

*STATE OF CALIFORNIA*

**REGIONAL WATER QUALITY CONTROL BOARD  
SAN FRANCISCO BAY REGION**

MEETING DATE: March 11, 2015

ITEM:       **4**

SUBJECT:    **EXECUTIVE OFFICER'S REPORT**

## EXECUTIVE OFFICER'S REPORT: *March 2015*

A Monthly Report to the Board and Public

NEXT MEETING: March 11, 2015

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

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### **New Approach to Promoting Cleanups and Redevelopment (Mark Johnson)**

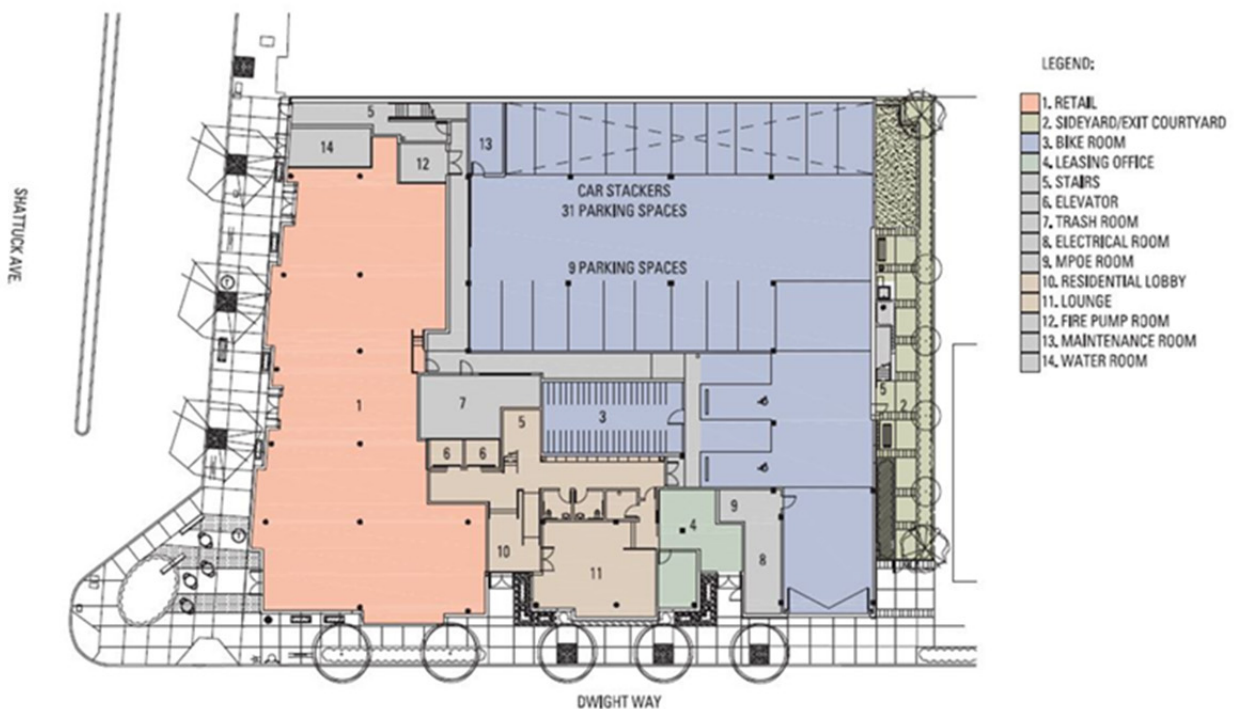
In late February, our office entered into a California Land Reuse and Revitalization Act (CLRRA) agreement with the purchaser of a property in Berkeley that is a source of soil and groundwater pollution. The agreement will both hasten the cleanup of the property and allow for its redevelopment. For context, CLRRA is a State law passed in 2004 and reauthorized in 2010. It provides eligible parties (bona fide purchasers, innocent landowners, and contiguous property owners) certain immunities by entering into a CLRRA agreement in order to promote the cleanup and redevelopment of blighted, contaminated properties, often referred to as "Brownfields." A CLRRA agreement provides an eligible party with liability protection for the site's contamination and requires it to conduct necessary site investigation and cleanup. Specifically, the law affords protections from claims made by any person for response costs or other damages associated with a release and prohibits an agency (e.g., the Water Board) from requiring an eligible party to take a response action other than the one required in an approved response plan, subject to certain exceptions related to endangerment. Failure to comply with the work required in a CLRRA agreement can result in the loss of immunities.

The property in this instance is located at the intersection of Shattuck Avenue and Dwight Way in Berkeley. Solvent releases from a former dry cleaner operation have impacted soil and groundwater. The purchaser plans to redevelop the property for mixed residential/commercial use. In anticipation of the CLRRA agreement and prior to purchase of the property, the purchaser completed a site investigation and interim cleanup measures. Soil cleanup is complete and groundwater cleanup is under way, using bio-remediation compounds to

enhance natural degradation of the dry cleaning solvents. A vapor mitigation system will be incorporated into the building foundation during construction to prevent any solvent vapors in the subsurface from intruding to indoor air. A soil vapor and groundwater monitoring program will evaluate the effectiveness of these cleanup actions. Depending on the results of the soil vapor and groundwater monitoring, an associated site management plan may be implemented. Building construction is expected to begin in the next few months. The redeveloped building is planned as a LEED Gold building with 99 residential units and over 5,000 square feet of retail fronting (see Figures 1a and 1b).



**Figure 1a.** Proposed Redevelopment Design for 2107 Dwight Way, Berkeley.



**Figure 1b.** Proposed Redevelopment Plan for 2107 Dwight Way, Berkeley.

CLRRRA agreements are one of several tools available to State regulators to promote Brownfield restoration; others include prospective purchaser agreements and "comfort" letters. The Water Board has had limited experience with CLRRRA agreements, due in part to the economic downturn. This is only the second such agreement we have entered into and one of only a handful for the Water Boards statewide. We have relied significantly on the experience of our sister agency, the California Department of Toxics Substances Control, in developing this particular agreement. However, with the economic recovery, we are seeing increased interest in this tool, and we are currently working on CLRRRA agreements for several other contaminated sites in our region.

Our goal when considering a CLRRRA agreement is to obtain significant cleanup in return for granting liability protection. We first confirm that the requesting party is eligible. We then determine what additional site assessment and cleanup work is needed and make sure that the agreement will result in that work getting done. I will update you on future CLRRRA agreements as we continue to explore the benefits of using this tool to facilitate the cleanup of contaminated sites.

### **Pescadero Creek Stakeholder Meeting (Setenay Bozkurt Frucht)**

On February 12, Water Board staff hosted a stakeholder meeting in Pescadero (Figure 2c) where they presented the findings of a sediment source and channel change analysis for the Pescadero Creek watershed. The analysis will be used to support the development of a sediment total maximum daily load (TMDL) for the watershed.

Board staff's presentation described how land-use changes (e.g., road construction, timber clear-cutting, diking, channelization, and reclamation of marshland) over the past 200 years have changed the hydrology and sediment characteristics in the watershed, resulting in a doubling of sediment input to the creeks. Historically, the lowland valleys in the watershed were swampy meadows that were permanently wet and acted like "sponges" to hold back and meter water and sediment during floods throughout the wet season. The lowland valley area no longer provides this "sponge" function as it now consists of deep, straight canals that effectively transport water and sediment downstream to the Pescadero marsh/lagoon (Figure 2b). In addition, some creeks in the upper watershed have incised up to 30 feet (Figure 2a). As a result, the Pescadero marsh/lagoon complex, which plays a critical role in the life cycle of anadromous species, has lost more than half of its area and volume through increased sedimentation. Additionally, nuisance flooding, which is partly a result of excess sedimentation, and near-annual fish kills in the Pescadero Marsh, have become significant water quality-related issues in the watershed.

The presentation was well received and there was significant interaction. Many local Pescadero residents attended the meeting, as well as representatives from the U.S. Fish and Wildlife Service, the Natural Resources Conservation Service, California State Parks, the San Mateo Resource Conservation District, and Supervisor Don Horsley's office.





**Figure 2a.** *Water Board staff measuring stream incision in Pescadero Creek.*



**Figure 2b.** *Pescadero Marsh and Lagoon at Highway 1/Pescadero Bridge.*



**Figure 2c.** *Water Board staff Setenay Bozkurt Frucht and Mike Napolitano hosting the stakeholder meeting.*

The next TMDL project steps include an April 2015 public meeting on the limiting factors analysis and fish population model that are being developed to support the development of the TMDL and CEQA scoping of the TMDL project in fall 2015.

The presentation is available at:

[http://www.waterboards.ca.gov/sanfranciscobay/water\\_issues/programs/TMDLs/pescadero/Public\\_Presentation\\_Source\\_Assessment\\_Web.pdf](http://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/TMDLs/pescadero/Public_Presentation_Source_Assessment_Web.pdf)

### **Treasure Island Vessel Waste Oil Recovery Area Cleaned Up (Myriam Zech)**

In February, Water Board staff approved the Remedial Action Completion Report (RACR) for Treasure Island's Site 21, the former Vessel Waste Oil Recovery Area. The RACR documents the implementation and completion of the cleanup remedy that was selected in the Site 21 Record of Decision (ROD), which I signed in 2013.

Site 21 is a small, asphalt-covered 2.2-acre area located along the southeastern shoreline of Treasure Island (Figure 3). Until 1995, the main operation at Site 21 was the transfer and recycling of waste oil from ships using an oil-water separator recovery system, including five aboveground storage tanks. A solvent dip tank with perchloroethylene (PCE) and trichloroethylene (TCE) was used to clean aircraft parts and motors and is the likely source of the solvents detected in groundwater beneath the site.



**Figure 3.** Site 21 Location.

The Navy has spent much of the past 20 years investigating and cleaning up the solvent plume. From 2005 to 2007, the Navy conducted in-situ bioremediation using sodium lactate as part of a groundwater re-circulation system. It also injected the source area with zero-valent powdered iron coated with a carbon substrate. Within about five years, these technologies reduced solvent concentrations to the point where only land use and engineering controls are needed. The Department of Toxics Substances Control will oversee implementation of these controls.

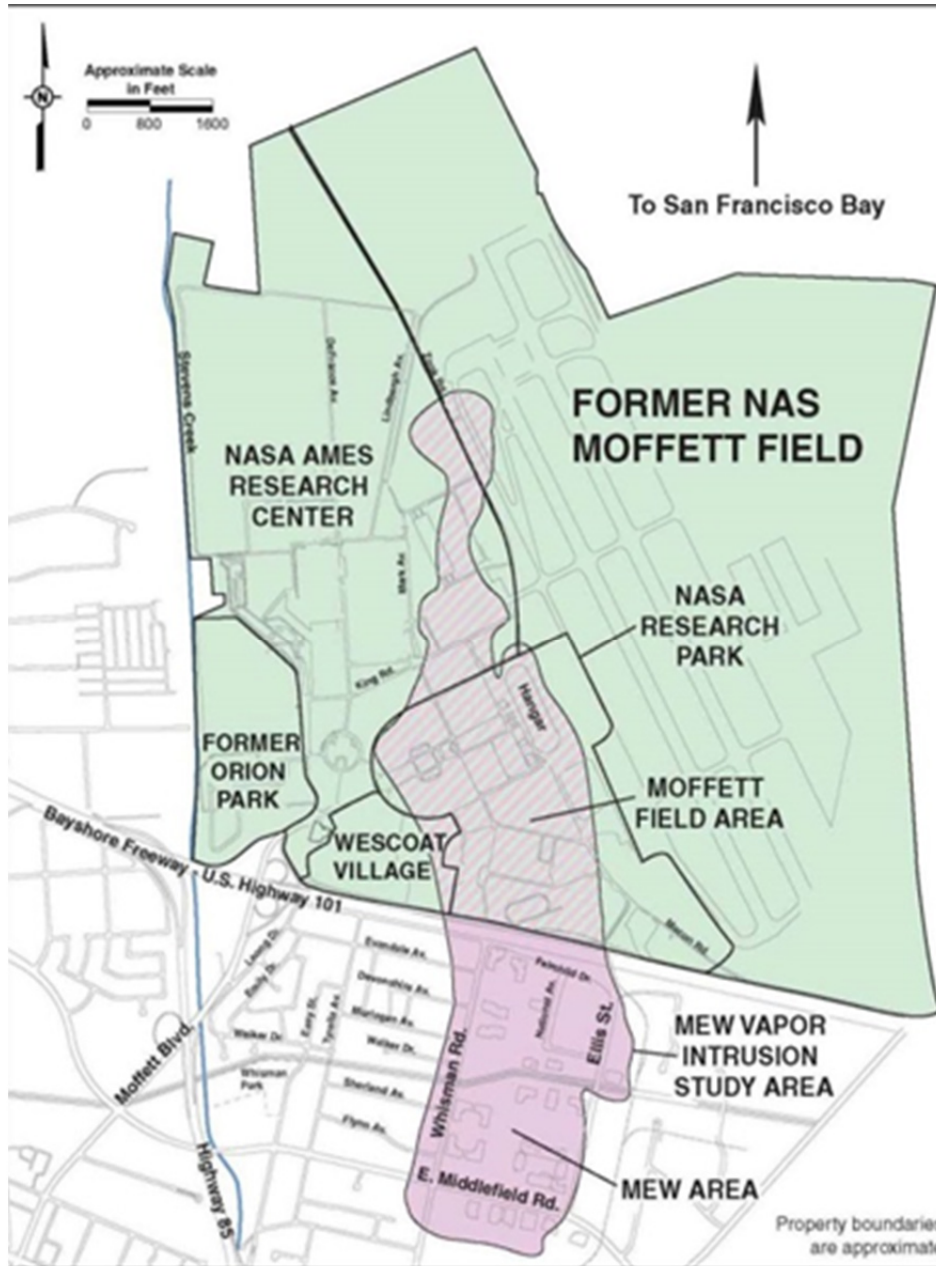
Proposed future uses of Site 21 will be open space, as well as a dense mix of residential, retail, restaurant, and office space. Existing buildings will be demolished or re-purposed for commercial, retail, or community uses. The City of San Francisco and its developer have acknowledged their responsibility for constructing vapor mitigation systems/barriers and conducting long-term operation and maintenance on such systems if enclosed structures are built overlying areas where residual contaminants exist.

The next step for the Navy is to prepare a Finding of Suitability to Transfer prior to transfer of this site to the City, which is expected in early 2016.



## TCE Hot Spot Source Investigation in Mountain View (Elizabeth Wells)

Over the past two years, Water Board and U.S. Environmental Protection Agency (EPA) staff have been working together to identify the source(s) of trichloroethylene (TCE) contamination hot spots near the former Naval Air Station Moffett Field (Moffett Field) in Mountain View. The MEW federal Superfund site, south of Moffett Field, is the source of a large plume of groundwater contaminated with chlorinated solvents, including TCE, that extends northerly under Moffett Field (Figure 4a). The TCE hot spot locations extend westward from the MEW area along Evandale Avenue and Leong Drive to Moffett Blvd. (Figure 4b)



**Figure 4a.** Location of MEW groundwater plume and vapor intrusion study area, Moffett Field, and NASA Ames Research Center.

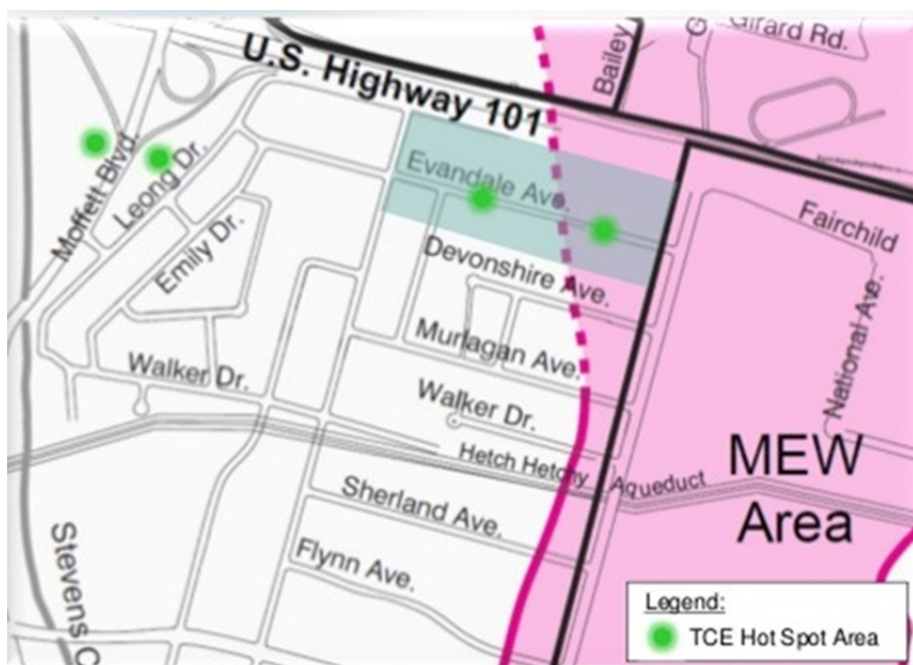
Last month, EPA concluded that the TCE hot spots are likely the result of TCE discharged by the MEW parties into the City of Mountain View's sanitary sewer system since the 1960s. This is based on review of sewer line maps, connections, upgrade schedules, and MEW party records.



Figure 4c, which shows the sewer line configuration prior to 1966, identifies a direct pathway from the MEW area to the hot spot areas. TCE in these locations has been detected at depths up to 60 feet and at concentrations up to 1000 times the drinking water standard of 5 micrograms per liter. Furthermore, TCE groundwater plumes emanating from the hot spot areas may have migrated under Moffett Field and account for some of the groundwater contamination found there.

Last month, EPA met with some of the MEW parties (Fairchild, Raytheon, and Union Carbide) to inform them of its findings. In February, EPA shared its findings at the quarterly public meeting of the Moffett Field Restoration Advisory Board. In attendance were representatives of the U.S. Army (which owns Orion Park next to Moffett Field – see Figure 4a), the City, and the owners of two Leong Drive properties where a TCE hot spot has been found (Figure 4b). At the meeting, EPA informed the public of its intention to incorporate the TCE hot spots into an expanded MEW area and that it will remain lead regulatory agency overseeing cleanup for the time being.

Before EPA initiated its investigation, the Water Board entered into voluntary oversight agreements with the Leong Drive and Moffett Blvd. property owners to address the TCE hot spots near their properties. Based on EPA's recent findings, these property owners will likely suspend their efforts while EPA moves to require the MEW parties to take responsibility. The City, which cooperated with EPA's investigation, is not identified as a responsible party for the TCE hot spots or the resulting groundwater plumes. Board staff Elizabeth Wells is coordinating this effort in conjunction with our role in overseeing the cleanup of Moffett Field, Orion Park, and the NASA Ames Research Center. I will keep you informed of cleanup progress in this area.



**Figure 4b.** Location of TCE hot spots relative to MEW area.



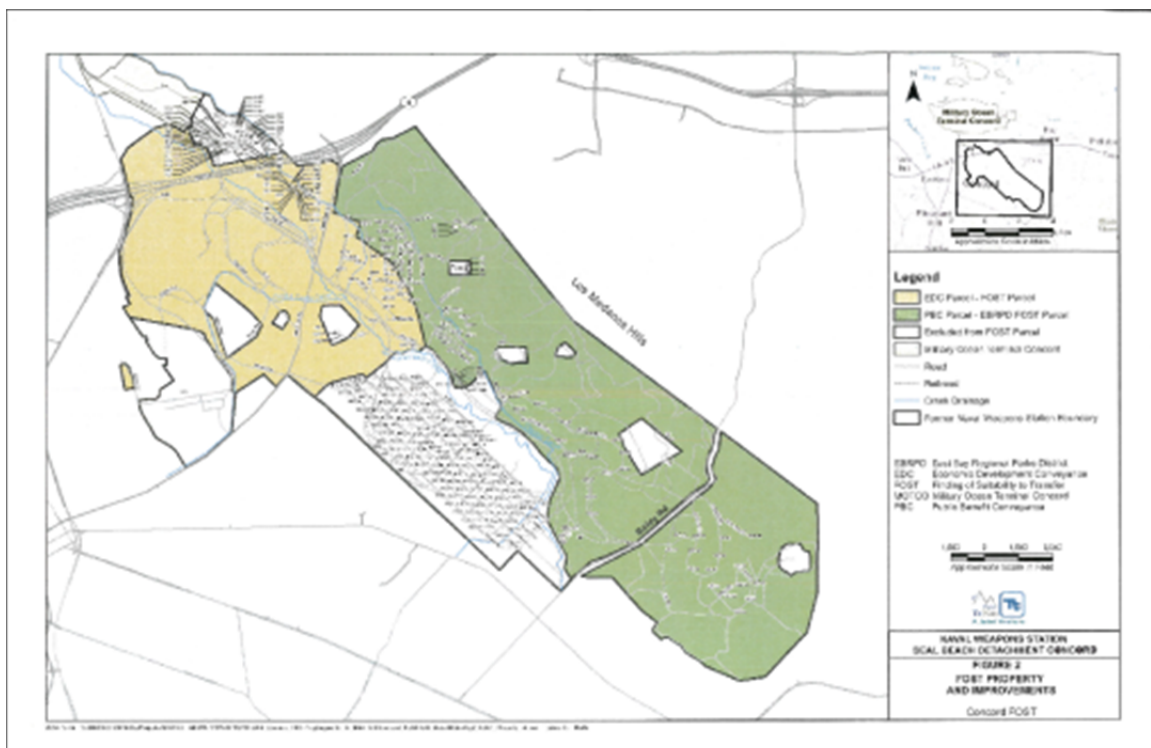
**Figure 4c.** Sanitary sewer pipeline locations prior to 1966 in vicinity of TCE hot spots.

### **Former Concord Naval Weapons Station Land Transfer (Nathan King)**

Together with other State and federal regulatory agencies, Water Board staff has been working with the U.S. Navy in preparing the Navy's Finding of Suitability to Transfer (FOST) for two large areas at the former Concord Naval Weapons Station. The FOST will document that two parcels of approximately 3,850 acres of the former Naval base are environmentally suitable for transfer to the City of Concord and to the East Bay Regional Park District. These two areas are referred to as the Economic Development Conveyance Parcel (shown in yellow on Figure 5) and the Public Benefit Conveyance Parcel (shown in green on Figure 5). The Public Benefit Conveyance Parcel consists of approximately 2,440 acres of land to be conveyed to the Park District. The Economic Development Conveyance Parcel consists of approximately 1,410 acres of land to be conveyed to the City. This will be the first large-scale property transfer to happen at the former Naval base since it closed in 2008 when nearly half the 11,000-acre base was transferred to the U.S. Army as part of the Military Ocean Terminal Concord.

The Park District will develop its parcel as the Concord Hills Regional Park, which will include hiking trails and trailheads, bicycle paths, picnic areas, overlooks, an interpretive center, and other recreation and education facilities. The park will provide outdoor recreation opportunities near an urban area and public transit while preserving open space, natural and cultural resources, and the site's important history.

The City will develop its parcel for mixed use, which will include residential, commercial, and office use clustered around the North Concord BART station with greenways and parks separating neighborhood villages. The City is in the process of choosing a master developer. Once the master developer is chosen and the property is transferred, it will take another year or more for the necessary specific planning/design to be completed. After the property is improved, the master developer will seek various specialty developers for the housing, retail, office, commercial, and sports venues planned for the property. The process of building out the property will take several decades.



**Figure 5.** Map of the City of Concord's Economic Development Conveyance Parcel on the west and East Bay Regional Park District's Public Benefit Conveyance Parcel on the east.

The Navy hopes to get agency concurrence on the FOST by the end of 2015. While we think this is a possibility, significant environmental issues remain for a few small areas, which the regulatory team is working closely with the Navy to resolve. If additional time is needed to complete the necessary work in these locations, the Navy may choose to carve them out of the FOST.

## Staff Presentations

As part of the February 19 joint annual conference of the Bay Area Flood Protection Agencies Association and the Coastal Hazards Adaptation Resiliency Group held in our building, I participated on a panel entitled, "Agency Alignment Roundtable." The focus of the panel, made up of State and federal agency representatives, was on how the agencies can better work together in permitting of flood control projects and partner with flood control agencies and other local agencies in efficiently delivering local infrastructure projects. In my remarks, I emphasized that local agencies need to coordinate with the State and federal agencies early in their project design, view the State and federal agencies as partners in project delivery, and look for opportunities to make their projects multi-benefit solutions to the flood protection, coastal hazard, and sea level rise challenges facing the San Francisco Bay region.

Conference presentations are posted at:

[San Francisco Bay Regional CHARG | 2015 Conference Presentations](#)

## In-house Training

Our February training was on Stormwater Chemistry Principles, with a morning session on Water Chemistry (something that's relevant to all Board programs) and an afternoon session on Stormwater Best Management Practices. Our March training will be on Effective Presentations. Brownbag seminars included a February 23 session on "trenchless" permeable reactive barriers, an in-situ method for removing chlorinated solvents from polluted groundwater.

## Penalties Proposed (Lila Tang)

The following table shows a recently proposed settlement for assessment of penalties as of the last report. There were two other complaints issued in November 2014, which Board staff and the dischargers are in settlement discussions. The proposed settlement and complaints are available at:

[http://www.waterboards.ca.gov/sanfranciscobay/public\\_notices/pending\\_enforcement.shtml](http://www.waterboards.ca.gov/sanfranciscobay/public_notices/pending_enforcement.shtml).

<b>Proposed Settlement</b>			
The following is 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.			
<b>Discharger</b>	<b>Violation</b>	<b>Penalty Proposed</b>	<b>Comment Deadline</b>
North Marin Water District, Wild Horse Storage Tank, in Novato	Unauthorized discharge to Vineyard Creek and waste of over 200,000 gallons of potable water from late response to alarm.	\$38,100	April 9, 2015

The State Board's Office of Enforcement includes a statewide summary of penalty enforcement in its Executive Director's Report at [http://www.waterboards.ca.gov/board\\_info/eo\\_rpts.shtml](http://www.waterboards.ca.gov/board_info/eo_rpts.shtml).