California Regional Water Quality Control Board
San Francisco Bay Region

EXECUTIVE OFFICER'S REPORT

A Monthly Report to the Board and Public

August 2006

The next regular scheduled Board meeting is August 9, 2006.
*See **http://www.waterboards.ca.gov/sanfranciscobay/** for latest details and agenda*

Items in this Report (Author[s])

****

****

NPDES Permits - Two Steps Forward, Two Steps Back (Lila Tang)

There are two permit reissuances on this month's Board Meeting Agenda that are ahead of the commitment schedule developed with USEPA in March. These are Vallejo and Calistoga, which were originally scheduled for September. The accelerated schedule was made possible by capable and dedicated Board staff with a little help from cash overtime. We developed the permit reissuance schedule in response to USEPA's push earlier this year for us to reissue all expired permits.

Unfortunately, with two ahead of schedule, two other permits scheduled for later this year have had to be postponed to 2007. The primary reason for the postponement stems from delays in getting work products from USEPA's contractor. As reported last month, with our commitment to catch up on reissuing expired permits, USEPA would provide contractor support. A portion of the permit actions, starting in the Board's September or October meeting, will have been initially drafted by the contractor. The delays have been caused by the startup learning curve for the contractor. This learning curve is typical of anyone who is new to the program. However, we could not factor this in earlier this year when the push from USEPA was the heaviest.

USEPA now understands the delay, and have approved a reduction to our next semi-annual permit commitment milestone. The original milestone for December 2006 was 19 reissuances; the new milestone is 17. The draft work products from USEPA's contractor

have been improving. We are hopeful that there will be no future delays that would cause us to have to revisit our schedule. The schedule of permit issuances and reissuances, updated monthly, is available at http://www.waterboards.ca.gov/sanfranciscobay under Water News.

Emerging Contaminants and the Regional Monitoring Program (Dyan Whyte)

The Annual Meeting of the San Francisco Estuary Regional Monitoring Program (RMP) will be held on September 12 at the Oakland Museum. This all day event is a great way to learn about recent findings from this innovative and collaborative monitoring and assessment program. The Annual Meeting will feature a session on emerging contaminants, including a keynote presentation by Dr. Sedlak of UC Berkeley, and presentations on pyrethroids (pesticides), PBDEs (brominated flame retardants), and pollution prevention for emerging contaminants. An open discussion of issues related to emerging contaminants will end the session. Emerging contaminants are defined as chemicals that are not currently regulated and believed to potentially pose significant ecological or human health risks.

In an effort to provide scientific information that can be used to make sound management decisions, the RMP has sponsored the following projects to better understand the risk posed by emerging contaminants:

- In 2000 and 2001, the RMP analyzed archive samples to determine whether emerging contaminants were present in water and sediment in the 1990s. Emerging contaminants identified included: PBDEs (brominated flame retardants), nonylphenols (surfactants), phthalates (from plastics), musk compounds (fragrances), and others.

- The RMP has screened water, sediment, bivalves, fish, and bird eggs from the Bay for several emerging contaminants. Flame retardants have received particular attention due to their rapid increase in recent years and wide distribution in the Bay. RMP data were used to support the phase-out of some of these compounds.

- The RMP has formed a new workgroup to specifically address emerging contaminants. The scientific advisory panel consists of internationally known experts. The workgroup met in June to discuss strategies for evaluating chemicals for inclusion in the annual RMP monitoring.

- The RMP has allocated $25,000 for 2007 for the study of pharmaceuticals in the Bay. Samples will be collected from the influent and effluent from two large publicly owned wastewater treatment facilities in the South Bay and in the South Bay itself.

- The RMP has teamed up with the Marine Mammal Center to determine the level of emerging contaminants in seals. Seals are a good indicator of the potential for pollutants to accumulate in the food chain. The RMP has allocated $35,000 to determine the concentrations of emerging contaminants in the blood of seals. This

work will commence this fall and is part of a larger study to track the health and fitness of harbor seals.

- The RMP hosted an all-day workshop on May 23 to bring analytical chemists together with regulatory staff and interested stakeholders to discuss our current knowledge of pyrethroids (pesticides) in the Bay, new analytical methods to detect pyrethroids, and options for managing pyrethroid risks.

Emerging contaminants are a problem of global concern. The RMP is taking a proactive approach to trying to understand sources, transport, and fate, with the ultimate goal of identifying pollution prevention actions as quickly as possible. Information on RMP workgroups, studies, reports and monitoring results can be found at www.sfei.org.

Update on the Hamilton Wetland Restoration Project (John Kaiser)

Board staff attended the first meeting of the Hamilton Wetlands Restoration Access Road Working Group on July 21. Board staff is acting as a regulatory advisor to the group, formed as the result of local residents' complaints about traffic, noise, dust, and perceived health effects caused by the truck traffic running along Todd Road, a construction haul road running immediately adjacent to a portion of a new housing development on the former Hamilton Army Airbase in Novato.

Much of this truck traffic is associated with the construction of the Hamilton Wetland Restoration Project. The Wetland Project is regionally significant in that it will result in the restoration of over 2500 acres of wetlands. In addition, the Wetland Project includes the reclamation and reuse of over two million cubic yards of dredge material generated by the Port of Oakland's 50-foot dredging project, scheduled to begin by spring 2007.

The Working Group is working towards a mutually agreeable solution regarding Todd Road, an issue that has generated significant media coverage. It appears that the solution will include the selection of an alternate haul route for the Wetland Project's construction truck traffic, in addition to possible interim remedial measures for the nearby residents.

Core members of the Working Group include the legislative aides to State Senator Migden, Congresswoman Woolsey and Senator Boxer, representatives of the State Coastal Conservancy, the Army Corps of Engineers, the City of Novato, several environmental organizations, and several Hamilton residents.

On August 8, the Working Group intends to present the Novato City Council with a Charter that outlines the process under which the Working Group will operate and through which it will develop a recommended solution for the City Council's approval. I will update the Board of the outcome, if any, of that meeting at the August Board Meeting.

New Site-Specific Water Quality Objectives for Cyanide in San Francisco Bay (Barbara Baginska)

A draft Basin Plan amendment and Staff Report presenting proposed new site-specific marine water quality objectives for cyanide in the Bay, and resulting new water quality-based effluent limits, will be public noticed by Board staff on August 18. The comment period will extend through September 18. We propose a testimony hearing at the Board's October meeting, and an adoption hearing in December.

The goal of this project is to establish objectives that reflect our current understanding of cyanide toxicity and its effects on the Bay's aquatic organisms. This is important because the cyanide water quality objectives that currently apply, derived in 1985, were driven by toxicity data for the eastern rock crab (*Cancer irroratus),* a species not found on the West Coast. The new cyanide water quality objectives will reflect the most recent toxicity data for several species of crabs common to San Francisco Bay and Puget Sound, where the new criterion has already been adopted by the State of Washington.

Cyanide is commonly found in treated industrial and municipal wastewaters, due in part to chlorine disinfection of effluent prior to discharge. Fortunately, not all cyanide is toxic, it does not persist in the aquatic environment, and it degrades rapidly in marine waters.

The draft Basin Plan amendment and Staff Report are online at http://www.waterboards.ca.gov/sanfranciscobay/basinplan.htm .

Hookston Station "Community Working Group" Formed (Mary Rose Cassa)

In June, Board staff responded to community requests for greater involvement in cleanup at the Hookston Station site in Pleasant Hill by forming a Community Working Group. The Working Group provides a forum for informal and open discussion regarding the Hookston Station site, enhancing communications and public participation. The Working Group brings together community and agency representatives and interested stakeholders to review and discuss project status, plans, and reports. Additionally, the Working Group advises Board staff on the neighborhood's communications and public participation needs. Meetings are open to the public; however, the meetings are not part of the administrative record. Participants include representatives from the Board; the nearby residential communities of Colony Park, Fair Oaks, and Pleasant Hill Co-Housing; Mount Diablo Unified School District; the cities of Pleasant Hill and Concord; Supervisor DeSaulnier's office; Assemblymember Hancock's office; and Senator Torlakson's office.

The first meeting was held June 29, and focused on organizing the group and selecting a chair and co-chair from the community. Board staff made a presentation on the cleanup process for the Hookston Station site and invited feedback from participants. The second meeting was held July 26, and included a summary of the draft Cleanup Plan for the site, which was submitted to the Board on July 10. A pre-meeting informal information session provided an opportunity for community members to learn some basic information about groundwater and aquifers. The next Working Group meeting, scheduled for August 30, will provide an opportunity for community members to discuss their comments on the draft Cleanup Plan before the closure of the public comment period on September 1.

Board staff will host a formal public meeting on the draft Cleanup Plan at Fair Oaks School in Pleasant Hill on August 10 from 6:30 to 8:30 p.m. This meeting is open to the public, and all comments received will become part of the administrative record.

The Hookston Station site is located in eastern Pleasant Hill. A historic release of trichloroethylene (TCE – an industrial solvent) at the site has impacted groundwater in the area, including a residential neighborhood northeast of the site. This matter will come back before the Board in a few months for consideration of adoption of final Site Cleanup Requirements, approving a cleanup plan and cleanup standards for the site.

Transfer of Four Federal Superfund Cases to USEPA (John Wolfenden)

In early August, we transferred four federal Superfund cases to the U.S. Environmental Protection Agency (USEPA):

- Applied Materials (Santa Clara)
- CTS/Printex (Mountain View)
- Intel Magnetics / Microstorage (Santa Clara)
- Intel Santa Clara 3 (Santa Clara)

The transferred sites are groundwater cleanup cases that we would otherwise close as low-risk cases, but since they are federal Superfund cases, there are additional tasks required before can USEPA approve closure. We consider these four cases low-risk cases because groundwater concentrations have been reduced nearly to drinking water standards through treatment and natural attenuation processes. However, since the cases are listed as federal Superfund cases, USEPA will not approve closure until all drinking water standards are attained. USEPA is better suited to manage the federal administrative tasks of de-listing and closing federal Superfund cases. We have discussed the transfer with USEPA staff, and they support the transfer. We provided representatives from the four sites an opportunity to comment on the proposed transfer, and they had no objections. We anticipate a multi-month transition period, with USEPA establishing an enforcement cleanup directive to take the place of the Board's cleanup orders for these four sites.

We remain the lead agency at 12 other federal Superfund cases; all 12 have approved cleanup plans and are engaged in a multi-year implementation of those plans.

Edward Schultz Appeal of Board Inaction (Wil Bruhns)

In July, the State Board accepted a petition from Mr. Edward Schultz of Napa County in which he alleges that this Board failed to act on issues he has raised. Mr. Schultz addressed the Board at its public forum in June, but this was after he had already filed his petition. Mr. Schultz, in his correspondence with Board staff and in his petition, has raised two distinct issues. The first regards Napa County's installation of a road guardrail near his property, and the second regards Board oversight of the Napa County stormwater program. Staff are responding to the State Board regarding these issues. Concerning the first, Board staff contend that we have responded to the issues raised by Mr. Schultz. We have inspected the site and replied to his correspondence. Our conclusions are different

than Mr. Schultz hoped for, but we have acted. With regard to the second issue, our oversight of the County's stormwater program, we have been regulating this program effectively and vigorously since its inception. We have not focused on one particular part of the program in one particular watershed, as Mr. Schultz has requested, but rather on the whole program throughout the County.

The State Board letter that accepted the petition raised three issues. The first was our oversight of the County stormwater program, addressed above. The second was our oversight of the statewide construction stormwater program in the County. We believe the records shows that we have also effectively pursued this program. Finally, the State Board letter raises the issue of our oversight of the 401 water quality certification program. We are puzzled why this was included, since Mr. Schultz's petition does not mention the program. However, we believe this program is also appropriately being implemented in Napa County. I will keep the Board informed as this case progresses.

Ravenswood Industrial Area - East Palo Alto (Mark Johnson)

Board staff is playing a key role in the cleanup and redevelopment of the 100-acre Ravenswood Industrial Area in East Palo Alto, one of the last areas in the city where Brownfield restoration has not yet occurred. We are currently reviewing cleanup plans for three parcels within this area and are conducting significant public participation activities for all three.

East Palo Alto has been the recipient of many USEPA Brownfield grants to aid in its redevelopment efforts. USEPA has designated East Palo Alto as a Regional Brownfield Pilot Project, as well as a National Brownfield Showcase Community. Board staff has worked closely with USEPA and the City to restore numerous Brownfield properties, resulting in the development of several hundred homes, a health clinic, the City Corporation Yard, as well as many other projects.

While many areas of East Palo Alto have been able to move forward, restoration of the Ravenswood Industrial Area has been slow over the last 15 years. The area has long been associated with pollution related to its auto-wrecking yards, chemical plants, and similar businesses. Releases of arsenic from the 1990 Bay Road site affected not only the facility property itself, but also about 20 acres of nearby properties. Early redevelopment efforts were often stalled by the stigma of pollution, some of which had estimated cleanup costs that could exceed land values. With much effort and hard work by all parties, along with grants from USEPA, this stigma has been lifted. An area-wide investigation, funded by USEPA and overseen by the Board, demonstrated that most of the area was not nearly as contaminated as previously thought. Most of the more highly contaminated sites, such as those impacted by the 1990 Bay Road site, have since been cleaned-up.

All of the efforts by USEPA, the Board, and City over the past 10 years are now beginning to pay off, clearing the way for Brownfield restoration in the Ravenswood Industrial Area. The City recently approved three significant development projects in the area: 1) the Pulgas Mixed Use project, consisting of 44 single family homes, 7 live work units, 22 industrial condominiums and a park; 2) the Clarke and Weeks Townhome project,

consisting of 55 townhome units; and, 3) the Tara Road Industrial project, consisting of 38,000 square feet of industrial condominiums.

Board staff has been working with USEPA, the City, and the developers to expedite the necessary investigation and develop cleanup plans that are compatible for the planned uses of these properties. Staff has conducted and will continue to conduct significant public participation activities to discuss the environmental issues at the properties and their proposed cleanup plans. In addition to Board-sponsored public participation activities, staff is also attending Planning Commission and City Council/Redevelopment Agency meetings to discuss the projects and answer questions. We are in the process of reviewing and approving cleanup plans for all three projects:

- Pulgas Mixed Use project: we have closed the public comment period for the draft cleanup plan. At the time of this writing, staff is responding to comments received and anticipates approving the cleanup plan in the next few weeks.
- Tara Road Industrial project: the draft cleanup plan will go out for public review and comment later in August.
- Clarke and Weeks Townhome project: the draft cleanup plan will go out for public review and comment in September or October.

Staff will continue to keep the Board apprised of Brownfield restoration activities in East Palo Alto.

Arcadia Park Development Project (Barbara Sieminski)

In July, Board staff approved a cleanup plan for Arcadia Park, a 27-acre property located in Oakland, along San Leandro Street, between 92nd and 98th Avenues. This property has been contaminated by metals, pesticides, fuel hydrocarbons, and other volatile organic compounds from historical industrial uses that included truck terminal and cargo services, warehouse and associated truck and automobile parking, and a vinegar and yeast manufacturing facility (Fleishmann's Yeast). The City of Oakland has approved redevelopment of the site for residential use consisting of 180 single-family and 184 multi-family units. The overall plan for the site is to merge the former industrial site with the residential neighborhood located adjacent to the site.

To facilitate cleanup and development, the site has been divided into two portions, which will be redeveloped in two separate phases. The developer has already completed a detailed environmental investigation of soil, soil gas, and groundwater for the first phase that includes about 2/3 of the site, identified nine areas that will need cleanup, and submitted a cleanup plan for these areas. To cleanup the site for residential use, the developer will excavate all contaminated soil that exceeds the Board's residential environmental screening levels in each of the nine areas. Additionally, to reduce the amount of any petroleum remaining in the subsurface, the developer will pump impacted groundwater out of a deep excavation in the area of the site's former underground storage tanks. The developer will also place a vapor barrier beneath future houses built over the former tank area as a conservative measure. In July, after a 30-day public comment

period, the cleanup plan was approved by Board staff. Cleanup work for the first development phase began shortly thereafter.

Currently, the developer is completing the environmental investigation and preparing a cleanup plan for the second development phase. We will keep you informed of significant milestones in the restoration of this major Oakland Brownfield site.

Concord Naval Weapons Station's Site 1 Landfill (Alan D. Friedman)

The Site 1 Landfill is a 13-acre closed landfill in the tidal area of the Concord Naval Weapons Station. This landfill was the primary landfill for the Station from 1944 to 1979, and was used for the disposal of a wide variety of industrial materials and garbage from both the Station and the surrounding communities. In March 2006, the Navy circulated a remedial action plan to grade and build a final cover for the landfill, to consist of a low permeability synthetic liner, overlain by a synthetic drainage layer and cover soil.

Construction work had started, but was stopped upon the discovery of two live, World War II-era rockets on June 15. The Explosives Ordnance Division (EOD) of Travis Air Force Base in Fairfield responded and, after investigating, exploded one rocket in place and transported the other off-site for disposal. Since then, the Naval Ordnance Safety and Security Agency has imposed a stop work notice, and required the submission of an Explosives Safety Submittal (ESS), which would determine how to manage any other ordnance that is encountered, as Travis has indicated that it cannot respond to every item of munitions that is discovered.

The possibility of discovering ordnance is not unexpected, given that the Station has been actively used for the storage and transport of military munitions for over 60 years and was the site of the 1944 Port Chicago explosion. Unfortunately, standard geophysical techniques could not be used to detect the ordnance prior to grading activities, as the landfill already contains substantial amounts of metal that would mask any ordnance. The Navy estimates that the ESS should be completed within 5-6 weeks, but until its completion and approval the Navy cannot go on, traverse, or apply pressure on the landfill.

This will probably delay the completion of the landfill cover, which cannot be done during the wet weather, until next year. We will keep the Board updated about this landfill work.

Upcoming Closure of West Contra Costa Sanitary Landfill (Cecilio Felix)

After 53 years of operations, the West Contra Costa Sanitary Landfill is preparing to close. The Board previously required the landfill, located on the Richmond shoreline, to close in early 2006. However, in January 2006, in response to the landfill operator's request, the Board adopted an amended order allowing the landfill to accept waste until September 30, 2006. This additional filling time allows the landfill to achieve surface elevations and grades necessary to reduce infiltration of precipitation. In order to insure that these extended operations do not create potential water quality impacts, the landfill was required to submit an updated leachate management plan and a revised closure schedule. Following cessation of waste acceptance, the landfill operator will begin formally closing

the site. Closure will consist of construction and maintenance of a landfill cap, operation of leachate and gas extraction systems, and continued site monitoring in order to protect water quality and human health.

Comments on the Proposed State Policy for Residual Chlorine (Brian Wines)

The State Board is in the process of developing a uniform State policy for discharges of water with chlorine residual, the Total Residual Chorine and Chlorine-Produced Oxidants Policy of California (Policy). In general, staff supports the State Board's draft Policy proposal to adopt USEPA water quality criteria for total chlorine residual and chlorine-produced oxidants as State water quality objectives for the discharge of chlorinated water. However, we submitted comments on the June 2006 draft of the proposed Policy, because of reservations over the proposed regulation of discharges from field operations, such as dewatering pipelines and reservoirs, flushing distribution system piping, flushing fire hydrants, and controlling discharges from broken water lines. The June draft stated that it is not feasible to apply numeric effluent limits on chlorinated water discharged in the field and such discharges should be regulated by appropriate best management practices.

We submitted technical evidence that it is feasible to dechlorinate and monitor potable water discharges in the field. Therefore, it is feasible to apply numerical limits to such discharges. Field dechlorination is part of the standard operating procedures of the San Francisco Public Utility Commission and the East Bay Municipal Utility District.

While we recognize that it can be a challenge to reliably measure chlorine residual at parts per billion levels in the field, we believe that, after potable water has been treated in the field to remove residual chlorine compounds, dischargers should be required to demonstrate that the treated water is free of chlorine, using the most sensitive, commercially available field equipment. In addition to being feasible, we believe it is also necessary to control chlorine because of its toxicity.

Most people do not think of potable water as a toxic pollutant, but anyone who has owned an aquarium knows that water straight from the tap kills fish. Chlorine is added to drinking water to control pathogens, but the added chlorine is toxic to aquatic life at very low concentrations. USEPA has set the acute exposure level for chlorine residual in freshwater at 19 parts per billion.

In recent years, most water supply utilities in this Region have switched from disinfection with chlorine gas to the use of chloramines, a reaction product of chlorine and ammonia. Chloramines maintain their disinfecting power longer than the chlorine residual that results from treatment with chorine gas, but this also means that chlorine toxicity to aquatic life persists longer in chloramine-treated water. In the East Bay, the Urban Creeks Council has been tracking fish and frog kills in local creeks that resulted when broken water lines released chloramine-treated water. In our seismically active area with aging infrastructure, broken water lines have the potential to have a significant negative impact on wildlife in local creeks or undermine local creek restoration efforts. Local media have also covered some of the potential problems associated with releases of chloramine-treated water. The

San Francisco Chronicle had an article on the topic July 15, and KTVU television had a feature on chloramines on July 23.

Staff Presentations and Outreach

On July 7, I spoke at the North Bay Watershed Association's board meeting. I updated the board on our aggressive NPDES permit reissuance schedule, our increased emphasis on controlling sanitary sewer overflows, and the numerous upcoming TMDLs and water quality objective projects that will affect the North Bay.

On July 13, Stephen Hill spoke at a half-day seminar on vapor intrusion and property development challenges. The event was hosted by the Pacific Industrial and Business Association. Stephen described how the Water Boards regulate cleanup sites to identify and correct vapor intrusion problems. Vapor intrusion refers to the migration of volatile contaminants from soil or groundwater into occupied buildings. Also on the presentation panel was Dan Gallagher from our sister agency, DTSC. Dan is the primary author of DTSC's draft guidance on this topic.

On July 18, I spoke at the celebration of the completion of Rhodia's restoration of Peyton Slough and its adjacent wetlands along the Carquinez Strait, also noted in this month's Correspondence item. I noted that, while we often celebrate the beginning of significant environmental projects, here we were actually celebrating the too infrequent completion of such a project, in this case, one that not only addresses one of the Bay's ten contaminated "hot spots", but also restores adjacent wetlands and enhances tidal flows to the upstream McNabney Marsh. This represents a significant achievement by Rhodia, the agencies, and all stakeholders involved.

On July 25, Carmen Fewless gave a presentation at the University of California Cooperative Extension/Natural Resources Conservation Service - Farm Water Quality Planning Course in Half Moon Bay. Carmen's presentation to growers within the Board's jurisdiction was titled, "Agricultural Requirements in the San Francisco Bay Region".