

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

January 2009

The next regular scheduled Board meeting is January 14, 2009.

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

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Dental Programs—Something to Smile About ☺ (Heather Ottaway)

Staff reviewed the annual pollution prevention reports submitted by 36 wastewater agencies to evaluate their progress toward meeting the pollution prevention requirements of the San Francisco Bay Mercury Watershed permit the Board issued in March 2008. We focused on dental amalgam programs and other mercury reduction efforts. Each agency is required to implement a dental amalgam program by March 1, 2010, and 85% of dental offices in the region must participate in an amalgam program by February 2013.

We were pleased to find that nearly 70% of the agencies are already implementing dental amalgam programs, and almost all the others are planning programs. We attribute this great start, in part, to the Bay Area Pollution Prevention Group, an association of wastewater agencies working together to address regional pollutants, which held a regional workshop in 2006 to help agencies design their programs. It plans another workshop for January 14, 2009, to provide training on how to inspect dental facilities to ensure that best management practices are properly implemented.

We also found that most agencies are employing additional mercury reduction efforts, including mercury thermometer exchanges, collection of other mercury-containing items such as fluorescent bulbs and thermostats, and outreach to hospitals and schools.

U.S. EPA Approval of Copper Site-Specific Objectives (Richard Looker)

On January 6, U.S. EPA approved site-specific water quality objectives (SSOs) for copper in San Francisco Bay, north of the Dumbarton Bridge. The SSOs were adopted by our Board in June 2007, and replace the default copper criteria from the California Toxics Rule. For the portion of the Bay north of the Hayward Shoals (just south of the Oakland Airport), the new objectives are 6.0 ug/L for chronic conditions (4-day average) and 9.4

ug/L for acute conditions (one-hour average). For the portion of the Bay south of the Shoals, the new objectives are 6.9 ug/L for chronic conditions and 10.8 ug/L for acute conditions. These SSOs fully protect beneficial uses, and they are higher than the default criteria because the chemical characteristics of the Bay make copper less bioavailable and less toxic than in the ocean water used to derive the default criteria. In its approval letter to the Board, U.S. EPA noted that its approval is subject to completion of Endangered Species Act consultations with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service and that those consultations were both initiated in fall 2008.

Enforcement - Pending Complaints & Signed Orders (Brian Thompson)

The Assistant Executive Officers issued three administrative civil liability (ACL) complaints during the month of December with notices for public hearings at upcoming Board meetings. Copies of the complaints can be found on our web site:

http://www.waterboards.ca.gov/sanfranciscobay/pending_en.shtml.

- An Administrative Civil Liabilities (ACL) complaint with a proposed fine of \$51,000 was issued to the Rodeo Sanitary District, Water Pollution Control Facility in Rodeo (Contra Costa County) for violations of its NPDES permit. A press release for this item was issued on December 12.
- An ACL complaint with a proposed fine of \$490,000 was issued to C&H Sugar in Crocket (Contra Costa County) for violations of its NPDES permit. A press release for this item was issued on December 18.
- An ACL complaint with a proposed fine of \$12,650 was issued to the City of St. Helena (Napa County) for construction activities that were not covered by and in compliance with the State Board's General Permit for Storm Water Discharges Associated with Construction Activities.

I also issued one ACL order in December. The order directs the Rutherford Grove Winery in Rutherford (Napa County) to pay a fine of \$5500 to the State's Cleanup and Abatement Account and, in lieu of a further fine of \$5500, do a Supplemental Environmental Project to provide \$5,550 to the Friends of the Napa River for its In-School Watershed Education Program at seven schools within the Napa River watershed. I issued this order after the Board's prosecution staff reached settlement with the Winery on an ACL complaint for \$11,100 initially issued in July 2008, for the Winery's late submittal of its 2007 industrial stormwater annual report, and after circulation of a draft ACL order for 30 days that received no comments.

Pescadero Marsh Forum (Jill Marshall)

On December 9, Board Chair John Muller and Board staff Jill Marshall attended the Pescadero Marsh Forum, hosted by the Coastal Conservancy, the Pescadero Marsh Working Group, and local fishermen represented by Pescadero's Native Sons of the Golden West Steelhead Committee. The purpose of the forum was to help establish restoration goals and objectives for the marsh, a complex coastal lagoon system at the bottom of Pescadero and Butano creeks. The marsh will be a key focus of a habitat

enhancement plan that staff will bring forward as part of a future sediment TMDL for the Pescadero and Butano creek watersheds.

Pescadero Marsh provides critical habitat for a wide variety of wetland and estuarine species, including the endangered coho salmon, steelhead, red legged frog, tidewater goby and San Francisco garter snake. It forms a seasonal lagoon that typically breaches after winter storms; and includes Pescadero and Butano creeks, a large area of brackish marsh, constructed agricultural drainage, and remnants of previous restoration efforts by the state parks department. The marsh, with its bottom of the watershed location, is an integrator of watershed and local scale changes over time. In eight of the last twelve years the opening of the lagoon has been followed by a die-off of fish and invertebrates, including steelhead trout.

The Pescadero Marsh Working Group came together with Coastal Commission support in response to the die-offs, and because of the marsh's high ecosystem value. The Working Group's goal is to use collaborative, science-based planning to explore problems and recommend solutions for the marsh. Working Group members include representatives of the U.S. Geological Survey, National Oceanic and Atmospheric Administration, U.S. Fish and Wildlife Service, California State Parks, California Department of Fish and Game, California Coastal Commission, the Board (Jill Marshall), and the Native Sons of the Golden West.

The naturally dynamic nature of coastal lagoon systems, including Pescadero Marsh, combined with human-caused changes, including clear cutting of the upper watershed in the 1940's and resulting long-term sediment impacts to fisheries and human residents of the Pescadero floodplain, all make it difficult to identify appropriate actions to restore the marsh. After more than 20 years of studies (on individual species, historical changes to marsh bathymetry and habitat units, pre-restoration designs, post restoration analysis, and marsh water quality), critical uncertainties remain on the individual and cumulative impacts of changes in sediment supply, external climatic influences, in-marsh modifications and upstream influences.

Board members will have an excellent opportunity to learn more about Pescadero Marsh and the many factors affecting its health and productivity at the April Board meeting, when we have scheduled Curt Storlazzi, Ph.D., a geologist with the USGS, to present an information item on local and not so local coastal dynamics, at the invitation of Chairman Muller.

Bay Area Watershed Network (A.L. Riley and Dale Hopkins)

The Board hosted the first organizing meeting of the Watershed Assessment and Monitoring Work Group of the Bay Area Watershed Network (BAWN) on December 8, at the Oakland City Hall. Fifty participants attended from all parts of the Bay Area, representing key federal, state and local agencies; non-governmental organizations; and consulting firms. Board member Jim McGrath also attended. The purpose of the meeting was to present a big picture snapshot of the various efforts to develop and implement watershed assessments, water quality and habitat monitoring, and restoration design tools

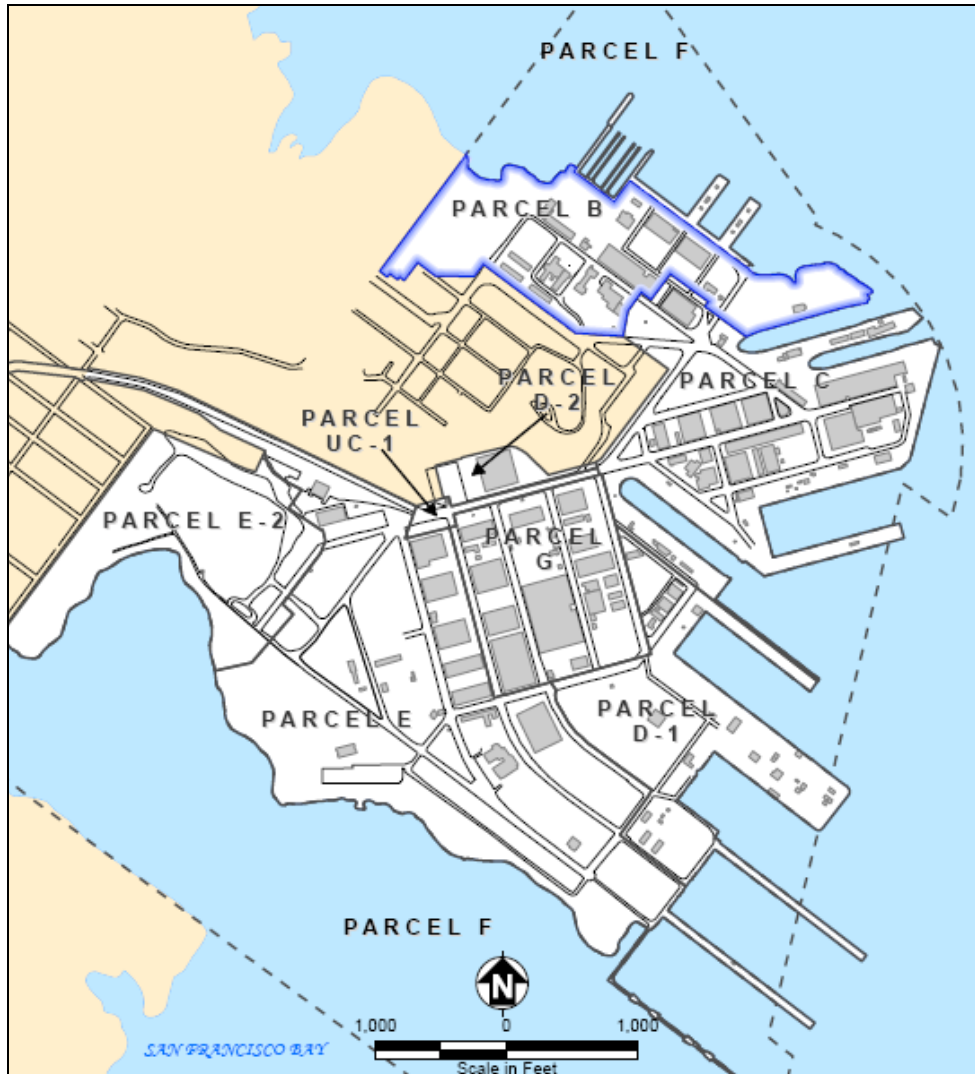
in the Bay Area. Three panels presented brief overviews of existing assessment and monitoring efforts, emerging needs and collaboration, and funding opportunities.

The presentations and discussions resulted in recommendations to be pursued by an eleven member working group that will follow up on the need to: 1) develop a Bay Area framework for watershed stream and floodplain protection and restoration goals, 2) establish priorities for developing new stream restoration tools and methods, 3) develop collaborative stormwater monitoring efforts and integrate them with the State's Surface Water Ambient Monitoring Program (SWAMP), and 4) develop better communication at the regional and State level to set funding and program priorities. The overall BAWN is an ongoing effort supported by Board staff and includes other working groups on outreach and education, policy, and land and water use issues, as well as a watershed committee to help provide direction for the Region's Integrated Regional Water Management Program.

Hunters Point Shipyard (Erich Simon)

The Navy is expecting to issue its final amended Record of Decision (ROD) in January 2009, for an area known as Parcel B at the former Hunter's Point Shipyard in San Francisco. The final ROD will document the approved cleanup approach that will ultimately be completed after the land is transferred for redevelopment to the City and County of San Francisco and subsequently to the Lennar Corporation (Lennar). This process is known as "early transfer" because cleanup of soil and groundwater contamination will not be complete at the time of transfer and will become the responsibility of the transferee – in this case, San Francisco and Lennar.

Based on plans prepared by the San Francisco Redevelopment Agency, the future land uses will include open space, mixed use (e.g., commercial and residential), research and development, and educational/cultural uses.



Map of Hunters Point Shipyard, showing Parcel B on top.

The final ROD for Parcel B will amend the Navy's original 1997 ROD to address previously unidentified radiological and metal contaminated areas. The Navy continues to work with the California Department of Public Health to obtain a radiological free release for unrestricted use of Parcel B prior to its transfer. The final ROD documents the following actions selected to cleanup contaminated areas and address uncertainties associated with potential residual contamination:

- Decontaminate buildings and structures
- Excavate contaminated soil
- Apply vapor extraction to remove volatile compounds from soil
- Utilize bioremediation and metals stabilization to reduce organic compounds and metals in groundwater
- Install protective soil, asphalt, and concrete covers
- Construct revetment walls along the shoreline to stabilize protective covers and reduce erosion

- Implement land use, engineering, and administrative controls to maintain cover integrity and protect future site occupants, utility workers, and the public from unintentional exposure to residual contaminants

Concurrent with the final ROD, Board staff is working with the Navy to ensure implementation of the Navy's final Corrective Action Plan for cleanup of petroleum fuel hydrocarbons at Parcel B.

Transfer of Parcel B is currently scheduled for early 2010. Consistent with early transfers at other closed military bases (e.g., Point Molate, Mare Island) Board staff intends to draft tentative site cleanup requirements for your consideration in late 2009 to ensure that cleanup is completed on schedule by San Francisco and Lennar after transfer.

In-house Training

Our December training was on computer topics (Word, Excel, and Powerpoint). Our January training will be on time management.