

EXECUTIVE OFFICER'S REPORT: *October 2012*

A Monthly Report to the Board and Public

NEXT MEETING: November 14, 2012

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

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Rescission of Cleanup Orders for BNSF Railyard (Ralph Lambert)

The BSNF Railyard (Railyard), located in Richmond next to General Chemical and the Chevron Richmond refinery, has been in operation for over 100 years. During this time numerous petroleum spills occurred at the Railyard. Following documentation of successful environmental cleanup of the site, I administratively rescinded the Board's cleanup orders for the Railyard. I plan on issuing a no further action letter in the next month.

The Railyard site is approximately 150 acres and includes operations such as freight car switching, locomotive fueling, maintenance, and repair. Petroleum spills likely occurred due to locomotive accidents and fueling problems at the diesel fueling platform. Petroleum products were found in soils near the locomotive turntable and diesel fueling rack and in groundwater beneath the site. The petroleum products discovered mainly consisted of diesel and bunker oil. Diesel and bunker oil are not very mobile, volatile, or soluble in groundwater so water quality impacts were localized.

A total of approximately 10,500 cubic yards of impacted soil and debris were cleaned up or removed from the site. Groundwater cleanup actions included free product extraction and treatment. Engineering controls and a Soil and Groundwater Management Plan (Plan) are being implemented. Engineering controls such as long-term maintenance of existing covers (e.g., concrete, asphalt, structures, and track areas) are in place to limit all exposure to residual

contamination. The Plan provides guidance on proper handling of currently-inaccessible soil and groundwater pollution that may be encountered during future construction and/or excavation activities. In addition, a deed restriction was recorded in 2011. Rescinding the orders was the final step prior to issuing a no further action letter.

Petroleum Seep Investigation at the Oakland Estuary (Cleet Carlton)

On September 14, work began to clean up a seep discharging petroleum products into the Oakland Estuary. The seep area is immediately adjacent to a waterfront condominium complex and a public water access walkway. (Photo 2a)



Photo 2a. Barge-rig-boom layout from the Alameda side of the Oakland Estuary.

Between 2002 and 2006, a former bulk fuel facility was cleaned up and redeveloped with condominiums. A geomembrane, installed as part of that cleanup, was expected to prevent seepage of residual pollution into the Estuary. Unfortunately, the work performed was not done according to the plans approved by Board staff. The problem was discovered after residents noted a strong petroleum odor, which triggered an investigation. Board staff and a public participation consultant worked vigorously to facilitate permitting of further cleanup and ensure stakeholder concerns were addressed in a timely manner.

Excavation began Monday, September 17, and included removing existing riprap and exposing soil that contains free product. Key equipment included a barge-mounted clamshell rig, land-based odor-control (misting) equipment, and in-water booms to control petroleum and sediment. The work, shown in photos 2b-2e, was the subject of a KTVU Channel 2 News story and was completed by the end of September.



Photo 2b. Exposing impacted soil under the riprap.



Photo 2c. Exposing the end of the existing geomembrane.



Photo 2d. Securing the new geomembrane.



Photo 2e. Finished slope.

Going forward, the discharger will submit a report documenting the shoreline-seep cleanup work and proposing additional work to prevent any recurrence. For our part, we have modified our oversight procedures to more closely track implementation of approved cleanup plans.

International Bays of the World Conference (Naomi Feger)

San Francisco Bay is one of 37 bays recognized by the Most Beautiful Bays in the World, a nonprofit organization whose mission is to encourage international exchange on environmental, social, and economic issues associated with bays. The San Francisco Estuary Partnership (SFEP) represents San Francisco Bay in this organization. This past month, the organization held its 8th World Congress, and Board staff Naomi Feger and SFEP director Judy Kelly travelled to Bodrum, Turkey, and Patmos, Greece, to participate in the Congress. Judy gave a presentation on the environmental planning that accompanied the upcoming America's Cup Race, and Naomi used some hard-earned vacation time to attend the conference and ponder bay protection.

The Most Beautiful Bays organization supports protection of the natural heritage of bays and encourages compatible economic development. Some members have leveraged their membership in the Most Beautiful Bays organization to advocate against environmentally-damaging projects. Environmental preservation and sustainability, an important part of the organization's mission, was reflected in this year's congress theme - Blue Bays and Green Development. About 100 people, representing twenty-five countries, attended the conference,

and presentations were simultaneously translated into English, French, and Turkish. The organization has its roots in France and many of the members speak French, including our Canadian neighbors representing the Bay of Chaleur and Tadoussac Bay. Naomi noted that the best part of the Congress was utilizing her French to share experiences and expertise and being reminded of how important San Francisco Bay is to the international community.

United Technologies Corporation Site Cleanup Progresses (Keith Roberson & Alyx Karpowicz)

In September, the last two areas slated for soil remediation at the former United Technologies Corporation (UTC) rocket motor facility, in the hills southeast of San Jose, were cleaned up. In addition, three pits near the site's southern boundary were excavated to depths up to 30 feet to remove perchlorate-impacted soil. Approximately 4,000 cubic feet of soil was excavated and disposed offsite. The bottom of each pit was filled with five feet of an organic compost material to induce degradation of any residual perchlorate, and each pit was then backfilled to surrounding grade with clean soil. UTC also completed construction of a two-foot thick soil cover for a 6-acre portion of the site's former Open Burning Facility (OBF). The closure of the OBF was overseen by the California Department of Toxic Substances Control.

With completion of site closure activities and soil remediation, there is no longer a single building left standing on the former industrial site, other than a couple of structures that were left in place, as required by State and federal wildlife agencies, to serve as bird and bat habitat. The new state-of-the-art Centralized Groundwater Treatment Facility, which came on-line in 2011, is now the only operational work area on the site. Onsite groundwater remediation is expected to continue for at least another 10-20 years. Possible future uses of the site are being discussed but have not yet been decided.

Board Prevails on Napa TMDL Litigation (Yuri Won)

On September 13, the Alameda Superior Court entered its judgment denying Living Rivers Council's (LRC) petition for writ of mandate regarding our Napa Sediment Total Maximum Daily Load (TMDL), adopted by the Board in September 2009 and the State Board in October 2010. LRC had filed a CEQA lawsuit against the State Board in February 2011, claiming, among other things, that the State and Regional Boards' environmental analysis for the TMDL did not identify and assess the potentially significant impacts associated with erosion control practices under the Napa County Conservation Regulations; did not describe the TMDL's performance standard for controlling increases in stormwater runoff; and piecemealed environmental review, because our Board did not concurrently adopt and study the environmental impacts of a waiver of waste discharge requirements in conjunction with the TMDL. After numerous briefings and two hearings, the Superior Court rejected all of these claims in its Statement of Decision. It is unknown if LRC will appeal the court's decision. Staff will keep the Board apprised, especially since further litigation may affect TMDL implementation and limited staff resources.

In-house Training

We had no training in September. Our October training will be on "Negotiation Skills" and will be provided through the State Board's Training Academy.

Brownbag seminars included a September 13 session on "Plastic Pollution In Our Oceans" with Carolyn Box of the 5 Gyres Institute, and a September 18 session on the East Bay Municipal

Utility District's recent studies to identify and abate controllable discharges of PCBs to its sewage treatment plant.

On September 26, Andrew Parsekian, a lecturer at Stanford, presented a brownbag on "Hydrogeophysics for Groundwater Characterization, Assessment and Monitoring". Evaluation of groundwater resources and quality is critical to informing management decisions and guiding groundwater cleanup. Hydrogeophysical investigation methods can often provide information at temporal and spatial scales that would be otherwise beyond the time and cost constraints of conventional direct hydrogeological measurements. This presentation introduced fundamental concepts of hydrogeophysics, reviewed state-of-the-science investigation methods (e.g., geo-radar, geo-electrics, nuclear magnetic resonance), and presented case-study examples of successful applications of geophysics for groundwater research and cleanup.

Staff Presentations

On September 11, Carrie Austin spoke via webinar at the second of two Quicksilver Caucus national meetings on mercury TMDLs, organized by the Environmental Council of the States. Carrie described implementation actions underway for our Guadalupe River Watershed Mercury TMDL, which include erosion controls for mining waste and reservoir management. The other speakers, from U.S. EPA headquarters, North Carolina, and Michigan, discussed development of mercury TMDLs where atmospheric deposition is the main source of mercury.

The purpose of these meetings was to share ideas and lessons learned. One popular idea was the use of the so-called "3(g) petition" to U.S. EPA for a conference (i.e., mediation) to control out-of-state pollution sources. The "3(g) petition" is applicable in many states where atmospheric deposition, from emissions from other states, is the main source of mercury. Carrie promoted use of young prey fish as biosentinels to more quickly and accurately monitor system response to implementation, rather than older sport fish, which was well received.

More information is available at:

http://ecos.org/section/committees/cross_media/quick_silver/mercury_tmdl_webinar

On October 11, I, along with State Board member Steve Moore, spoke at the dedication of the North Novato Recycled Water Facility, located on the grounds of the Novato Sanitary District's wastewater treatment plant. The Facility will advance treat for recycling up to 1600 acre-feet a year of the District's effluent, which will then be distributed for irrigation and other uses through transmission lines being constructed by the North Marin Water District. In my comments, I noted the challenge of implementing such water recycling and sustainability projects, even when some project funding is provided by State and federal sources, as it was here, and I commended the districts for moving forward with the project.

Recent Penalty Enforcement Complaints and Settlements (Lila Tang)

The following tables show proposed settlements, and settled actions for assessment of penalties as of last month's report. Active cases are available at:

http://www.waterboards.ca.gov/sanfranciscobay/public_notices/pending_enforcement.shtml

Proposed Settlements			
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
San Jose Water Company, Microfiltration Plant in Saratoga	Discharge limit exceedances	\$9,000	October 22, 2012

Settled Actions			
On behalf of the Board, the Executive Officer approved the following settlements.			
Discharger	Violation	Penalty	Supplemental Environmental Project
Guadalupe Rubbish Disposal Co., Inc., in San Jose	Unauthorized discharge of landfill gas condensate to tributary of McAbee Creek	\$167,285	Not applicable
Durham School Services, L.P., in Campbell, Concord, and Hayward	Late annual industrial stormwater reports, inadequate controls, and outdated pollution prevention plans	\$131,000	October 10, 2012
Valero Refining's Refinery in Benicia	Discharge limit exceedances	\$27,000	Not applicable
East Bay MUD, Water Treatment Plant, in Walnut Creek	Discharge limit exceedances	\$9,000	Not applicable
Lunny Grading & Paving, Inc., Nicasio Rock Quarry, in Nicasio	Late annual industrial stormwater report, inadequate controls, and outdated pollution prevention plan	\$11,000	Not applicable
Atlantic Richfield Company, in San Jose	Discharge limit exceedances	\$3,000	Not applicable
Tesoro Refining's Golden Eagle Refinery, in Martinez	Discharge limit exceedances	\$9,000	Not applicable

The State 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 Board website:

http://www.waterboards.ca.gov/board_info/eo_rpts.shtml