California Regional Water Quality Control Board
San Francisco Bay Region

EXECUTIVE OFFICER'S REPORT

A Monthly Report to the Board and Public

October 2005

The next regular scheduled Board meeting is October 19, 2005.

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

Items in this Report (Author[s])

State of the Estuary Conference (Lawrence Kolb)

The most recent biennial State of the Estuary Conference was held October 4-6 at the Kaiser Convention Center in Oakland. Attendance was good, and the program was, as usual, a little overwhelming. Some highlights:

Bruce Wolfe provided the opening talk for the session on the importance of tracking environmental performance. He emphasized that we need to be clear what environmental performance we are trying to achieve, describe that environmental performance in terms easily understood by decision-makers and the public, and demonstrate progress on that performance.

Former Board Executive Officer Steve Ritchie chaired a session on restoration of Bay wetlands. Nadine Hitchcock of the Coastal Conservancy gave a thoughtful perspective on what the next ten years of restoration may hold, suggesting the outlook for funding was not bright.

Trish Mulvey, long-time South Bay environmental activist, received the first Jean Auer Award. Jean passed away last year, after many years of effective work for the good of California water policy.

Russell Hancock of Joint Venture Silicon Valley said the employment boom days were over, but the Valley would continue to be a technology leader, with a more sustainable employment base, mostly high end. He said quality of life was a major factor in the Bay region's attractiveness to people who can choose to live anywhere. Will Travis of BCDC echoed this point, calling the Bay a major fringe benefit provided to local employers.

Numerous staff presented posters as part of the Conference, which are described later in this report.

Impervious Surface Data Collection Workshop (Shin-Roei Lee)
As reported in last month's Executive Officer's Report, impervious surface and its change is being increasingly recognized as a good indicator of urbanization and its impacts on streams. On October 11, Board staff hosted a workshop of interested stakeholders to discuss impervious surface data tracking and how the data might be used to answer a number of stormwater management questions. Staff conducted the workshop to follow up on recent letters to the stormwater programs about the need to collect data on impervious surface change. The workshop was to open the dialogue with interested stakeholders to better clarify data tracking and reporting needs. One of the management questions such data could help answer is whether the cumulative impacts of new development projects currently not regulated by stormwater permits are substantial and, as such, what are the appropriate permit thresholds for pollutant and flow controls for such projects.

About 25 people attended, representing municipalities, consulting firms, local environmental groups and other agencies. Questions coming up at the workshop included what management questions would be answered and what the data would be used for. At the conclusion of the workshop, it was agreed that several cities that already collect impervious surface data would provide their existing data to Board staff as a pilot project. Board staff will analyze this data to determine any patterns and what additional data may be necessary to better understand impervious surface impacts. I will keep the Board apprised of the progress on this issue.

Citizen's Suit Against Marin County's Sanitary District No. 1 (Mike Chee)
On September 12, the Marin Conservation League provided us notice of its intent to file suit under the federal Clean Water Act against Sanitary District No. 1 of Marin County for violations of its NPDES permit. The alleged violations cover the period from March 2004 to March 2005 and concern sanitary sewer overflows. We reviewed many of the allegations, and, while we determined some to be incorrect, there are a large number of sanitary sewer overflow events that we have not yet enforced. However, as was the case for the Richmond/West County citizen's suit discussed in last month's Executive Officer's Report, we do not view this notice as sufficient reason to shift our enforcement priorities and do not intend to pursue immediate formal enforcement against these overflows. This decision reflects that there are effluent limit violations and sewer overflows by other dischargers that are more severe or significant, and thus warrant action sooner utilizing the enforcement resources we have available. U.S. EPA has indicated that they will request information from the District to determine EPA's possible enforcement options. We will also obtain the same requested information and will reassess the appropriate level of enforcement response.

A likely outcome of the citizen's suit will be improvements to the sanitary sewer management system by the District. Over the past 10 months, we have already imposed such requirements on the

District, and all other collections system operators in the Region. This was done as part of a collaborative effort with BACWA in accordance with an October 2003 Water Board resolution. Specifically, in December 2004, after a series of 6 workshops, we imposed reporting requirements on all collection system operations. In July 2005, we also required development of Sewer System Management Plans. This includes design and construction standards, emergency response plans, fats/oil/grease programs, and system capacity assessments. We plan to present the status of these efforts to you this month, together with a Board resolution for support of private sewer lateral control programs.

Enforcement Penalty Funds Native Plant and Creek Restoration (Lila Tang)
We recently approved Central Contra Costa Sanitary District's proposal to fund $155,000 of supplemental environmental projects in San Ramon. These projects are in lieu of administrative penalties the Board assessed in May 2005 against the District for a sewer spill from a pump station in San Ramon, along with various other smaller spills. The projects involve planting of native plants at the Montevideo Demonstration Garden, along the Iron Horse Trail, and along South San Ramon Creek. Additionally, there will be a project involving a hydrologic survey of a portion of Alhambra Creek. The survey will allow for future creek restoration. These projects will be completed by next year.

Monitoring of the San Mateo Creek Watershed (Habte Kifle)
Monitoring is a significant and controversial part of municipal stormwater permits. The effort described below is an example of a successful monitoring effort.

The San Mateo Countywide Stormwater Pollution Prevention Program (STOPPP) performed watershed assessment and monitoring activities along the San Mateo Creek watershed and its tributaries in February and April 2004. STOPPP submitted a technical report documenting those monitoring results on September 1, 2005. The San Mateo Creek watershed drains about 33 square miles and includes parts of unincorporated San Mateo County, the City of San Mateo, and the Town of Hillsborough. The urbanized portion of the watershed subject of the study lies below the Crystal Springs Reservoir dam and encompasses approximately five square miles.

STOPPP collected samples from six locations: three samples at the urbanized downgradient portion of the watershed, two samples at the upgradient open headwaters, and one sample at Polhemus Creek, a tributary upgradient to the study area. The samples were collected in two episodes in winter and spring of 2004. Field activities included analysis of benthic macro-invertebrate assemblages (i.e. small critters living in the bottom of the stream), physical habitat assessment, chemical analysis, bioassays, and field instrument measurements of general water quality parameters.

The benthic macro-invertebrate assemblages sampled from various sites in the watershed were highly different and were reflective of the upstream watershed land use activities. The samples collected from the urbanized lower watershed showed either poor or marginal habitat quality whereas the samples collected from the upgradient Crystal Spring open space headwaters showed optimal or excellent habitat quality.

Diazinon and other pesticides were not detected in any of the 2004 samples, which is consistent with data from other studies. The pesticides data indicate water quality improvement because San Mateo Creek was listed as an impaired creek for diazinon in 1997. A total of 12 toxicity tests were

performed on three species: the water flea, fathead minnow, and green algae. One sample from Polhemus Creek was the only sample that showed toxicity, reducing reproduction by ten percent. All other samples tested for toxicity revealed no impact.

With the exception of one sample that was slightly high for pH, all other samples met Basin Plan water quality objectives for pH and dissolved oxygen.

In addition to providing the current aquatic ecosystem health of the watershed, the results may also be useful in establishing long-term trends and evaluating effectiveness of the municipal stormwater program's management efforts. More detailed information can be found in the submitted reports available at the Board's office.

First Alameda County Watershed Forum Held (Dale Hopkins)
Board staff Dale Hopkins and Ann Riley, working closely with Steve Cochrane of the Friends of the San Francisco Estuary and Wendy Strickland of the Watershed Project and other partners, helped to organize the first Alameda County Watershed Forum, which met the evening of September 22nd in Fremont. Approximately 30 people attended, representing the Friends of San Leandro Creek, Friends of Five Creeks, Friends of Sausal Creek, and the Alameda Creek Alliance; various local and regional agencies including the Alameda County Clean Water Program, the City of Fremont, Alameda County Public Works, Alameda County Water District, Alameda County Resource Conservation District, and the San Francisco Bay National Wildlife Refuge; and environmental and educational groups including the San Francisco Bay Joint Venture, East Bay Watershed Center, the Watershed Project, Open Space Council, Urban Creeks Council, Kids for the Bay, and the Lake Merritt Institute.

The evening was spent sharing information about ongoing creek and watershed activities, reviewing and ranking priorities for the needs and activities of an ongoing Alameda Watershed Forum, and discussing funding opportunities for future watershed planning and restoration work. A highlight for many of the group was a tour of the Tyson Lagoon stormwater treatment ponds, which serve as an educational resource for local teachers and students through the Math Science Nucleus program. The group was enthusiastic about continuing the Forum, and a planning group was formed to set up the next meeting. There was a general consensus about moving the meetings around the county and alternating daytime with evening meetings to reach a broader audience. We hope to continue this effort with the watershed partners as a way to foster more dialogue among watershed groups and to bring agency staff and watershed organizations together to work jointly on creek projects and watershed awareness. The next meeting is planned for December 6th at the Oakland Museum.

First CASQA Stormwater Conference (Dale Bowyer)
Dale Bowyer, Janet O'Hara, Larry Kolb and Keith Lichten attended the first CASQA (California Stormwater Quality Association) conference in Ontario, CA from October 3-5. The conference consisted of two concurrent trainings on Monday focused on stormwater hydromodification abatement through site design and treatment measures to limit damage to creeks from increased flow impacts, and also an all-day session on optimal industrial and construction site stormwater inspections. The "Hydromod" session featured work occurring on this issue in response to our Region's municipal stormwater permits. Larry Kolb gave the Bay Area regulatory perspective talk in this session. Tuesday and Wednesday were devoted to multiple parallel presentation sessions divided into the general subjects: "Treatment, Management, and Research". The conference was

very well attended, and provided a major opportunity for Northern and Southern California stormwater dischargers, consultants, cities, and regulators to network, and also learn what is occurring in other parts of the U.S.

Structural Pest Control Board Considers Proposed Pesticide Strategy (Bill Johnson)
On October 7, Bill Johnson attended a quarterly meeting of the Structural Pest Control Board, which operates within the California Department of Consumer Affairs. The Board reviewed the proposed Water Quality Attainment Strategy and TMDL for Diazinon and Pesticide-Related Toxicity in Bay Area Urban Creeks (which we noticed for public review on August 5). Bill had offered to make a presentation that provided context regarding who we are, what we do, and how and why the proposed strategy requests assistance from the Structural Pest Control Board. Representatives of the California Stormwater Quality Association and several structural pest control businesspersons attended. The topic provided for a lively discussion, with everyone learning about each other's roles and perspectives. At the conclusion, the Structural Pest Control Board voted not to formally comment on the proposal. In a separate vote, it agreed to form a committee to track and address water quality issues as they relate to structural pest control.

Selby Sewer Line Construction Complete (Robert Schlipf)
This item details our arduous, but ultimately successful, efforts to get the community of Selby in Contra Costa County to treat its wastewater.

From 1886 to 1970, mineral ores were smelted to extract gold, lead, and silver at the Selby Slag Site, which covers approximately 66 acres on the Bay between Rodeo and Crockett. Since this time, responsible parties have been characterizing the Slag Site and identifying remedial measures to address its groundwater pollution. One of these measures involved closing a sewage oxidation pond (disposal pond), which provided wastewater treatment for 16 homes in the community of Selby.

To allow for closure of the disposal pond, the responsible parties initially proposed constructing a small wastewater treatment plant. The Board adopted a permit in May 1998 to authorize the proposed plant, but the responsible parties never followed through with construction. To address continued discharge of sewage to the disposal pond, in September 2002, Board staff relayed our plans to rescind the NPDES permit, and requested that the responsible parties submit a time schedule for constructing a sewer line to tie into Rodeo Sanitation District's Wastewater Treatment Plant. Shortly thereafter, the responsible parties proposed a time schedule, and the Board rescinded their NPDES permit. By the end of June 2005, the responsible parties were routing sewage to Rodeo Sanitation District for treatment, which enables them to move forward in closing the disposal pond. This is a critical step for ultimately addressing groundwater contamination at the Slag Site.

Gambonini Mine and Walker Creek Mercury Cleanup Efforts (Dyan Whyte)
Three years ago the Water Board adopted a resolution requesting $400,000 from the State's Water Pollution Cleanup and Abatement Account (CAA) to cleanup mercury sources associated with the Gambonini mercury mine. Little funding from CAA has been available for projects until recently. On November 1, 2005, the State Water Board will consider approving our request. While our efforts to reduce mercury releases from the mine site have been successful, the proposed funds are slated to cleanup mercury deposited in Walker Creek since the 1970's. Water quality studies suggest that since 1972 the Gambonini mine discharged hundreds to thousands of kilograms of mercury to downstream waters. A preliminary survey of downstream floodplains and stream banks (conducted with the assistance of U.S. EPA) identified mercury-laden sediments in depositional areas with

concentrations as high as 9 parts per million (the TMDL target for these sediments will likely be around 0.8 parts per million). These sediments are being remobilized during large storm events and will eventually end up in Tomales Bay if not removed or stabilized. We propose to use the $400,000 from the CAA to further investigate and reduce these ongoing mercury sources. The remediation work will be modeled on the successful revegetation, erosion control and channel restoration efforts already undertaken at the Gambonini mercury mine.

As part of our efforts in remediating and restoring the Gambonini mercury mine, on Friday morning, October 21, Board staff will host a "Celebration of Partnerships and Restoration" at the now-closed mine site in West Marin. The event will highlight effective partnerships between U.S. EPA's Superfund Division, the Board, and local organizations such as the Marin Conservation Corps, the Marin Resource Conservation District, and Circuit Riders.

Members of the public are welcome to attend the 11 a.m. to 12:30 p.m. event and celebrate the public, private and non-profit partnerships that jointly contributed to improving water quality in the Walker Creek watershed. Information is also available on our web site at http://www.waterboards.ca.gov/sanfranciscobay/news_items/GamboniniOct21direction.pdf. Please RSVP to Jill Marshall e-mail: jamrshall@waterboards.ca.gov or tel: 510-622-2388.

An information sheet can also be found at
http://www.swrcb.ca.gov/rwqcb2/news_items/directionsfinal.pdf

Historic Burn Dump "Rediscovered" in San Jose Residential Neighborhood (Alec Naugle)
In June, a long-forgotten historic burn dump was "rediscovered" beneath Watson Community Park located within a downtown San Jose residential neighborhood. The former burn site was unearthed during construction of a community skateboard park within Watson Park. From the early 1900's until the mid-1930's, the City of San Jose operated the "Fredsmith Destructor" – a garbage incinerator with a 125-foot tall smokestack on the edge of downtown San Jose – in what is now Watson Park.

What makes this discovery such a concern is that Watson Park is home to two soccer fields, a community vegetable garden, and a playground. Additionally, the Empire Gardens Elementary School is located immediately adjacent to the Park and may actually be situated above a portion of the burn dump. Coyote Creek forms the eastern boundary of the park and may be in direct contact with burn ash materials. Samples of the burn ash material, taken from the ground surface to two feet deep, have shown elevated concentrations of lead, arsenic and poly-nuclear aromatic compounds (PNAs), all of which are human carcinogens.

The Department of Toxic Substances Control (DTSC) has agreed to take the lead regulatory role for the site since it involves hazardous waste, a school, and is consistent with a burn dump protocol established in 2003 between the regulatory agencies. Board staff have agreed to take an advisory role, particularly with respect to water quality issues that may affect Coyote Creek and groundwater.

The City of San Jose Public Works Department has fenced off the park as a safety precaution and is currently holding public meetings to inform the community about potential risks and next steps. Last month, the City set aside $800,000 to characterize the nature and extent of the burn ash waste and

has selected a consultant to prepare a plan and implement the work. Board staff anticipate providing comments to the City and DTSC on the characterization plan and any proposed remediation.

Hookston Station Cleanup Update (Chuck Headlee)
On September 13, over 100 residents living near the Hookston Station groundwater plume in Concord filed a lawsuit in Superior Court against Hookston Station's responsible parties. The lawsuit comprises ten specific complaints including negligence, emotional distress, trespass, liability for hazardous activity, and the need for medical monitoring. Other residents in the vicinity may file at least one more lawsuit. The lawsuit was not unexpected, but may slow site cleanup process. With the more adversarial climate, it is likely the responsible parties will want to check the legal ramifications of any submittals made to comply with the Board's cleanup directives. We will continue to move the cleanup forward consistent with the Board's 2003 site cleanup order.

Five-Year Reviews for Federal Superfund Sites (John Wolfenden)
In late September, we collaborated with U.S. EPA staff in completing five-year reviews for four federal Superfund sites overseen by the Board. The four sites are:

- Applied Materials (Santa Clara)
- CTS/Printex (Mountain View)
- Intersil/Siemens (Cupertino)
- HP 640 (Palo Alto)

Five-year reviews are performed to determine if the approved cleanup plan remains protective of human health and the environment and, if not, to recommend additional measures to be taken. In this instance, we and U.S. EPA conclude that all four cleanup plans remain protective and contaminant concentrations are stable or declining. In several cases, the dischargers will need to conduct additional studies. Applied Materials and CTS/Printex will need to evaluate alternatives to their groundwater "pump and treat" systems, which have been curtailed due to declining effectiveness. All four will need to re-evaluate potential vapor intrusion impacts if onsite land use changes or if offsite groundwater concentrations increase. Over the next year or so, we may be recommending amendments to the final site cleanup orders for one or more of these sites, depending on the results of these studies. We oversee a total of 20 federal Superfund sites that are subject to this five-year review process. We also require five-year reviews at non-Superfund sites subject to final site cleanup orders, but the process is usually less formal.

One Click to Water Board's Brownfields Program (Gary Riley)
We recently launched a new Brownfields web page that provides a "one click shop" for anyone interested in Board oversight of cleanup and reuse of contaminated properties. Our staff's development of this web page spearheads the statewide effort to improve public information and access to all the Regional Water Boards' cleanup programs. Specifically, this web page will serve as a template for other Boards' Internet sites.

The Brownfields web page provides information to all interested parties (e.g., developers, city planners, etc.) regarding financial assistance, liability relief, our cleanup process, and the process for determining the lead agency. The Brownfields web page can be accessed on our website using the "Brownfields" button on the home page, or directly at http://www.waterboards.ca.gov/sanfranciscobay/Brownfield.htm. The web page will be updated

regularly with upcoming events and news of interest to the redevelopment community and stakeholders.

Hillside Landfill Update (David Elias)
The status of the Hillside Landfill was last reported to you in my August Report in response to concerns raised by San Bruno Mountain Watch at the July Board meeting. In August, I noted that the site has been implementing a corrective action program for some time as required by landfill regulations when volatile organic compounds (VOCs) are detected in groundwater.

Since August, the landfill operators continue to move forward to better evaluate the extent of offsite VOC contamination and to determine if any additional corrective measures are necessary. At our request, the landfill will be completing a Corrective Action Update and Summary Report soon that will present all of the remedial efforts to date. This Report will either verify that the current remediation approach will result in full groundwater quality restoration, or will propose additional remediation system augmentation(s) for our consideration.

In-house Staff Training
Our September training was an 8-hour health and safety refresher for staff whose work involves hazardous material sites. Our October training will be on permitting issues. We held a brownbag seminar on September 27 on innovative direct-push methods for soil and groundwater sampling.

Staff Presentations and Outreach
U.S. Army Corps of Engineer's Meeting in San Francisco
On August 30, Richard Looker and Bill Johnson attended the national meeting of the U.S. Army Corps of Engineers' Committee on Water Quality held in San Francisco. The meeting focused on mercury management challenges in the San Francisco Bay watershed, and Richard and Bill described the San Francisco Bay mercury TMDL, with an emphasis on implementation challenges and potential opportunities to work cooperatively with the Corps.

Poster Session Presentations at the State of the Estuary Conference
Steve Moore and intern Matt Cover, with graphics support from Jeff Kapellas, presented a poster entitled, "A Rapid Trash Assessment Method Applied to Waters of the San Francisco Bay Region: Trash Measurement in Streams." The poster was also previously presented at last month's Plastic Debris conference hosted by the Coastal Commission, and the issue was described in last month's Executive Officer's Report.

Mary Rose Cassa, also with graphics support from Jeff Kapellas and assistance from Sarah Raker, presented two posters. One poster was entitled, "Groundwater-Surface Water Interaction: An Emerging Issue in Regulatory Decision-Making and Resource Management," and showcased the fact sheet developed by the Groundwater-Surface Water Work Group of Board staff's Groundwater Committee. The poster highlighted emerging issues in groundwater-surface water interaction, such as changing land use, irrigation, and stormwater infiltration, and included recommendations to avoid consequences such as unanticipated changes to existing groundwater conditions. Habte Kifle, Dale Hopkins, Michael Rochette, Jan O'Hara, and Shin-Roei Lee also contributed to this poster.

Her second poster was entitled, "Investigation and Control of Contaminated Groundwater Discharges to Surface Water in the San Francisco Bay Region." Based on earlier work by Roger

Brewer, this poster highlighted two cases from the Groundwater Protection and Toxics Cleanup Divisions that are directly adjacent to the Estuary. In one case, groundwater passes through an engineered barrier that adsorbs contaminants before the groundwater discharges to the Estuary. In another case, Board staff applied Environmental Screening Levels to evaluate a plume and determined how to allow wetland mitigation (restoration) work to proceed before the plume's unknown source could be located and remediated. Both posters were well received by conference participants.

Carrie Austin, with assistance from consultants Tetra Tech, presented a poster entitled, "Conceptual Model and Regulatory Approach for Mercury in the Guadalupe River Watershed." Tetra Tech completed the Final Conceptual Model for this TMDL project in May 2005. The Conceptual Model is intended to provide a sound scientific basis for the TMDL. Carrie has nearly completed the TMDL Technical Report. This TMDL is scheduled for adoption late next year.