TCE in this area exceed 20,000 ppb and therefore significantly exceed the environmental screening level for TCE in estuarine habitats of 81 ppb. At our request, the City of San Jose, which owns the Nine Par property, is developing a corrective action plan to treat groundwater in this area and will soon be performing a pilot test to facilitate the design of the remedy. We will keep the Board informed

of further investigations and corrective actions at all of these Bay-front landfills.

### Soil Cleanup at Military Ocean Terminal, Concord (Adriana Constantinescu)

I recently signed a record of decision (ROD) that formalized the remedy selection for soil cleanup at Site 31 (Figure 1), one of the most easterly cleanup sites at the Military Ocean Terminal Concord (MOTCO) in Concord. The selected remedy addresses approximately 17.2 acres located on the MOTCO property that were impacted by a former nitrogen-phosphorus-potassium fertilizer plant (see Figure 1). The remedy includes soil excavation, offsite disposal of contaminated soils, and land use controls. Soil excavation addresses risk to environmental receptors and for current and future industrial and construction workers at the site.

Investigation and remedy selection for groundwater at MOTCO will be addressed separately and finalized in separate ROD. However, during the implementation of the soil ROD, the presence of acidified soil in the vadose zone and capillary fringe will be assessed to evaluate its impact to groundwater. This assessment will inform the future groundwater remedy selection.

We anticipate receiving the Site 31 remedial design at the end of September. The actual work in the field is scheduled to start in August 2016.

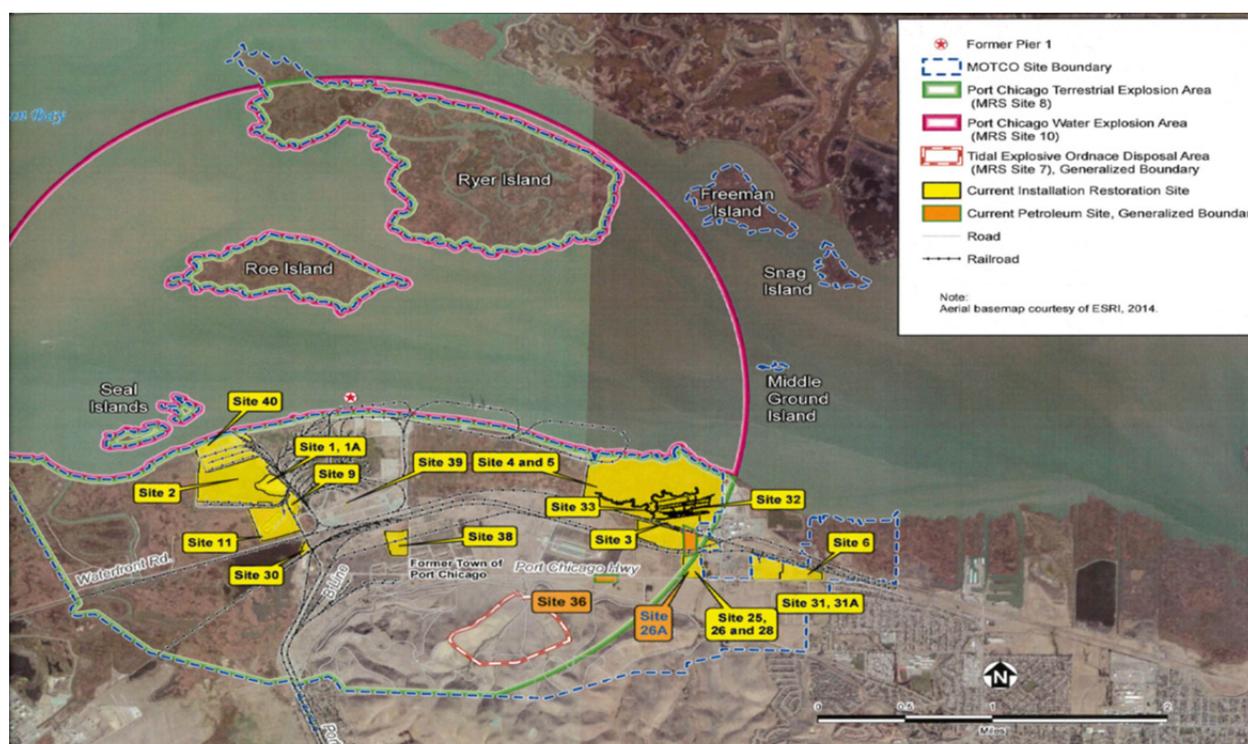


Figure 1. MOTCO Site 31 Location.

### Prosperity Cleaners, Public Forum Followup (Ralph Lambert)

The Prosperity Cleaners site is located in the Marinwood neighborhood north of San Rafael, Marin County. Releases of solvents, notably perchlorethene (PCE), from past dry cleaning operations impacted soil and groundwater at the site. Cleanup work is required by a Board-adopted Site Cleanup Order. During the May Board meeting's Public Forum, the Board heard from three Marinwood residents and a nearby ranch owner. They raised many of the same

issues that were raised at previous public forums (and that were addressed in my December 2014 and April 2015 Executive Officer Reports). What was new in May was the presentation of recent offsite groundwater investigation results that show a more extensive PCE groundwater plume extending beneath the ranch property. Staff provided an initial response during the May Public Forum and agreed to provide a fuller response in this Executive Officer Report. Below is a summary of resident comments and our responses.

*Health effects on Marinwood residents:* One resident expressed concerned that site contamination could be causing health effects in the community. Her concerns are based on her personal experience with cancer and cancer incident rates in her neighborhood. The Marinwood residential area is located southwest and upgradient of Marinwood Plaza, where the dry cleaner releases occurred (see Figure 2). We recently required the discharger to collect additional soil vapor samples in the vicinity of the residential area. The samples were collected this month and will be promptly reviewed, once available. Previous soil vapor samples have not suggested any threat to the residential community. Soil and groundwater monitoring at the site indicates soil contamination exists in two "hot spots" at Marinwood Plaza. These contaminated areas are more than 250 feet from the residential area. The groundwater contamination plume extends eastward from the Plaza away from the residential area. We anticipate the six additional vapor samples will confirm that Marinwood residents are unaffected by site contaminants.

*Offsite investigation:* Residents and the nearby ranch owner are concerned about the recent offsite groundwater detections of PCE east of Highway 101, which suggest a larger offsite groundwater plume (see Figure 2). To date there have been 82 groundwater grab samples from multiple depths and 25 locations collected east of Highway 101. Eighteen of these samples detected PCE above the drinking water standard of 5 µg/l, up to a maximum of 35 µg/l. A new groundwater sample collected within 100 feet of a supply well at the nearby Silveira Ranch contained PCE at 10 µg/l. This grab sample location is across Miller Creek from the ranch's water supply well. Both the creek and supply well have also been sampled, and there have been no detectable concentrations of halogenated volatile organic compounds. We agree with the commenters that the discharger needs to complete the offsite groundwater investigation, pursuant to Task 2 of the Site Cleanup Order, as quickly as possible.

*Need for interim cleanup actions offsite:* The nearby ranch owner is concerned about possible impacts to the ranch's water supply well, given that PCE has now been detected in groundwater within 100 feet of that well. We agree that PCE in groundwater poses a potential threat to the supply well. We are now requiring the discharger to propose and implement interim cleanup actions in the offsite area to make sure that the supply well is not impacted, pursuant to Task 4B of the cleanup order. Options include wellhead treatment, relocation of the supply well, or groundwater treatment in the offsite area.

We will continue to update the Board and the public on significant new information about this site. We will expand our public outreach efforts by circulating an updated fact sheet and expanding contacts with interested parties near the site.

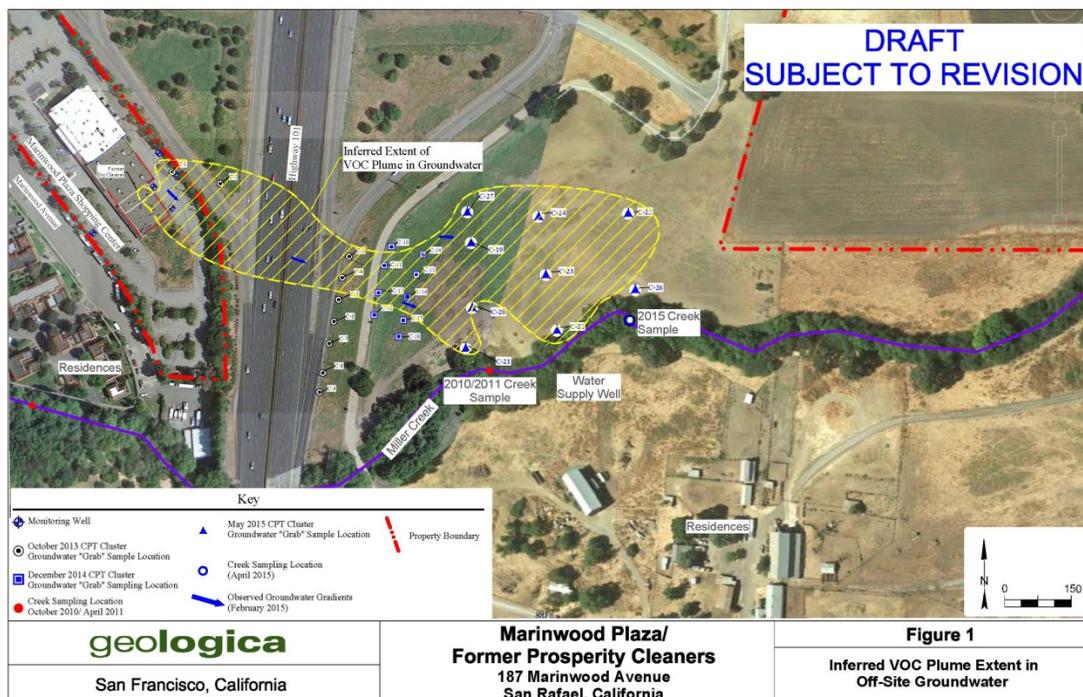


Figure 2. Map of Marinwood contamination sites.

### Supplemental Environmental Projects Fix Sewer Laterals (Lila Tang)

In May, I approved the successful completion of two supplemental environmental projects that incentivized repair of 719 leaky private sewer laterals in San Mateo and the Fairfax-San Anselmo area of Marin County. These projects were part of two separate settlements of administrative civil liability actions: one in 2009 against the City of San Mateo and the other in 2012 against the Ross Valley Sanitary District. Both projects exceeded required performance targets.

In many older communities, defective private laterals account for half of the stormwater infiltration and inflow to public sanitary sewers, which in turn contribute to wet weather sewer overflows and poor wastewater treatment. Private laterals are pipes that connect private properties to public sanitary sewer collection systems. Upkeep of laterals is the responsibility of property owners. Under the two supplemental environmental projects, property owners paid only part of the cost for lateral repair, while the public agency paid the balance.

The City of San Mateo's project incentivized repair of 392 laterals at single family homes, including 346 video inspections, at a total cost of \$1,544,800. Of this total, \$760,000 was in lieu of the City paying the full 2009 settlement of \$950,000 to the State's Cleanup and Abatement Account (CAA). The City exceeded the original project target to incentivize repair of 229 laterals. The laterals repaired included 149 laterals at low income households.

The Ross Valley Sanitary District's project incentivized repair of 327 laterals at single family homes at a cost of \$958,270. Of this total, \$482,380 was in lieu of paying the full 2012 settlement of \$1,539,100 to the CAA; the District funded the balance of \$475,890. The project target was to incentivize repair of 283 laterals. The District completed the project 1.5 years

ahead of schedule and is continuing to fund its own private lateral repair incentive program.

There are currently three other supplemental environmental projects involving private sewer laterals that are ongoing. Dischargers contract with the San Francisco Estuary Partnership to provide oversight for the Board of these projects. Information about all ongoing projects is available at <http://www.sfestuary.org/our-projects/stewardship/sep/>.

### **Faria Preserve Project, San Ramon (Katie Hart)**

Staff is drafting a water quality certification for the Faria Preserve Project, located in the hills above the City of San Ramon and approved by the City as part of its Northwest Specific Plan Area. The Project includes a total of 740 residential units comprised of single-family homes, town homes, condominiums, affordable housing, senior housing units, a community park, open space areas, and other amenities. We have worked with the project proponents for several years and, as a result, impacts to headwaters creeks have been significantly reduced from the original proposal and all impacts will be fully mitigated. The Sierra Club recently submitted comments in which it has proposed an alternate development plan with fewer housing units and reduced impacts, which it asserts is economically viable. We are reviewing the Sierra Club proposal and will consider changes to the certification as appropriate. I plan to sign this certification by the end of the month.

### **Another Win for Pharmaceutical "Take-Back" Bins (James Parrish)**

The San Mateo County Board of Supervisors unanimously passed a Safe Drug Disposal Ordinance on April 14. The ordinance requires any producer of a prescription or non-prescription drug for sale in the county to participate in an approved pharmaceutical collection and disposal program for unwanted drugs from residential sources. This ordinance follows a similar ordinance in San Francisco that became effective in April. In 2012, Alameda County was the first municipality in the nation to pass an ordinance requiring drug manufacturers to participate in a safe drug disposal program for the residential community. Four major pharmaceutical manufacturers sued Alameda County, but the U.S. Court of Appeals for the Ninth Circuit upheld its ordinance in 2014, and, recently, the U.S. Supreme Court decided not to consider the appeal of the Ninth Circuit's decision.

Safe drug disposal programs benefit human health and the environment by preventing unmanaged drug disposal that can lead to harmful constituents in San Francisco Bay and drinking water sources. Wastewater treatment plants are not equipped to remove pharmaceutical constituents, which are generally referred to as 'Contaminants of Emerging Concern' or CECs because many are known endocrine disruptors or can pose other toxic effects to aquatic biota.

As a result of past Board staff effort, the Elihu H. Harris State Building houses a green collection "take-back" bin for unwanted drugs located at its entrance. The East Bay Municipal Utility District manages the disposal of pharmaceuticals dropped off in the bin.

### **Napa River Restoration Celebration (A.L. Riley)**

The Water Board was featured at an April 9 Napa River Restoration Celebration, sponsored by Napa County and the Rutherford Dust Society, that celebrated the completion of the 4.5 mile Napa River Restoration Project from Rutherford to Oakville. The celebration featured Congressman Mike Thompson, U.S. EPA Regional Administrator Jared Blumenfeld, Napa County Supervisor Diane Dillon, and Rutherford Dust Society Chair Davie Pina. A.L. Riley represented the Board as one of the speakers. The Rutherford Dust Society is an organization of wine grape growers and vintners that has embraced river restoration as a multi-benefit approach to stream bank (and vineyard) protection and habitat restoration and has helped fund the Napa River Restoration Project.

The celebration was also a kick-off for a new restoration project along the Napa River covering a 9 mile stretch known as the Oakville to Oak Knoll project. This next project will continue downstream the 4.5 miles just completed under the Napa River Restoration Project. Supervisor Dillon's presentation included a display of the Board's water quality certification for the Oakville to Oak Knoll project and noted it was the first completed agency approval needed to begin the next phase of river restoration. Supervisor Dillon praised the flexibility of the Board's approach towards implementation of the Napa River sediment TMDL and the efforts of Board staff Michael Napolitano and Leslie Ferguson in assisting Napa County and local stakeholders. U.S. EPA and the State Water Board are estimated to have funded approximately \$4.5 million of the \$30 Million in project costs for the just-completed project and another \$5 million towards other Napa River watershed projects with significant funding also provided by the Rutherford Dust Society and other local grape growers.

The Napa River Restoration Project addresses the causes of stream bank erosion and stream bed incision, thereby reducing fine sediment to the river that has been degrading fish habitat. The project also creates rearing habitat for chinook salmon and steelhead trout and increases riparian habitat. Restoration measures have included floodplain restoration, construction of "alcoves" in the floodplains for high flow rearing habitat for salmon, installing habitat structures to trap spawning gravels, and creation of in-stream cover for fish.

### **Staff Presentations**

April 29 was *Watershed Day at the Capitol*, and State agencies, local governments, and non-profits met to discuss public policy affecting watershed protection and restoration. Fran Spivy-Weber, Vice Chair of the State Water Board, spoke about the drought and related concerns. A.L. Riley moderated a panel of flood control and resource conservation district representatives who described current issues on watershed management, stream restoration, and stormwater management. Our Watershed Stewardship Program staff Corie Hlavaty and Rebecca Nordenholt also participated.

On May 8, I spoke at a seminar entitled Onsite Water Treatment and Non-potable Reuse for San Mateo and Santa Clara Counties, hosted by Sustainable Silicon Valley in Palo Alto. The goal of the seminar was to kick-off efforts in the two counties to match San Francisco's work at expanding local use of "re-purposed water" such as rainwater capture, greywater reuse, vault water reuse, and onsite blackwater treatment and reuse. I provided background on how such use can expand potable water supply sustainability, how it can be done in compliance with

State regulations, and what resources exist to promote and facilitate such use.

Brian Thompson and Ben Martin attended the Palomares Elementary School's 9th Annual Watershed and Science Expo on May 15. The Castro Valley Unified School District and the Alameda County Clean Water Program fund this Expo with a variety of organizations and agencies volunteering to host exhibits that focus on watershed protection. Over 1,000 third-grade students from 12 schools participated in the event. There were two exhibits representing the Water Board:

- At a water reuse and stormwater pollution exhibit, Brian Thompson explained how wastewater is being recycled to reduce demand for potable water and led students through a stormwater pollution exercise. Students participating by adding "pollutants" to a model of a shopping center (dyed water, confetti, and vegetable oil) and seeing how sprinkled water washed pollution into a model of the Bay. Students then saw how the shopping center model could be redesigned to lower impact by incorporating rain barrels and strips of vegetated landscaping into the model.
- At a stream health assessment exhibit Ben Martin encouraged students to be junior scientists and assess the "health" of Palomares Creek by following an exercise similar to the bioassessments performed as part of the Board's Surface Water Ambient Monitoring Program. Students assigned scores for physical characteristics of the riparian corridor and for habitat. Students compared measurements of temperature, pH, dissolved oxygen, and turbidity to suitable parameters for fish populations and looked under rocks for "bugs" and "critters" (benthic macroinvertebrates), which is always a favorite part of this exercise.

On May 15, Dyan Whyte spoke at the Napa County Watershed Symposium. The symposium focused on building resiliency in watersheds, and Dyan presented an approach for evaluating improvements in the Napa River watershed as a result of large scale TMDL implementation efforts.

The statewide Industrial Storm Water General Permit is an NPDES permit that regulates stormwater discharges associated with industrial activities. The permit was recently reissued by the State Board and will be effective on July 1. On May 20, Michelle Rembaum spoke about the reissued permit at the Industrial Association of Contra Costa County's meeting in Pleasant Hill. The audience consisted of approximately 70 individuals representing industry, environmental consulting firms, public utilities, and attorneys. On May 27, she also presented an overview of the reissued permit at the Bay Planning Coalition's meeting in Oakland to an audience of about 100 individuals representing industry, cities, counties, engineering consulting firms, and attorneys.

### **In-house Training**

Our May training was offsite and looked at restoration activities in the Redwood Creek watershed in Marin County. We have no in-house training scheduled for June. Upcoming brownbag seminars will include a June 24 session on plastic trash accumulation in the North Pacific Gyre by Captain Charles Moore of Algalita Marine Research and Education.

### Cleanup Orders Issued by the Executive Officer (Stephen Hill)

Last month, I issued two site cleanup orders, as explained below. The Board has delegated to the Executive Officer the authority to issue site cleanup orders pursuant to Water Code section 13304. The choice between having these orders adopted by the Board or issued by the Executive Officer hinges on the degree of controversy and urgency in each case. In general, I only issue 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 adoption in a public hearing.

*Hopyard Cleaners (Pleasanton):* In late April, I rescinded the cleanup order for this dry cleaner site at 2771 Hopyard Road near Valley Avenue in Pleasanton. Hopyard began operating a dry cleaning facility in 1987. The dry cleaning solvent tetrachloroethene (PCE) was discharged and polluted soil, soil gas, groundwater, and indoor air. From 2008 to 2013, Hopyard operated a soil vapor extraction and treatment system and removed about 27 pounds of solvents. From 2010 to 2014, Hopyard implemented enhanced bioremediation by injecting carbohydrate solution into shallow groundwater. The cleanup reduced PCE from a maximum level of 18,000 ug/L in groundwater to slightly above the cleanup level of 5 ug/L. A deed restriction and risk management plan are in place to address potential future redevelopment.

*FMC (Newark):* In May, I revised the cleanup order for the FMC site at 8787 Enterprise Drive in Newark. This site is one of a cluster of cleanup sites in western Newark and is located just north of the Cargill salt ponds. Past chemical manufacturing and processing at the 45-acre site resulted in significant soil and groundwater contamination with chlorinated solvents and other constituents. FMC has conducted various cleanup actions but difficult site conditions (mainly tight soils and shallow groundwater) have limited the cleanup's effectiveness. The City of Newark proposes to redevelop this neighborhood with a mix of residential and commercial uses as part of the Dumbarton Transit Oriented Development. The revised cleanup order rescinds the Board's previous order from 2002, sets new cleanup levels to reflect the planned change in land use, and requires additional cleanup actions. We circulated the tentative order to interested parties and made minor changes in response to comments from FMC.

### State Board Policies and Permits under Development

The following is a list of statewide policies and permits under development. This table is an abbreviated version of what is routinely distributed as part of the State Board Executive Director's Report. The text in the table is largely unedited except for the deletion of extraneous information.

The full report can be found at

[http://www.waterboards.ca.gov/board\\_info/exec\\_dir\\_rpts/2015/edrpt042115.pdf](http://www.waterboards.ca.gov/board_info/exec_dir_rpts/2015/edrpt042115.pdf)

Policy/Significant General Permit	Status
Storm Water Strategic Initiative	The strategic plan proposal will identify actions that support the four Guiding Principles: (1) storm water is a valued resource (2) storm water is a principal

	<p>factor in the quality and health of California waters (3) addressing storm water pollutants at earlier life-cycle stages is an effective and efficient means of protecting water quality, and (4) improving overall Water Board storm water program efficiency and effectiveness enhances productivity and supports environmental outcomes. Draft planning documents are to be released for public comments in June. State Water Board Staff will be presenting an information item to the State Water Board on August 18.</p>
State Water Board Storm Water Resource Guidelines	<p>State Water Board Staff has begun developing draft storm water resource guidelines per Senate Bill 985. Draft guidelines are expected to be released for public comment by the end of August 2015.</p>
Composting Operations Statewide General Order	<p>Staff released the draft Environmental Impact Report (EIR) and General WDRs for Composting Operations for public comment on January 13, 2015. A public workshop was held on February 13, 2015 in Sacramento at the Cal/EPA Building. Subsequent to the workshop, State Water Board staff and Regional Board staff met with stakeholders to discuss comments. Twenty-nine comment letters were received by the March 2, 2015 deadline. A Board Workshop is scheduled for June 16, 2015 and the Board Meeting to consider certifying the draft EIR and adopting the General Order is scheduled for July 7, 2015.</p>
Antidegradation Policy	<p>The State Water Board is considering preparation of an Implementation Plan Appendix to the existing Antidegradation Policy, or an additional policy, to address application of the Antidegradation Policy to groundwater. Staff is developing a Scoping Document to be available prior to focused stakeholder group meetings currently scheduled in June and July 2015. Public CEQA scoping meetings in northern and southern California are planned for August 2015. Web page link: <a href="http://www.waterboards.ca.gov/plans_policies/antidegradation.shtml">http://www.waterboards.ca.gov/plans_policies/antidegradation.shtml</a></p>
Wetland Area Protection and Dredge and Fill Permitting Policy - Phase I	<p>State Water Board staff is currently preparing the draft staff report for internal review. This includes the draft policy language and the accompanying draft Substitute Environmental Document (SED). Staff expects to release the proposed policy and SED for public comments by fourth quarter of 2015.</p>
Mercury TMDL and Water Quality Objectives (Reservoirs)	<p>Staff from Regions 2 and 5 are developing a TMDL and implementation plan to address fish mercury impairments in 74 reservoirs around the state. Staff is preparing the staff report for submittal to peer review this spring.</p>
Nonpoint Source (NPS) Implementation and Enforcement	<p>The NPS Implementation and Enforcement Policy (NPS Policy) is being updated to preclude the use of prohibitions of waste discharge for addressing NPS discharges for those land uses (e.g.; irrigated lands) already covered under other regulatory mechanisms (e.g.; waivers of waste</p>

Policy Amendments	discharge requirements) for which discharger enrollment fees are being assessed. Staff anticipates releasing a draft of the NPS Policy amendments in Summer 2015.
Phase II Small Municipal Separate Storm Sewer System (MS4) Permit Amendment	State Water Board staff is working with Regional Water Board staff in developing the proposed amendment of Attachment G (titled Region-specific Total Maximum Daily Loads Implementation Requirements) of the existing Phase II Small MS4 Permit to include TMDL implementation requirements. Staff expects to release the proposed amendment for public comments in June 2015 and go before the State Water Board in November 2015.
Bacteria Standards for Ocean and Inland Surface Waters	The State Water Board is developing statewide bacteria water quality objectives and a control program to protect human health in waters designated for water contact recreation. The bacteria objectives are proposed to be adopted as amendments to the Statewide Inland Surface Waters, Enclosed Bays and Estuaries Plan (currently under development) and the California Ocean Plan. Staff plans to release draft documents for public review and comment in summer 2015.
Statewide Storm Water Construction General Permit Reissuance	State Water Board staff is preparing a draft permit for the reissuance of the existing Construction General [Storm Water] Permit, also referred to as the CGP. State Water Board staff is discussing the draft permit and suggested changes to the existing permit with Regional Water Board staff and stakeholders. The project is currently on hold due to total maximum daily load (TMDL)-implementation issues in storm water permits. State Water Board staff is allowing TMDL implementation issues to first be resolved through the Board's consideration of TMDLs implemented in the existing Industrial General Storm Water Permit prior to proceeding with consideration of the CGP reissuance.

### Penalty Enforcement Actions (Lila Tang)

The following table shows actions to impose penalties as of the last report. There are also two administrative civil liability complaints, one issued in November 2014 and the other in March 2015, on which Board staff and the dischargers are in settlement discussions. All complaints are available at

[http://www.waterboards.ca.gov/sanfranciscobay/public\\_notices/pending\\_enforcement.shtml](http://www.waterboards.ca.gov/sanfranciscobay/public_notices/pending_enforcement.shtml).

<b>Settled Actions</b>			
On behalf of the Board, the Executive Officer approved the following.			
<b>Discharger</b>	<b>Violation</b>	<b>Penalty Imposed</b>	<b>Supplemental Environmental Project</b>
Sonoma Valley County Sanitation District, Wastewater Collection System, in Sonoma	Unauthorized sanitary sewer overflows and delay of sewer system capital improvements.	\$732,300	\$315,000 to stabilize Ash Creek and reduce sediment discharge to the creek and downstream tributaries, and \$50,000 to incentivize repair of defective sewer laterals at single family residences.
CEMEX Construction Materials Pacific, LLC, in Pleasanton	Violations of discharge limits on solids and late discharge report.	\$21,000	None
Atlantic Richfield Company, Former ARCO Bulk Plant, in Oakland	Failure to timely mitigate offsite indoor air pollution.	\$245,000	None

The State Board's Office of Enforcement includes a statewide summary of penalty enforcement in its Executive Director's Report, which can be found on the State Board website:

[http://www.waterboards.ca.gov/board\\_info/eo\\_rpts.shtml](http://www.waterboards.ca.gov/board_info/eo_rpts.shtml)