

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

February 2011

*The next regular scheduled Board meeting is March 9, 2011.
See <http://www.waterboards.ca.gov/sanfranciscobay/> for latest details and agenda*

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Highlights of Upcoming Board Meetings

For the March Board meeting, we expect the highlights to be consideration of an amendment to the mercury watershed wastewater permit to include PCBs as part of our implementation of the TMDL for PCBs in San Francisco Bay, an amendment that will update and streamline the pretreatment requirements for major municipal wastewater treatment plants, and waste discharge requirements for the San Francisco PUC's Calaveras Dam Project.

For the April and May Board meetings, we plan to bring to the Board a number of NPDES permit reissuances, waste discharge requirements for the Sonoma County Water Agency's multi-year stream maintenance program, and an update of the waste discharge requirements for the Potrero Hills Landfill that will consider expansion of the Landfill. We also plan to hold a workshop on the proposed Basin Plan amendment to establish a stream and wetland systems protection policy.

Over the coming three months, we expect to present a number of information items to the Board, including an update on the implementation of the Municipal Regional Stormwater Permit, the annual California Wetlands Portal status report, an update on the implementation of the TMDL for pesticides in urban creeks, a status report on the Napa Flood Protection Project, and a description of the Upland Habitat Goals Project.

Guadalupe River Watershed Mercury TMDL Update (Carrie Austin)

This is our second annual TMDL update, as called for in the Guadalupe River mercury TMDL, adopted by the Board in October 2008. As planned, we started implementation at the top of the watershed by requiring mine site owners to evaluate and report on the potential for mining waste to erode from their properties. We are currently reviewing these reports and determining the appropriate next steps.

We are also pleased to report that several parties have established a multi-year coordinated monitoring program, designed to evaluate progress towards attaining TMDL targets. In effect, this is a mini-regional monitoring program between mine site property owners (Santa Clara County Parks and Recreation Department, Midpeninsula Regional Open Space District, and Guadalupe Rubbish Disposal Company) and the owner/operator of reservoirs downstream of the mines (Santa Clara Valley Water District). The Water District is also continuing its work on evaluating the effectiveness of methylmercury control actions for the reservoirs it manages.

Napa River Sediment TMDL Approved (Mike Napolitano)

I am pleased to report that the Napa River sediment TMDL was approved by US EPA on January 21. With this approval, all necessary State and federal approvals are complete.

As you may recall, the Board first adopted this TMDL in January 2007. In Spring 2008, we withdrew the TMDL from State Board consideration to address comments received regarding compliance with CEQA. After two additional rounds of public review and comment, the Board adopted this TMDL again in September 2009, with no significant changes to the TMDL or its implementation plan.

Throughout this process, significant progress has been made in controlling fine sediment discharges to the Napa River and enhancing stream and riparian habitat condition and function. These actions are fundamental to the TMDL's success. Moving forward, we look forward to continued progress and focusing our efforts on implementation.

Enforcement: Complaints and Settlements (Brian Thompson)

On January 7, I issued an ACL order to C&H Sugar Company, Inc., after it reached a settlement agreement with the Board's Prosecution Team, and a 30-day public comment period did not generate any opposition to issuing the order. The order requires C&H Sugar to pay a fine of \$200,000 to the State's Cleanup and Abatement Account for alleged discharges of sugar, mixed with cooling water, to Carquinez Strait.

On January 26, I accepted an alternative supplemental environmental project (SEP) for a 2009 ACL order issued to the Mt. View Sanitary District in Martinez. The alternative SEP is designed to help remove a hydraulic bottleneck at a railroad crossing in Peyton Slough, improve water transfer between McNabney Marsh and Suisun Bay/Carquinez Strait, and restore the Marsh to an estuarine condition. The removal project requires additional funding to fully implement, and if not obtained, the amount of the alternative SEP (\$125,000) would be paid to the State's Cleanup and Abatement Account.

The State Board's Office of Enforcement is now reporting a statewide summary of

enforcement penalties in the State Board Executive Director's Report. For the month of December 2010, there were 14 Mandatory Minimum Penalties that ranged from \$3,000 to \$837,000; seven ACL complaints with proposed penalties from \$1,750 to \$310,000; and an ACL Order with an adopted penalty of \$233,000. A list of these penalty assessments is provided on our enforcement web page:

http://www.waterboards.ca.gov/sanfranciscobay/board_decisions/enforcement.shtml

Revealing the Hidden Bay: SF Bay Subtidal Habitat Goals Report (Naomi Feger)

At the November 2010 Board Meeting, Marilyn Latta of the State Coastal Conservancy described the San Francisco Bay Subtidal Habitat Goals Project and the draft Subtidal Habitat Goals Report. The non-regulatory Subtidal Habitat Goals Project is led by the California Coastal Conservancy/Ocean Protection Council, the Bay Conservation and Development Commission, the NOAA Fisheries and Restoration Center, and the San Francisco Estuary Partnership.

The Final Report for the Subtidal Habitat Goals Project has now been released to the public. The 50-Year Plan spelled out in the Report presents a strong vision for how to move forward with science-based subtidal research, protection, and restoration of submerged habitats in San Francisco Bay, through an adaptive phased project approach. The Subtidal Habitat Goals Report, all appendices, and interactive subtidal maps are accessible and available online at www.sfbaysubtidal.org.

In-house Training

Our January training was on analytical chemistry and focused on how we ascertain data quality in discharger-submitted reports. We have no in-house training scheduled in February.

Staff Presentations

On January 20, Stephen Hill and Mary Rose Cassa presented regulatory updates to the Bay Area branch of the Groundwater Resources Association at Spenger's Restaurant in Berkeley. Their talks focused on several topics: state budget woes (and implications for the Water Boards), dry cleaner pollution cleanup challenges, our "paperless office" initiative, recent cleanup accomplishments, priorities and performance measures for our cleanup programs, proposed Underground Storage Tank policy and guidance updates, pending updates to the Board's environmental screening levels, and the status of salt/nutrient management plans for key groundwater basins. The audience of about 130 was comprised of environmental consultants, attorneys, vendors, and dischargers.

On January 27, I spoke to the Region's wastewater and collection system stakeholders at the annual meeting of the Bay Area Clean Water Agencies. I highlighted the Board's enforcement and permitting priorities for the coming year, focusing on the need for all wastewater and collection system agencies to make infrastructure renewal a high priority. I also emphasized that all agencies need to look at expanding water recycling use and to start anticipating the impacts of sea level rise.