

California Regional Water Quality Control Board  
San Francisco Bay Region  
**EXECUTIVE OFFICER'S REPORT**

A Monthly Report to the Board and Public

**September 2007**

*The next regular scheduled Board meeting is September 12, 2007.*

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

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**Tomales Bay Grazing Workshop** (Carmen Fewless)

On the evening of August 23, Board staff held a well attended public workshop in the town of Point Reyes Station to discuss upcoming water quality requirements for grazing lands in the Tomales Bay watershed. More than 45 attendees represented a broad cross-section of the ranching and dairy community in Marin and other North Bay counties, as well as shellfish growers, representatives of the Western United Dairymen Association, UC Cooperative Extension, the Marin Resource Conservation District, the Tomales Bay Watershed Council, and the Department of Fish and Game. The workshop was facilitated by Dale Hopkins. Dyan Whyte and Carmen Fewless presented the Board's regulatory requirements and proposed implementation requirements.

Staff is proposing a Waiver of Waste Discharge Requirements as the means to regulate grazing activities. The purpose of the anticipated waiver is to implement the State's Nonpoint Source Enforcement Policy, the Tomales Bay pathogen TMDL, and sediment, nutrient and mercury TMDLs under development for the watershed, all with respect to how grazing lands can be managed to reduce and prevent ongoing pollution into Tomales Bay and its tributaries.

The draft Waiver Conditions, accompanied by appropriate CEQA documents, will be publicly noticed for a 30-day public review and comment period in the fall. Staff plan to return to Point Reyes Station with a response to public comments on these documents before bringing the waiver conditions to the Board for approval, anticipated next spring.

In her presentation, Dyan Whyte described the Board's regulatory responsibilities and options, noting that a conditional waiver is the least onerous tool for the regulated community. She suggested that ranchers consider an approach similar to the Fish Friendly Farming program in Napa, where certification of management practices by a knowledgeable third-party protects ranch operators' privacy, while accomplishing the goals of water quality protection. Carmen Fewless discussed what staff envision as the framework for the conditional waiver: a required Ranch Water Quality Plan for each property that describes the livestock, landscape, and water resources on the ranch; how the ranch operator will reduce or prevent pollution of creeks and streams by implementing management practices and assessing their effectiveness; and a compliance time line. The pathogen TMDL implementation plan requires all grazing ranch operators to be registered in the waiver program by January 2009. For operators already under our dairy waiver program, Board staff is proposing to combine both dairy activities and grazing lands under one waiver.

Stakeholders had ample opportunity to ask questions, and staff made it clear that our intention is to resolve water quality problems in the most efficient and economical way possible. Key comments received during the workshop related to pros and cons of a conditional waiver versus waste discharge requirements; how and when the Board will carry out inspections, reviews, or audits of the ranches and associated Ranch Plans; possible economic impacts of implementing management practices; options for financial assistance; how other sources of pathogens are being addressed; the time frame for compliance; and privacy concerns if Ranch Plans become public documents. Robert Giacomini, a Tomales Bay dairy and ranch facility owner and operator, invited Board members to tour his dairy and grazing lands to gain a better understanding of grazing operations.

Prior to the workshop, on August 16, David Lewis of the UC Cooperative Extension and agricultural consultants Lisa Bush and Stephanie Larson took a group of Board staff on a tour, hosted by Robert Giacomini and Al Poncia, to compare and contrast the operation of grazing lands at a dairy facility and at a beef ranch, both in Marin County. Staff attending this tour gained a better understanding on the management of pasture land and livestock.

### **Green Chemistry Stakeholder Meeting (Gina Kathuria/Naomi Feger)**

On August 17, staff participated in a Department of Toxic Substances Control's (DTSC) Green Chemistry Stakeholder meeting, co-sponsored by the Silicon Valley Leadership Group and Water Board member Margaret Bruce. This meeting is part of a larger effort known as the California Green Chemistry Initiative. The Green Chemistry Initiative is a government initiative to explore a comprehensive chemical policy for California. An

important element of the initiative is engaging the public and stakeholders in what the policy should look like.

The Stakeholder meeting brought together various industries, local and state governmental agencies, and NGOs. All joined in lively discussions on four challenges:

1. How can California use product design and industrial innovation to produce products that reduce the use of harmful chemicals?
2. How do you think California can stimulate a Green Chemistry transformation in the design of products and processes?
3. What strategies do you think California should pursue to encourage manufacturers to take greater responsibility for the products they produce that contain toxic materials?
4. What strategies do you think California should pursue to encourage cleaner and less polluting industrial processes?

Stakeholder participants can continue discussions via blogs, emails, and attendance at future symposiums and meetings until December 2007 using <http://californiagreenchemistry.squarespace.com/welcome>. DTSC has a January 2008 deadline to provide a report to the Cal EPA Secretary, Linda Adams. A list of policy recommendations are expected in July 2008. The report will provide a menu for encouraging less-toxic industrial processes, and identifying safer, non-chemical alternatives.

#### **North San Francisco Bay Selenium TMDL (Naomi Feger)**

Staff has taken its first steps in a planned two year effort to prepare a selenium TMDL for North San Francisco Bay. One of those steps is the execution of a Memorandum of Understanding (MOU) between the Board and the Western States Petroleum Association (WSPA) describing specifically what role WSPA will take in assisting the Board in preparing the TMDL. I signed the MOU this month. WSPA is funding TetraTech to provide contractor support to do a number of tasks, including development of a selenium dataset, preparation of habitat maps, and work on model selection and simulation runs and stakeholder outreach and participation. Board staff remains responsible for developing the TMDL.

A TMDL advisory committee will be established to facilitate stakeholder participation as well as a technical review team. Interviews with stakeholders began this week. U.S. EPA will be funding US Geologic Survey involvement to provide technical review support on the work conducted by TetraTech.

#### **Sonoma County General Plan (Abigail Smith)**

On August 27 and 29, Sandi Potter and Abigail Smith testified at the Sonoma County Board of Supervisors' Public Workshops on the General Plan. North Coast Water Board staff were also in attendance. Staff commented on proposed revisions to the Water Resources and the Open Space and Resource Conservation Elements. Staff

emphasized the water quality benefits associated with establishing effective buffer zones between development and creeks, and encouraged the Supervisors to adopt a protective creek setback policy. Staff expressed concern that the County's most recent creek setback proposal falls short of recommendations provided last year by Board staff, and significantly reduces setback distances, while expanding exemptions to the setback requirements, from what was initially proposed in the County's General Plan Update Draft EIR (April 2006). We are coordinating with the North Coast Water Board and California Department of Fish and Game staff in this effort.

**Alternative Stormwater Treatment Agreement (Brendan Thompson)**

On July, 20, I signed a Memorandum of Understanding (MOU) outlining an arrangement for Caltrans to provide stormwater treatment outside the limits of its right-of-way when on-site stormwater treatment proves infeasible. The MOU signatories are the Board, Caltrans, and the Association of Bay Area Governments (ABAG), who will act as the fiscal agent handling fund transfers from Caltrans to other implementing entities.

As a permit condition for Caltrans roadway construction projects, the Board requires Caltrans to treat stormwater from all new and rebuilt impervious areas. Due to the linear, constrained nature of many of these projects, Caltrans is sometimes unable to fit stormwater treatment facilities within the limits of its right-of-way. The MOU was developed as an instrument allowing Caltrans to implement off-site, alternative compliance projects as long as the alternative compliance projects provide equivalent or greater water quality benefits.

The MOU is already being implemented. Caltrans is currently working with the City of Dublin to provide underground stormwater treatment at the busy Dublin Boulevard/Dougherty Road intersection as an alternative compliance project to comply with Caltrans' Pigeon Pass/Highway 84 stormwater treatment requirements. Dublin will be the "implementing entity" responsible for installing and maintaining the treatment devices in perpetuity.

The MOU contains conditions that must be fulfilled before Caltrans is allowed to go off-site for stormwater treatment, including: 1) the jurisdiction where the treatment unit will be installed must not already be mandated to provide the stormwater treatment proposed; 2) Caltrans must demonstrate on-site stormwater treatment options are infeasible; 3) the off-site treatment must be in a nearby watershed and provide equal or greater water quality benefit than the foregone onsite treatment; and, 4) a "Letter of Agreement" between Caltrans and the implementing entity must be approved by the Executive Officer, detailing assurances for the proper design and long-term maintenance of the treatment device.

We are seeking additional interested implementing entities with eligible projects. Another project that is being discussed involves retrofitting an entire neighborhood with pervious pavement, rain barrels, rain gardens, and grassy swales.

**Richardson Bay TMDL (Farhad Ghodrati)**

As the first step in engaging local stakeholders in the Richardson Bay Pathogen TMDL process, Board staff, Naomi Feger and Farhad Ghodrati, made a presentation at the Richardson Bay Regional Agency's (RBRA) August 16 Board meeting. The RBRA consists of five local governments that have jurisdiction over Richardson Bay's waters and shoreline: Marin County and the cities of Sausalito, Mill Valley, Tiburon, and Belvedere. The RBRA Board raised concerns about having to meet stringent water quality standards protective of the shellfish harvesting beneficial use. We will be working with the RBRA on the issues they raised as we move forward with development of the TMDL.

A public notice has been mailed to interested parties advising of an upcoming public workshop and CEQA scoping meeting for this TMDL, planned for September 25, 2007 at the Army Corps of Engineers Bay Model Visitor's Center in Sausalito.

**Peyton Slough Remediation Project (Lindsay Whalin)**

Construction for the remediation of Peyton Slough, previously one of the Bay Area's most significant Toxic Hot Spots, is complete. Located southeast of the Benicia Bridge in Martinez, the project involved relocating Peyton Slough within Peyton Marsh to redirect surface water (and associated wetland wildlife) away from sediments contaminated with copper and zinc by mine ore smelting operations which occurred between 1899 and 1966. In 2004, the responsible party, Rhodia Inc., began excavation of the new Peyton Slough alignment. In 2005 and 2006, the old slough alignment was capped to contain the contaminated sediments, and contaminated areas of wetlands adjacent to the old alignment were excavated and filled. In 2006, revegetation projects were undertaken to maximize the recovery of beneficial and rare plant species. Currently, the project is entering the long-term monitoring phase to evaluate the success of the project.

The anticipated benefits of the project are:

- The remediation of contamination and the restoration of beneficial uses of Peyton Slough and surrounding wetlands;
- A significant reduction in the discharge of contaminants to San Francisco Bay;
- The enhancement and creation of new wetlands which provide habitat for special status plants and animals like the Salt Marsh Harvest Mouse; and
- Enhancement of flood and mosquito control and abatement programs.

In early August, Rhodia held an annual meeting to update all interested parties on the progress of the project. While a few logistical problems remain, groundwater and slough surface water and sediment quality are currently exceeding expectations. Furthermore, 100% revegetation of wetland habitat is expected within three years (seven years ahead of schedule). Initial post construction monitoring suggests that due to the efforts of Rhodia, the Board (as lead agency), nine other regulatory agencies, and many public and private stakeholders; the Peyton Slough Remediation Project is a big success (see photo).



July 2006 aerial photo of the new Peyton Slough alignment with partial revegetation of the capped, old alignment.

### Hookston Station Groundwater Cleanup (Elizabeth Allen)

On August 3, Board staff approved design plans for installation of a permeable reactive barrier (PRB) at the Hookston Station site in Pleasant Hill. The responsible parties submitted the remedial design to comply with the requirements of the Board's final site cleanup order. The PRB will treat chlorinated solvents (primarily trichloroethylene - TCE) in the shallow groundwater. These solvents originate at the Hookston Station site and have migrated beneath the nearby Colony Park residential neighborhood. In the past, TCE has been detected in indoor air at concentrations exceeding the Board's Environmental Screening Levels, requiring the installation of vapor mitigation systems in several homes. The air in several Colony Park homes – both with and without mitigation systems - is monitored annually. These mitigation systems will remain in operation until TCE concentrations in groundwater beneath the Colony Park residences are reduced to levels at which vapor intrusion to indoor air is no longer a concern.

The PRB will be constructed by injecting powdered iron into the subsurface, forming a reactive barrier approximately 380 feet long, and 6 inches wide. As groundwater flows through the PRB, the iron will catalyze a chemical reaction in which TCE and other chlorinated solvents are reduced to ethane and hydrochloric acid. PRBs have been used successfully at several groundwater cleanup sites in our region. We expect it to take two to five years for TCE concentrations in the shallow groundwater to decline to the point

where vapor intrusion is no longer a concern. The PRB represents the first phase of groundwater cleanup at Hookston Station, and will be installed in the first half of 2008. Cleanup of the deeper groundwater will occur via injection of a chemical oxidant. The design report for that phase of the cleanup is due to be submitted to the Board by August 31.

### **Trans Bay Cable Project (Nancy Katyl)**

Trans Bay Cable LLC has proposed a high-voltage direct current electric transmission project between San Francisco and an existing power plant in Pittsburg. This is one of several projects intended to increase the reliability of electric power delivery in San Francisco and the Peninsula. The project consists of laying a 53-mile cable under the water of San Francisco Bay and constructing electric-voltage converter stations at each end of the cable. The underwater cable will run beneath Central Bay, San Pablo Bay, the Carquinez Strait, Suisun Bay, and the western edge of the Delta. A barge and hydroplow will be used to lay and bury the cable simultaneously in shallow waters; a cable-laying ship will be used to lay cable in deeper waters. The San Francisco converter station will be located on a 4.4-acre parcel at 23<sup>rd</sup> and Illinois Street in the Potrero District of San Francisco; the Pittsburg converter station will be located near the Mirant power plant.

Board staff will regulate the water quality aspects of cable-laying activities in the bay through our water quality certification program. We are currently providing oversight on site cleanup at the San Francisco converter station site. Our sister agency, the Department of Toxics Substances Control, is providing oversight of site cleanup at the Pittsburg site.

At the San Francisco converter station site, soil and groundwater are impacted with metals, petroleum hydrocarbons, benzene, and polynuclear aromatic hydrocarbons. Site contamination here is similar to that found on other bayfront properties in San Francisco.

In mid-August, Board staff approved the risk assessment, cleanup plan, and risk management plan for the San Francisco site, following a 30-day public comment period. Cleanup activities are expected to begin in late 2007. Areas of heavy soil contamination will be excavated and disposed of off-site in an appropriate landfill. The site will then be covered with approximately 4 feet of clean fill and a combination of pavement, building foundations, and gravel. Dust control measures, stormwater controls, and air monitoring will be implemented during both the cleanup and redevelopment phases.

The risk management plan provides specific measures for future subsurface maintenance or construction work. After construction, a deed restriction will be filed to prohibit residential or other sensitive uses at the site, prohibit the use of groundwater at the site, and require maintenance of the site cover. The deed restriction will also require all future site owners, lessees, and tenants to comply with the risk management measures.

We will update you on this project in future as it progresses.

## **RMP Annual Meeting Celebrates 35 Years of the Clean Water Act**

(Karen Taberski)

The Regional Monitoring Program for Water Quality in San Francisco Bay (RMP) will hold its annual meeting October 2, at the Oakland Museum from 8:30 to 4:00. The theme is "San Francisco Bay 35 years after the Clean Water Act". The first session will provide perspectives from the regulatory and regulated communities on impacts of the Act on water quality in San Francisco Bay, as well as future challenges. Other sessions will include "The State of Water Quality in the Bay," "RMP Highlights," and "Future Directions". This year's *Pulse of the Estuary*, the annual RMP report that will be released at the meeting, will feature articles that provide a historical perspective on progress in improving water quality in the Bay since the federal Clean Water Act was signed in 1972.

## **8<sup>th</sup> Biennial State of the San Francisco Estuary Conference** (Karen McDowell)

The State of the Estuary Conference provides a biennial assessment of the ecological health of the San Francisco Bay-Delta Estuary. This year's theme is: *A Greener Shade of Blue*. The conference is scheduled for October 16, 17, and 18, at the Oakland Scottish Rite Center on Lake Merritt. It will present the latest information about the estuary's changing conditions, including impacts from major stressors, recovery programs for species and habitats, and an examination of emerging issues.

The morning session on October 16th will highlight the theme by focusing on the value a healthy estuary brings to the local economy and the importance of integrating environmental, economic, and social equity goals to advance regional sustainability. The afternoon sessions will present the latest information about the estuary's changing conditions. Presentations on October 17 will take a more in-depth look at issues affecting the estuary from a regional perspective working from the Delta to the Bay. October 18 offers concurrent sessions covering three main topics in detail: Land Use, Pollution, and Restoration.

Throughout the conference, presenters will focus on the value of the estuary as a natural resource, noting recent successes, current challenges, and challenges for the future (such as population growth, emerging contaminants, invasive species, global warming, sea level rise, etc.) A number of talks by Board staff will highlight the San Francisco Estuary Project's recent update of its management plan, the Comprehensive Conservation and Management Plan for the San Francisco Bay-Delta Estuary, which will be released at the conference.

The conference is sponsored by the San Francisco Estuary Project, Association of Bay Area Governments, CALFED Science Program, Friends of the San Francisco Estuary, San Francisco Estuary Institute, the Water Board, and many federal, state and local agencies, organizations and businesses.

For additional program and registration information, visit the conference website at: <http://sfep.abag.ca.gov/soe/>



### **Sonoma Creek Sediment TMDL Workshop (Tina Low)**

On Wednesday, October 3, from 6 to 8 pm at the Sonoma Community Center in Sonoma, Tina Low and Sandia Potter will host a public workshop and CEQA scoping meeting on a TMDL for sediment in Sonoma Creek. The TMDL will be similar to the Board adopted Napa River Sediment TMDL and Habitat Enhancement Plan, as it will address both sediment pollution and other stressors on the Sonoma Creek watershed's native fishery.

The CEQA scoping meeting, which will follow the informational workshop, will focus on potential environmental impacts of the sediment reduction and habitat enhancement plan. The last public meeting staff held – back in February, to discuss fish habitat conditions in Sonoma Creek – was well-attended and generated much interest. We anticipate the upcoming meeting will also result in lively discussion and collaboration.

A preliminary project report for the upcoming TMDL is posted on our website, at <http://www.waterboards.ca.gov/sanfranciscobay/TMDL/sonomacrkssedimenttmdl.htm>. Following the October meeting, staff will revise that document and prepare a peer review version. We anticipate bringing the TMDL to the Board for its consideration in spring 2008.

### **Toxics Cleanup Division Accomplishments (Stephen Hill)**

For last fiscal year (July 2006 thru June 2007), the Toxics Cleanup Division made significant progress on site cleanup:

- Took on 57 new Brownfield cases consistent with Cal/EPA's interagency memorandum of agreement
- Issued 14 site cleanup requirements (most following Board hearing and order adoption), as well as several hundred directives pursuant to Water Code section 13267
- Issued 15 "comfort" letters to owners or prospective purchasers of Brownfield sites, to encourage site restoration
- Closed 55 low-risk cases (fuels and non-fuels sites)
- Met or exceeded workplan commitments in the Underground Storage Tanks and Site Cleanup programs
- Expanded public participation efforts at cleanup sites, particularly those with public interest or significant offsite contamination
- Hired 4 new staff into the division

### **In-house Training**

We will not have in-house training in September. Our October training will be on contaminated sediment management.

Jim Harrington of Fish and Game gave a "brown bag" training on bioassessment on August 23. The presentation included an overview of how to use macroinvertebrate

bioassessment (evaluation of the organisms that live on the bottom of creeks) as the most integrative and relevant measure of the health of aquatic life in a creek. Also included was how to use this data in monitoring, site assessments, permitting and development of criteria/objectives.

### **Staff Presentations**

On August 30, Mary Rose Cassa, Theresa Donahoe, and Nando Jameson (a student intern in the San Francisco Estuary Project) represented the Board at an annual part-time job fair at San Francisco State University. They spoke with about 80 students, explaining the work we do and encouraging them to apply for positions as student interns. About 40 employers participated in the fair, representing a wide range of opportunities, including retail, non-profit, service sector, and government. Many student interns at our Board have gone on to full-time employment with the Board and other government agencies.