CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
SAN FRANCISCO BAY REGIONAL WATER QUALITY CONTROL BOARD

# EXECUTIVE OFFICER'S REPORT: *October 2013*

A Monthly Report to the Board and Public

**NEXT MEETING:** October 9, 2013 **WEBSITE:** http://www.waterboards.ca.gov/sanfranciscobay/

Items in this Report (Author[s])



**Grand Opening of the East Span of the Bay Bridge**

Dale Bowyer and I attended the hastily-arranged grand opening ceremony of the new East Span of the Bay Bridge on September 2. As part of the ceremony, Caltrans staff directly complimented both Dale and me on the Board's role in expeditiously permitting the East Span project and overseeing implementation of extensive water quality control measures as part of the project. These measures included protection of eelgrass and other aquatic habitats during construction, use of air-bubble curtains during pile driving to protect fisheries, dredging of over 600,000 cubic yards consistent with the Long-Term Management Strategy for the Placement of Dredged Material, cleanup and control of soil and groundwater pollution in construction areas on Yerba Buena Island, implementation of stormwater controls during construction, construction of permanent stormwater controls for a 155-acre area that includes the Bay Bridge toll plaza east to Powell Street in Emeryville, and mitigation for approximately 9 acres of permanent and temporary impacts by restoring eelgrass beds and funding mitigation projects at East Shore State Park and Skaggs Island. Caltrans will also implement stormwater controls during the upcoming demolition of the old section of the Bridge.

Permitting of the East Span project proved to be a challenge for all agencies in the early 2000s. In summer 2001, then-Governor Davis directed Caltrans to start project construction by early 2002, even though Caltrans had yet to complete its applications and submit its plans to minimize the project's impacts, control stormwater runoff, and mitigate for the remaining impacts. The Board led the way in resolving the permitting challenge by issuing water quality certification for the project in October 2001, which allowed the Army Corps and BCDC to move forward with their permits, and, once all plans were submitted, issuing waste discharge requirements in January 2002. These Board orders remain in effect. It's interesting to note that the projected construction schedule attached to the 2002 Board order envisioned opening the new East Span to west bound traffic in February 2006 and to east bound traffic in April 2007.

**San Francisquito Creek: Removal of Fish Passage Barrier (Naomi Feger)**

In September, Planning Division Chief Naomi Feger attended an event celebrating the removal of a barrier in San Francisquito Creek that was more than 100 years old and the opening up of 40 miles of the creek to endangered steelhead trout migration. The project was a collaborative effort of U.S. EPA, the National Marine Fisheries Service (NMFS), the State Coastal Conservancy, and San Mateo County. The barrier, referred to as the Bonde Weir, was installed in 1908 to protect the historic "El Palo Alto" redwood from streambank erosion (Photos 1a and 1b). Grant funds from U.S. EPA's Water Quality Improvement Fund supported the removal effort, which will also protect and enhance over 120 feet of the streambed. San Francisquito Creek, which forms the boundary between San Mateo and Santa Clara counties in its lower watershed before turning west into San Mateo County, was designated as "critical habitat" for steelhead by NMFS in 2005. Steelhead make the upstream swim from the Bay to spawning and rearing grounds each November when water levels in the free-flowing creek are high due to seasonal rainfall. San Francisquito Creek is one of the few remaining free-flowing urban creeks in the Bay Area that is not confined to a concrete channel and as such a high priority for restoration and enhancement.

Photo 1a. *San Francisquito Creek with barrier.*

Photo 1b. *Creek after barrier removal.*

**United Technologies Corporation Risk Assessment Approved** (Alyx Karpowicz)
In July, we approved the Human Health and Ecological Risk Assessment for the entire 5,000-acre United Technologies Corporation (UTC) facility, located in the hills east of Highway 101 between San Jose and Morgan Hill. The risk assessment evaluated the risks associated with residual contamination that remains after 20+ years of remediation at the UTC facility. Residual risks associated with soil, biota, soil gas, groundwater, surface water, and sediment were identified and evaluated for both human and ecological receptors.

Board Staff concur with the human health portion of the risk assessment that no further evaluation or remediation for the protection of human health is necessary at the UTC facility because:

• A large volume of impacted soil (approximately 10,000 tons) has been excavated to remove contaminant sources;
• Active groundwater treatment will continue and is expected to reduce groundwater contaminants of potential concern to acceptable levels over time;
• UTC is required to file deed restrictions requiring engineering controls to limit vapor intrusion into future enclosed buildings in areas with elevated volatile organic compound concentrations in soil gas and in areas overlying known groundwater contamination; and
• UTC will file deed restrictions to limit land use at additional areas to prohibit future residential redevelopment and other sensitive uses.

Board Staff also concur with the ecological portion of the risk assessment that no further evaluation or remediation for the protection of ecological receptors is necessary at the UTC facility because:

• The ecological risk assessment methodology conservatively overestimated risks;
• Populations of special-status species do not appear to be impacted;
• A large volume of impacted soil has been excavated to remove contaminant sources; and
• Active groundwater treatment is expected to reduce contaminants of potential concern to acceptable levels in surface water that could be used by ecological receptors.

Based on our concurrence with the risk assessment's conclusions, no further remediation needs to take place at the UTC facility other than the already approved and ongoing groundwater treatment actions. However, onsite and offsite water quality monitoring, data collection, and site observation activities will continue into the foreseeable future. UTC will soon submit a risk management plan that will provide a strategy for effectively managing the residual risks known to remain onsite so that human health and the environment are protected.

The following aerial photographs show the UTC facility before and after extensive site closure and remediation activities.

Photo 2a. *The UTC facility in 2004.*

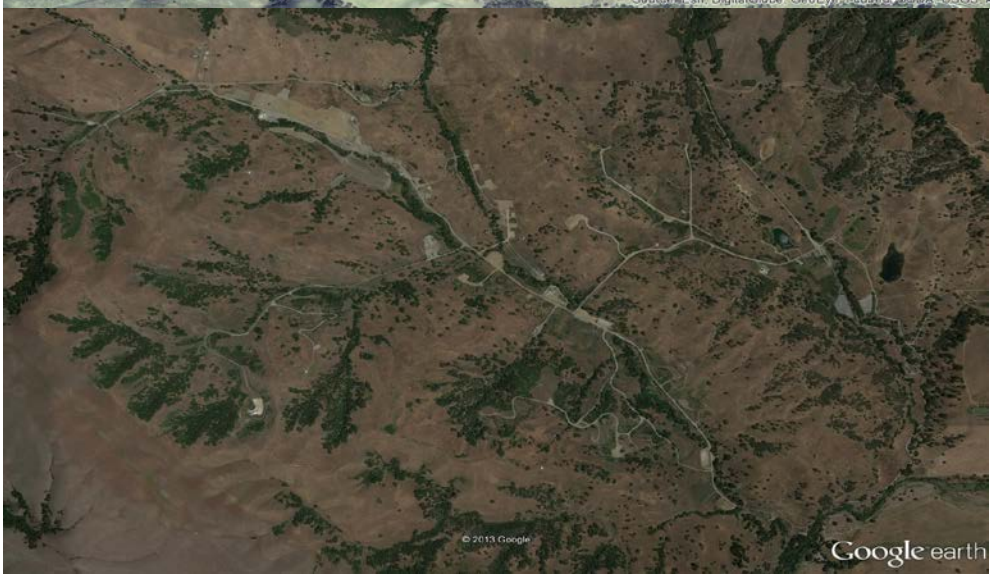


Photo 2b. *The UTC facility as it looks like today.*

**In-house Training**

We had no training in September. Our October training will be on "Maximizing Your Memory," with an outside trainer provided by the State Water Board's Training Academy. Brownbag seminars included a September 12 session on the use of electrical resistance heating for in-situ cleanup of chlorinated solvents and petroleum hydrocarbons.

**Presentations**

At the 9th Annual California Stormwater Quality Association (CASQA) conference at Lake Tahoe in early September, Dale Bowyer presented on Trash Control Efforts Required by the Municipal Regional Monitoring Program. He described the ongoing efforts in our region to develop a trash baseline and trash reduction tracking method, identify and verify high trash generation areas, and develop trash reduction actions for each area.

On September 27, Board staff Dyan Whyte, Terry Seward, David Elias, and Elizabeth Wells, joined State Board Member Tam Doduc, for a multi-agency meeting and field tour of Mare

Island in Vallejo, organized by Congressman Mike Thompson, State Senator Lois Wolk, and State Assembly Member Susan Bonilla. The purpose of the meeting was to assess the progress of soil and groundwater cleanup on the Island to date, review the roles of the various State and federal agencies that oversee the cleanup, and discuss future development plans for the Island. Terry Seward gave a presentation on the role of the Water Board in overseeing cleanup at Mare Island and other former Department of Defense sites.

**Penalty Enforcement Proposed Actions and Final Settlements** (Lila Tang)
The following tables show proposed settlements and final actions for imposition of penalties as of last month's report. Proposed settlements are available at:
http://www.waterboards.ca.gov/sanfranciscobay/public_notices/pending_enforcement.shtml

**Proposed Settlements**
The following have been 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 |
|---|---|---|---|
| Allied Defense Recycling LLC, on Mare Island | Failure to pay Regional Monitoring Program fee | $45,531.20 | October 28, 2013 |
| City of Sunnyvale, Water Pollution Control Plant | Discharge limit exceedance | $3,000 | October 23, 2013 |
| Lehigh Hanson West Region, in Oakland | Discharge limit exceedances | $9,000 | October 16, 2013 |

**Final Actions**
On behalf of the Board, the Executive Officer approved the following.

| Discharger | Violation | Penalty Imposed | Supplemental Environmental Project |
|---|---|---|---|
| Texas Instruments, Inc., in Santa Clara | Unauthorized bypass of treatment | $24,000 | None |
| City of Benicia, Wastewater Treatment Plant | Discharge limit exceedance | $3,000 | None |

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