STATE OF CALIFORNIA

REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

MEETING DATE: March 9, 2016

ITEM: **4**

SUBJECT: **EXECUTIVE OFFICER'S REPORT**

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

EXECUTIVE OFFICER'S REPORT: *March 2016*

A Monthly Report to the Board and Public

NEXT MEETING: March 9, 2016 **WEBSITE:** http://www.waterboards.ca.gov/sanfranciscobay/

Items in this Report (Author[s])

Treasure and Yerba Buena Islands Redevelopment Project (Xavier Fernandez)

On February 19, I issued a Clean Water Act section 401 water quality certification to the Treasure Island Development Authority and Treasure Island Community Development for a redevelopment project on Treasure and Yerba Buena Islands. The Project will convert 367 acres on Treasure Island and 94 acres on Yerba Buena Island from a former Navy military base into a high-density, mixed-use community. The development may include up to 8,000 residential units, 450,000 square feet of new commercial and retail space, 500 hotel rooms, a cultural center, a new ferry terminal, 300 acres of parks and open space, and a three-mile-long shoreline trail. To prevent water quality impacts associated with post-construction stormwater discharges, the Certification requires treatment of runoff from all impervious surfaces. To accomplish this, stormwater will be directed from development areas to centralized low impact development facilities.

Board staff worked with the applicants to develop a Sea Level Rise Risk Assessment and Adaptive Management Plan. The Plan identified several adaptation strategies for preventing impacts from sea level rise, some of which were incorporated into the Project's design. For example, the grade of the redeveloped areas was raised to accommodate projected sea level rise, and open space along Treasure Island's shoreline was added to allow for future adaptation strategies to be implemented. One adaptation strategy is to raise the levees surrounding Treasure Island by expanding their footprint inland into the open space shoreline area, rather

than out into the Bay. The Project also allows for flooding of parklands in the northern portion of Treasure to restore tidal marsh. We report to the Board on the progress of this development.

Prosperity Cleaners Update (Ralph Lambert)

The former Prosperity Cleaners is located in the Marinwood Plaza shopping center, north of San Rafael in Marin County. Releases of tetrachloroethene (PCE) from past dry cleaning operations have impacted soil, soil vapor, and groundwater. Nearby residents addressed the Board during the public forum at several Board meetings last year.

Since my last update in January, there has been significant progress. We have reviewed the proposed cleanup plan submitted by the discharger in late December, in compliance with the schedule in the Board's site cleanup requirements. The plan proposes: excavation of PCE-contaminated soil beneath the former dry cleaner building (after building demolition); installation of vapor barriers along utility lines near existing homes; a risk management plan; additional groundwater delineation and monitoring in the offsite area (including the Silveira Ranch); and monitored natural attenuation for the groundwater and the remaining vapor plume. Building demolition and soil excavation would be completed within eight months, following Board approval of the proposed cleanup plan, and is no longer linked to future site redevelopment.

Due to the significant public interest in this case, we are providing multiple opportunities for public comment before we respond to the proposed cleanup plan. We opened a 30-day public comment period on the proposed cleanup plan (January 22 through February 22) and we circulated a fact sheet that described the proposed cleanup plan and our options for responding to it to nearby residents and other interested parties. On February 10, Board staff and Marin County Supervisor Connolly hosted a community meeting at a local school to inform residents about the recent vapor-intrusion evaluation results, summarize the proposed cleanup plan, and seek comments on that plan. About 50 residents attended. A key community concern expressed at the meeting was vapor intrusion. The discharger's consultants reported the results from the extensive soil vapor sampling they conducted in December: solvent vapors were not detected in any of the 20 samples collected from the adjacent Casa Marinwood neighborhood, near utility lines and adjacent to housing units.

Staff also met with two Marinwood residents on February 22 to receive their comments on the proposed cleanup plan and ask clarifying questions. They expressed concern that the plan does not include a proposal to fully clean up the site or treat groundwater contamination offsite. We share their concern about offsite groundwater; the proposed cleanup plan does not evaluate options for groundwater cleanup other than monitored natural attenuation.

We plan to provide a status report to the Board in April. The status report will include a draft response to the proposed cleanup plan, copies of public comments received, and our response to those comments. This item will also provide a further opportunity for public comment and will allow Board members to provide direction to staff. We will formally respond to the proposed cleanup plan afterward. Our options include: approving it, approving it with conditions, or rejecting it. The existing site cleanup requirements include tasks for implementation of the cleanup plan, once it has been approved.

Watershed Stewards Outreach to Schools and Communities (A.L. Riley)

The Board's Watershed Stewards Program sponsored two education field work days in January for El Cerrito Montessori Family School and Albany Middle School. The restoration work was on Codornices Creek, a steelhead bearing creek that bounds the cities of Albany and Berkeley. Board staff Kristina Yoshida, Tahsa Sturgis, Rebecca Nordenholt, Matt Byrne, A.L. Riley, and San Francisco Estuary Partnership staff Josh Bradt instructed a total of 60 students, and 20 parents and teachers, on how to install soil bioengineering plant systems to add habitat and water quality functions to the creek. The students also participated in a water quality monitoring data collection station. This continues a community outreach and involvement project started by the Board in 2012. The riparian corridor has greatly benefitted by the good quality work performed over time by the students.

On January 30, Board staff Michael Napolitano, A.L. Riley, and Tahsa Sturgis joined the Watershed Stewards Program staff in participating in a stream restoration workshop, involving the City of Oakland and the California Urban Streams Partnership. The workshop was held on Sausal Creek and involved 20 people from the Friends of Sausal Creek, The Watershed Project, local educators, and City of Oakland staff. The City of Oakland gave a presentation on their creek protection ordinance, and all the participants got hands-on experience in installing soil bioengineering plans systems to stabilize urban stream banks.

Former Point Molate Naval Fuel Depot Remediated (Maggie Beth)

After many years of planning and negotiating with multiple stakeholders, the City of Richmond has completed a large and complex remediation project at IR Site 3 at Point Molate (Photo 1). This 11.2 acre site is located immediately adjacent to San Francisco Bay and just north of the Richmond/San Rafael Bridge. IR Site 3 was used by the U.S. Navy from 1942 to 1995 as a petroleum waste disposal area, as well as an unlined wastewater and stormwater treatment pond. As a result, the contaminants of concern in soil and groundwater were varied, including metals, polynuclear aromatic hydrocarbons (PAHs), volatile organic compounds (VOCs), and petroleum hydrocarbons. The remediation project consisted of excavating and disposing of over 197,000 tons of contaminated soil and treating over 6 million gallons of groundwater. The project was especially challenging because the contamination had been buried under 15 feet of largely clean soil overburden.

The site is now safe for multi-family residential development, which will give the City of Richmond flexibility in selecting the future land use. The cleanup project also includes the creation of half an acre of seasonal wetlands, just south of the site, to replace a quarter acre of wetlands impacted by the project. The additional wetlands will further improve essential wetland habitat along the Bay fringe. (Photos 2, 3, and 4)

To celebrate this significant remediation project, the City of Richmond held an IR Site 3 celebration and Grand Opening event on January 28. Richmond Mayor Tom Butt, Richmond City Manager Bill Lindsay, Point Molate Community Advisory Committee Chair Charlie Duncan, and Board staff Maggie Beth spoke in recognition of the project team, congratulating them on a job well done. The Vice Mayor of Richmond, several City Council members, as well as other members of the Community Advisory Committee also attended the celebration.

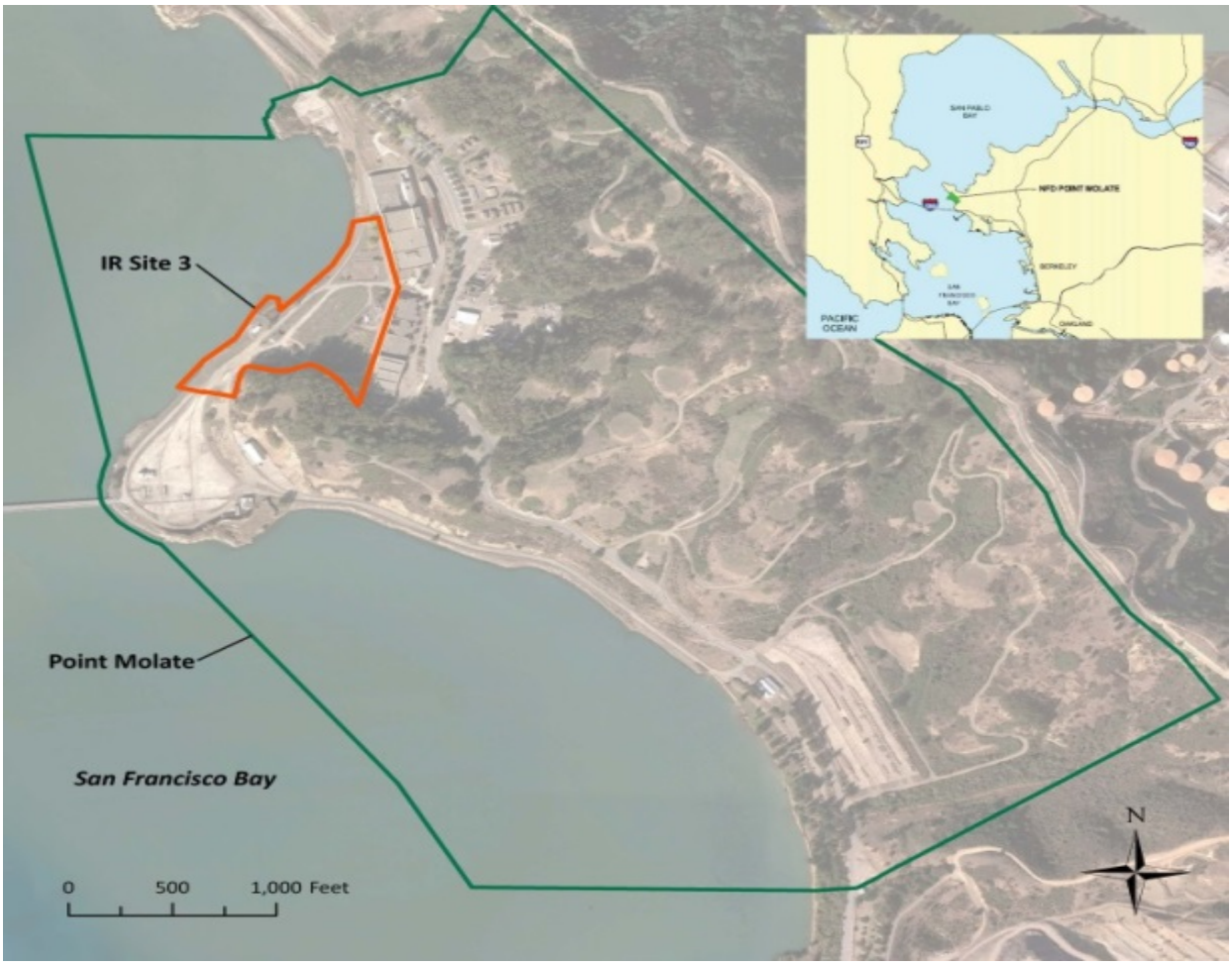

Photo 1. *Aerial image of Point Molate and IR Site 3, City of Richmond.*

Photo 2. *IR Site 3 during excavation.*

Photo 3. *Aerial image of IR Site 3 during excavation.*

Photo 4. *Photo of IR Site 3 after the remediation project.*

Cleanup Order Amended by Executive Officer (Kevin Brown)

The Board has delegated to the Executive Officer the authority to issue or rescind site cleanup orders pursuant to Water Code section 13304. The choice between having these orders acted upon by the Board or by the Executive Officer hinges on the degree of controversy and urgency in each case. In general, I issue or rescind these orders in situations where there is little or no controversy or when there is some urgency (e.g., cleanup action is needed promptly to address a current or imminent threat to human health or the environment). Otherwise, we bring these types of cleanup orders to the Board for its consideration and action in a public hearing.

In February, I amended the 2014 site cleanup order for the property located at 1705 Contra Costa Boulevard in Pleasant Hill. An automotive fueling facility has operated on the northern portion of the site for over 60 years and is now using the entire parcel. A dry cleaner operated on the southern portion of the site from the mid-1950's through 1987 when the two parcels were joined. These operations resulted in releases of the chlorinated solvents tetrachloroethene and trichloroethene to soil and groundwater. The Board's 2014 site cleanup order requires the dischargers to complete site investigation and cleanup. Since then, investigations have found evidence of offsite soil vapor and groundwater contamination. This amendment was needed to require completion of site investigation, implementation of interim cleanup actions, and regular monitoring activities. Chevron, one of the named dischargers, petitioned the 2014 order. We expect Chevron to petition this amendment, but we expedited the amendment to respond to the potential vapor-intrusion threat.

Sustainable Groundwater Management Team Update (Alec Naugle)

Since our September 2015 update on Sustainable Groundwater Management in the San Francisco Bay Region, Board staff has made considerable progress toward understanding local groundwater management planning efforts and facilitating development of salt and nutrient management plans (SNMPs). We have formed a multi-division staff workgroup to engage with local agencies to identify salt, nutrient, and other contaminant sources, as well as impacted or threatened drinking water supply wells and overall baseline groundwater conditions.

Over the past several months, this "sustainable groundwater management" team has engaged with local agencies in several groundwater basins, including the Livermore, Santa Clara, and Napa valleys, the Niles Cone in the Fremont area, the San Mateo and East Bay plains, and San Francisco's Westside basin. This is mainly focused on if/how local Groundwater Sustainability Agencies (GSAs) will be formed as required by the Sustainable Groundwater Management Act (SGMA), understanding baseline water quality, and the need for SNMPs.

This year the team plans to also focus attention on the Petaluma and Kenwood valleys and the smaller coastal basins of Pescadero and Half Moon Bay. In addition to better understanding the groundwater condition of our basins, the team will share information amongst our regulatory programs and make recommendations for source control efforts and grant funding opportunities for local agencies under Proposition 1 and SB445. The SB445 Site Cleanup Subaccount Program provides some limited funding for Board staff's time to cover these previously unfunded activities.

Salt and Nutrient Management Plan Update (Alec Naugle)

The State Board's 2009 Recycled Water Policy requires local agencies to develop salt and nutrient groundwater management plans (SNMPs). SNMPs must identify and quantify existing and potential future salt and nutrient sources, such as agricultural and landscape fertilizer applications, livestock operations, wastewater disposal, irrigation with recycled water, managed aquifer recharge, and seawater intrusion. SNMPs must also include an evaluation of each basin's long term capacity to assimilate additional salt and nutrient loads, identify any actions that may be needed to restore or protect water quality, and describe a comprehensive groundwater monitoring program. These plans and their associated planning process are proving to be extremely valuable as they are informing our priority-setting and decision-making in regard to the permitting of wastewater disposal and recycled water projects and the development of onsite wastewater system local agency management plans.

The following provides the status of SNMP development in our Region's key groundwater basins:

Sonoma Valley: In December 2014 you adopted a Resolution of Support for the Sonoma County Water Agency's SNMP for the Sonoma Valley. We intend to use it as a template for future SNMP approvals.

Livermore Valley: A tentative Resolution of Support for the Livermore Valley plan prepared by the Alameda County Zone 7 Water Agency (Zone 7) is on the March 2016 Board meeting agenda for your consideration. The plan was adopted by Zone 7's Board of Directors in June 2015, and was developed with support from Water Board staff, the Alameda County Environmental Health Department, the Alameda County Community Development Agency, and

Zone 7's water retailers (City of Livermore, City of Pleasanton, Dublin San Ramon Services District, and California Water Service).

Santa Clara Valley: We recently responded to the Santa Clara Valley Water District's draft final SNMP with our tentative support. Our only remaining concern is about elevated nitrate concentrations in shallow groundwater in the Coyote Valley sub-basin where agricultural fertilizer use and onsite wastewater treatment systems are the likely sources. We are evaluating whether additional source control is needed. The District would like to bring the plan to its Board for adoption on April 26. We anticipate bringing a resolution of support to you later this spring or summer.

Niles Cone: We recently contacted the Alameda County Water District regarding the status of its SNMP for the Niles Cone sub-basin. The District anticipates submitting its draft plan in April or May. Board staff will work with the District to review the plan and develop a timeline that should result in your concurrence later this year.

Napa Valley: We are working closely with Napa County and the Napa Sanitation District to kick off development of a SNMP for the Napa Valley. Unlike the other basins, there is no single water management entity for the Napa Valley basin. While this complicates things, it also presents an opportunity for our sustainable groundwater management team staff to be more closely involved with the stakeholder process. The County hopes to develop the SNMP as part of a broader SGMA-required Groundwater Sustainability Plan for the Napa Valley.

In-house Training

Our February training was on nutrients in San Francisco Bay and how they impact water quality. We have no in-house training scheduled for March. Brownbag seminars included a January 28 session on the efficacy of different cleanup technologies in different situations, and two sessions put on by Board staff Ross Steenson for the benefit of newer staff -- a February 12 session on analytical chemistry and a February 29 session on different remediation technologies.

Staff Presentations

On February 8, Ross Steenson and Cheryl Prowell, members of the Board's environmental screening level (ESL) team, met with a delegation from the Japanese Ministry of the Environment (MoE). MoE has received pushback from industry on an amendment to a Japanese Soil Law that requires cleanup to health-protective levels, even for naturally-occurring metals. Prior to making another amendment, MoE has sent two fact-finding missions abroad, one to Europe and one to California. The California mission team also met with representatives of U.S. EPA and the California Department of Toxics Substances Control.

We learned that MoE's staff of 20 regulates 26 chemicals, although direct oversight is conducted by staff from the prefectures (states). The Soil Law regulates these chemicals based on two factors: contaminant concentration in soil and potential leaching of contaminants to groundwater that's used as drinking water. While MoE's derivation of soil and groundwater criteria is similar to that for our ESLs and State drinking water standards, their compliance-checking methods differ. Notably, they do not require groundwater testing unless the leaching test fails. We typically use leaching tests to characterize wastes for disposal, but rarely to assess a contaminated site.

We presented the delegation with a demonstration of our most current ESLs and answered various questions, mostly focused on soil leaching to groundwater. They were also interested to know how we track cleanup sites and whether the information is deleted after completion of cleanup, as well as how we track sites where contamination is managed in place. We were interested to learn that they do not consider vapor intrusion as a pathway of concern, due to the small number of chemicals they regulate.

On February 23 and 24, Nicole Fry and Cheryl Prowell, members of the Board's vapor intrusion workgroup, participated in the Certified Unified Program Agencies (CUPA) conference. Under the CUPA program, Cal/EPA has certified 83 local government agencies to implement hazardous waste and hazardous materials management laws in a consistent fashion. The annual CUPA conference allows State and local agencies to share new information. As part of the conference, Nicole and Cheryl participated in a Cleanup Roundtable with representatives from U.S. EPA, the State Water Board, and several county agencies that provide oversight of cleanup cases through their Local Oversight Programs, or voluntary cleanup programs. Discussion focused on new updates to the Underground Storage Tank Program and ways to manage long-term risks at sites requiring mitigation measures to ensure protectiveness.

Nicole and Cheryl also gave a presentation titled *Changes in Trichloroethene (TCE) Toxicity Factors and Regulatory Responses*. The presentation highlighted the new short-term response levels, established by U.S. EPA based on the acute health risks of TCE, including risks of fetal heart malformation. They summarized our Interim Framework of Vapor Intrusion at TCE-Contaminated Sites in the San Francisco Bay Region. This document was created to help dischargers and regulators understand the new TCE toxicity information and multiple guidance documents available from other agencies. It provides practical screening levels for groundwater and soil gas to help prioritize assessment of vapor intrusion. It also includes guidance for our review of proposed vapor mitigation systems.

401 Water Quality Certification Applications Received (Keith Lichten)

The table below lists those applications received for Clean Water Act section 401 water quality certification from January 23 through February 19, 2016. A check mark in the right-hand column indicates a project with work that may be in BCDC jurisdiction.

Project Name	**City/Location**	**County**	**May have BCDC Jurisdiction**
Oakland International Airport perimeter dike - FEMA and seismic improvements	Oakland	Alameda	✓
Tyler Ranch – staging area and trail connections	Sunol	Alameda	
Offsite Montalvin channel improvements	Montalvin Park, San Pablo	Contra Costa	✓
Oak Springs/Candlestick Road – storm water improvements	Orinda	Contra Costa	
Conlon Ave. – culvert blowout stabilization	199 Conlon Ave., Mill Valley	Marin	
Single family residence – foundation pier strengthening	Mar E. St., Tiburon	Marin	✓
Burdell Mitigation Bank levee repair	Novato	Marin	✓
Olive Ave. widening	Olive Ave. near Atherton Ave., Novato	Marin	
655 Redwood Highway – waterfront improvements	Redwood Highway at Hamilton Dr., Mill Valley	Marin	✓
McNear Pier maintenance repairs	San Rafael	Marin	✓
9 West Shore Rd. – waterfront improvements	West Shore Rd., Belvedere	Marin	✓
Berry Street bridge replacement	Calistoga	Napa	
Napa River Restoration – Oakville to Oak Knoll Reach, Group C	Napa River	Napa	
Canyon Estates – residential development	Newell Drive, American Canyon	Napa	
St. Clement Vineyards bank stabilization	St. Helena	Napa	
Remediation of northeast area of Potrero Power Plant and southeast area of Pier 70	San Francisco	San Francisco	✓
Islais Creek – southeast outfall replacement	San Francisco	San Francisco	✓
Coyote Point levee improvement and pump station replacement	Airport Blvd., San Mateo	San Mateo	✓
Pilarcitos Quarry master expansion and water resource project	Half Moon Bay	San Mateo	
San Mateo sanitary sewer rehabilitation and maintenance project	Near Laurel Creek Rd., San Mateo	San Mateo	
Butano Creek floodplain restoration	Pescadero	San Mateo	
Poplar Ave. – pump station replacement	Poplar Ave. and the Bay Trail, San Mateo	San Mateo	✓
Steven Runchey private residential dock	Seal Slough, San Mateo	San Mateo	✓

Portola Rd. culvert repair	Woodside	San Mateo	
Ledgewood Creek pipe repair	Midway Rd., Fairfield	Solano	
Dock repair and routine maintenance	West I Street, Benicia	Solano	✓
Undermined bridge abutment repair at I680 NB to I80 EB connector	Fairfield	Solano County	
Capri Creek flood reduction and habitat enhancement	Petaluma	Sonoma	
Petaluma – small craft dock and floathouse	Weller St., Petaluma	Sonoma	

Penalty Enforcement Actions Proposed and Final (Lila Tang)
The following tables show recently issued complaint, proposed settlement, and final actions. There is also one complaint on which Board staff and the discharger are still in settlement discussions. All complaints and proposed settlements are available at http://www.waterboards.ca.gov/sanfranciscobay/public_notices/pending_enforcement.shtml.

New Complaint
This complaint is open for public comment.

Discharger	Violation(s)	Penalty Proposed	Comment Deadline
MDI Forest Products, LLC, in Oakland	Discharge of polluted stormwater in 2014, and failure to implement stormwater pollution prevention practices in 2015.	$176,000	March 18, 2016

Proposed Settlements
The following is noticed for public comment. Where noted, the proposed settlement includes a supplemental environmental project. If no significant comment is received by the deadline, the Executive Officer will sign an order implementing the settlement.

Discharger	Violation(s)	Penalty Proposed	Comment Deadline
Texas Instruments Inc., Groundwater Treatment at 2900 Semiconductor Drive, in Santa Clara	Bypasses of treatment due to pipe breakages from root intrusion and construction.	$39,000	March 18, 2016
City of Pinole, Pinole-Hercules Water Pollution Control Plant, in Pinole	Discharge limit exceedances.	$3,000[1]	March 25, 2016

[1] Includes $1,500 to the SEP Fund to supplement the RMP[2] studies.

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

Discharger	Violation(s)	Penalty Imposed	Supplemental Environmental Project
Browning-Ferris Industries, Ox Mountain Landfill, in Half Moon Bay	Discharge limit exceedances.	$27,000	$21,000 to supplement RMP[2] studies.
Phillips 66, San Francisco Refinery, in Rodeo	Discharge limit exceedances.	$9,000	$9,000 to supplement RMP[2] studies.

[2] RMP is the San Francisco Bay Regional Monitoring Program managed by the San Francisco Estuary Institute to collect water quality information in support of management decisions to restore and protect beneficial uses of the region's waters.

The State Board's Office of Enforcement includes a statewide summary of penalty enforcement in its Executive Director Report at http://www.waterboards.ca.gov/board_info/eo_rpts.shtml.