

EXECUTIVE OFFICER'S REPORT: *April 2012*

A Monthly Report to the Board and Public

NEXT MEETING: April 11, 2012

WEBSITE: <http://www.waterboards.ca.gov/sanfranciscobay/>

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This month's report focuses on our efforts to protect San Francisco Bay from vessel spills.

Oil Spill Response Training (Laurent Meillier)

Water Board staff recently participated in a training by the California Department of Fish and Game's Office of Spill Prevention and Response that covered topics such as petroleum chemistry, oceanography and coastal processes, the effects of oil on wildlife and ecosystems, offshore and onshore cleanup, and cleanup endpoints. The training attracted more than 30 participants from various State and local agencies and industry spill responders. Of particular note were the "lessons learned" from other response actions, including the Exxon Valdez oil spill in Prince William Sound, where the ecosystem has not yet fully recovered in areas where high-pressure washing was part of the cleanup strategy. The final training session included two field exercises staged to cleanup hypothetical spills impacting Monterey Bay wetlands and coastline. We certainly hope we won't have to put our oil spill response skills to work in the near future, but, when needed, we will be well-prepared.

Addressing "Anchor Outs" in the Oakland Estuary (Brian Thompson)

A task force has recently formed to address the issue of people living aboard unmoored vessels within the Oakland Estuary, commonly referred to as "anchor outs" in a number of recent press articles. Anchor outs are prohibited in this area. One of the many problems associated with the growing number of anchor outs is vessel inhabitants dumping their sewage and waste directly into the Estuary.

Water Board staff and James Muller of the San Francisco Estuary Partnership participated in task force meetings on January 26 and March 23. Other participants at the meetings included harbor masters and representatives of the U.S. Coast Guard, the Oakland and Alameda police departments, the Department of Fish and Game, the East Bay Regional Park District, the Bay Conservation and Development Commission, the S.F. Baykeeper, the Port of Oakland, and the cities of Berkeley, San Leandro, Oakland, and Alameda. Efforts underway to effectively address anchor outs include developing new ordinances, such as a county-wide ordinance, that will specifically address this issue and looking into funding sources and financially feasible ways to remove illegal vessels from the water.



Photograph 1. Illegal "Anchor Out" taken on March 27 during a patrol of the Oakland-Alameda Estuary by the Oakland Police Department and Port of Oakland.

Spill Containment and Cleanup of the Sunken Tiger Tug (Laurent Meillier)

Water Board staff participated in activities to contain discharges to the Bay from the Tiger Tug vessel, which sank at her mooring at the old Richmond Shipyard #3 at Point Potrero on December 11, 2011. The U.S. Coast Guard and the Department of Fish and Game's Office of Spill Prevention and Response immediately responded to the pollution threat resulting from the boat's sinking by containing and removing oil released to the graving yard. Winches were deployed to right the vessel on her keel. After extending sections of the bulwarks with wooden panels, the vessel was dewatered and raised from the graving yard's floor on February 4, 2012. Laurent Meillier provided consultation to federal and State spill responders to minimize impacts to the Bay throughout the incident response period.



Photograph 2. Aerial view of the sunken Tiger Tug and some of the booms used to contain materials discharged from the vessel. Additional booms and containment equipment, such as pumps, were used to minimize any harm to the Bay.

Successful Cleanup of Hazardous Waste on Derelict Vessels (David Elias and Keith Lichten)

In summer 2011, Art Helwig, an independent marine contractor, passed away, leaving his widow with four vessels in poor condition that held large amounts of hazardous materials. The materials included wood preservatives, marine paint, fuel, waste oil, marine batteries, and significant amounts of trash and debris. Three of the vessels were moored at a City of Alameda residence on the Oakland Estuary, while one was moored in San Leandro Bay. Since the vessels were taking on water, it appeared only a matter of time before the hazardous materials would be discharged to the Bay.

Water Board staff responded to this emergency situation by securing funding from the State Water Boards' Cleanup and Abatement Account (CAA) to hire NRC Environmental Services to board the vessels and remove and dispose of all hazardous materials. This action was completed on March 7 in coordination with the affected property owner and staff of the Bay Conservation and Development Commission, who identified a scrapping company that took two of the three empty vessels for scrapping, at no cost to the public.

Although we are pleased that we were able to use CAA funding to deal with this potential water quality emergency, we were disappointed in the length of time required to finalize the cleanup contract. To allow expedited cleanup for future emergency situations, we are working to set up an "on-call" contract that will allow Water Board staff to quickly and efficiently dispatch an emergency response contractor following an approved request for CAA funds.

In-house Training

We had no training in March. Our April training will be on MS Outlook, the email software that all State and Regional Water Boards will start using this month. Brownbag seminars included a

March 8 session on background metal concentrations in Bay Area soils, something we need to know when these background concentrations exceed our environmental screening levels.

Staff Presentations

On February 16, Dale Bowyer and Keith Lichten spoke at "Current Issues in Storm Water Regulation in California," a continuing education seminar with an audience of consulting engineers, municipal stormwater staff, and other professionals. Dale provided an update on the Board's municipal storm water program. Keith spoke on the statewide construction stormwater permit and the State Water Boards' Enforcement Policy.

On March 13, Keith Lichten spoke at UC Berkeley's graduate seminar, "Hydrology for Planners," on the history of clean water regulation in the United States and current approaches to addressing hydromodification and other urban stormwater pollution, including the Board's focus on low impact development.

On March 20, Vic Pal spoke at the City of Brisbane's Citizens Advisory Group (CAG) quarterly meeting. The CAG, comprised of interested citizens, was set up to provide public participation opportunities for the approximately 700-acre planned development at the Brisbane Landfill and adjacent Baylands site. Vic focused on the Water Board's role in site cleanup and development, the current environmental site conditions, and the regulatory status of the landfill and a portion of the Baylands site, known as OU-2. Representatives from the Department of Toxic Substances Control spoke on the remaining portion of the Baylands site, known as OU-1. A Draft Environmental Impact Report, currently under preparation by the City's consultant, addresses the development of the combined areas.

On March 20, Judy Kelly of the San Francisco Estuary Partnership and I lead City of Piedmont staff and members of the organization, Piedmont Connect, on a tour of selected completed low impact development projects in Emeryville and Oakland. We met with City of Emeryville staff to review the "lessons learned" in retrofitting Adeline St. to incorporate both rain gardens and pedestrian safety measures. I focused on the benefits to Lake Merritt and its surrounding park provided by the combination of pervious pavement, bioswales, and a "living roof" on a utility building that have been incorporated into the Lake Chalet project in Oakland. As a result of the tour, City of Piedmont staff have already identified a street retrofit project that the City can implement in the coming year that will combine bioswales and pedestrian safety measures.

On March 22, Sandi Potter and Rico Duazo spoke at Napa County's Watershed Information Center and Conservancy (WICC) Board of Director's meeting. The WICC is an advisory board to the Napa County Board of Supervisors; the group consists of a member of the Board of Supervisors, city council members from Napa Valley, grape growers, resource managers, and members of the public. Sandi focused on the stakeholder outreach and timeline for development of a proposed conditional waiver of Waste Discharge Requirements (WDRs) for vineyards and Rico provided an update on implementation of the Water Board-adopted conditional waiver of WDRs for grazing operations in the Napa River and Sonoma Creek watersheds.

Recent Penalty Enforcement Complaints and Settlements (Lila Tang)

The following tables show recently proposed settlements and settled actions for assessment of penalties as of last month's report. No new complaints were issued. All active cases are available at: http://www.waterboards.ca.gov/sanfranciscobay/public_notices/pending_enforcement.shtml

<i>Proposed Settlements</i>			
The following are noticed for a 30-day public comment period. If no significant comments are received by the comment deadline, the Executive Officer will sign an order implementing the settlement.			
Discharger	Violation	Penalty Proposed	Comment Deadline
County of Alameda	Failure to implement new and re-development provisions of municipal stormwater permit	\$67,300	April 13, 2012
Atlantic Richfield Company, in San Ramon	Discharge limit exceedances	\$6,000	April 18, 2012
Lehigh Southwest Cement Co., in Cupertino	Unauthorized discharge to Permanente Creek	\$10,000	April 20, 2012
Berkeley Farms, in Hayward	Late annual industrial stormwater report	\$2,000	April 25, 2012
Golden Gate Petroleum, in San Jose	Late annual industrial stormwater report	\$2,000	April 25, 2012
Garda, in Oakland	Late annual industrial stormwater report	\$2,500	April 25, 2012
Niles Machine and Tool Works, Inc., in Livermore	Late annual industrial stormwater report	\$2,500	April 25, 2012
Shamp Eckman Industries, in Richmond	Late annual industrial stormwater report	\$2,500	April 25, 2012

<i>Settled Actions</i>			
On behalf of the Board, the Executive Officer approved the following settlements.			
Discharger	Violation	Penalty	Supplemental Environmental Project
Raytheon Co., in Mountain View	Discharge limit exceedances	\$6,000	Not applicable

The State Water Board's Office of Enforcement includes a statewide summary of penalty enforcement in its Executive Director's Report, which can be found on the State Water Board website: http://www.waterboards.ca.gov/board_info/eo_rpts.shtml