**STATE OF CALIFORNIA**
**REGIONAL WATER QUALITY CONTROL BOARD**
**SAN FRANCISCO BAY REGION**

MEETING DATE: March 13, 2019

ITEM: 4

SUBJECT: **EXECUTIVE OFFICER'S REPORT**

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

# EXECUTIVE OFFICER'S REPORT: *March 2019*

A Monthly Report to the Board and Public

**NEXT MEETING:** March 13, 2019 **WEBSITE:** http://www.waterboards.ca.gov/sanfranciscobay/

Items in this Report (Author[s])



## **Hamilton Square Remediation and Redevelopment Project-Incremental Sampling Methodologies and Soil Remediation-Hamilton Army Airfield** (Maggie Beth)

A contaminated soil remediation excavation project employing incremental sampling methodologies was completed at a former Hamilton Army Airfield gasoline service station in the City of Novato, County of Marin (site – see Figures 1 and 2). The current site owner, Thompson Development, Inc., excavated 9400 tons of petroleum contaminated soil to prepare the site for residential use (see Figures 3 and 4).

Incremental sampling method (ISM) is an innovative method that was used to confirm that the post-remediation soil concentrations were below the cleanup goals that are protective for residential land uses. The objective of incremental sampling is to analyze a single soil sample comprised of many tiny soil samples (similar to a composite sample but on a much smaller scale) that is representative of a small area of the larger area of contamination (called a Decision Unit). Remediation decisions are determined per Decision Unit versus site-wide. ISM greatly improves the reliability and defensibility of sampling data by reducing variability when compared to conventional discrete sampling strategies. In addition, levels of statistical confidence and decision uncertainty that would require a large number of discrete analyses can often be obtained with a few incremental samples.

The cleanup site is located near the Novato Charter School (see Figure 2). The school's proximity led to community concerns that children could be exposed to contaminants during soil excavation. To help alleviate the community concerns, in addition to coordinating with

staff from the Regional Water Board, DTSC, and the City of Novato, Thompson hired a third-party environmental monitoring consultant to ensure protective measures were implemented for site remediation.

Thompson Development is in the process of conducting post-remediation soil vapor sampling and a human health risk assessment with the intention of demonstrating that the existing land use restrictions may be removed allowing for residential development.


*Figure 1 - Hamilton Air Force Base. Hamilton Square parcel is located at the Former UST 970 Site.*

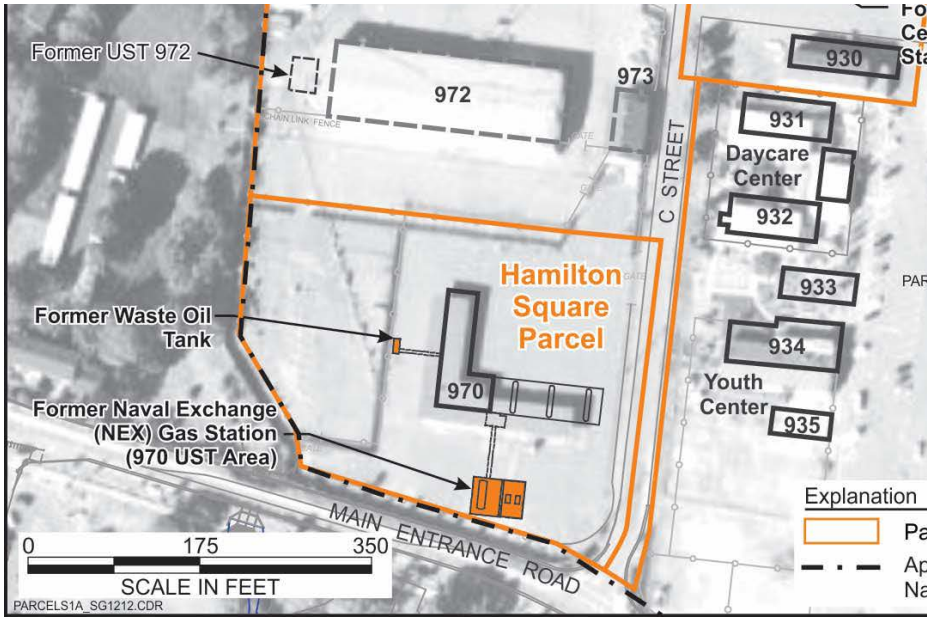



*Figure 2 - Thompson Development – Hamilton Square Site*


*Figure 3 – Footprint of historic gas station, soil excavation footprint, and planned redevelopment footprint with Decision Units (DU)*

*Figure 4 – Post-remediation*

## **Coordinated Enforcement Spurs Cleanup at E-D Coat** (Brian Thompson)

Coordinated multi-agency enforcement is resulting in cleanup at E-D Coat, a metal-plating business occupying five warehouses and a yard near Jack London Square that has been owned and operated by the Rossi family for over 75 years. Within the last 25 years, illegal discharges of wastewater and other environmental violations associated with E-D Coat operations have caused enforcement headaches for multiple agencies. Actions that were taken included the following:

- 1993 – The East Bay Municipal Utility District issued a Cease and Desist Order to E-D Coat for repeatedly violating zinc and cyanide limits in its wastewater discharge permit;
- 2002 – U.S. EPA issued criminal and civil penalties for permit violations that included bypassing wastewater around a treatment unit to the sewer through an unauthorized plumbing connection;
- 2010 – The East Bay Municipal Utility District revoked E-D Coat's wastewater discharge permit after it and the Alameda County District Attorney's Office discovered more illicit discharges to the sewer in 2009;
- 2010 – The Water Board imposed an administrative civil liability of $1,750 against E-D Coat for failing to submit an annual report of stormwater discharge for the 2008/2009 reporting year as required by the industrial stormwater general permit; and
- 2013 – The Water Board imposed an additional administrative civil liability of $9,263 for E-D Coat's failure to submit the 2011/2012 annual report of stormwater discharge.

Local, State, and federal agencies came together to address environmental issues at E-D Coat in November 2016, when CalEPA launched its Environmental Justice Task Force for Oakland. A joint-agency task force consisting of U.S. EPA, the Water Board, the Department of Toxic Substances Control, and various Alameda County departments (hazardous materials, environmental health, special investigations, law enforcement, and fire) inspected E-D Coat in April 2017. We discovered a wide range of violations. Staff from the Department of Toxics Substances Control and Water Board coordinated field analysis by X-ray fluorescence and soil sampling to evaluate metals in dirt at the waste treatment yard. Concentrations of arsenic, barium, cadmium, chromium, copper, lead, nickel, and zinc exceeded risk levels.

On April 24, 2017, the Department of Toxics Substances Control issued an Imminent and Substantial Endangerment Order and a Remedial Action Order to Gerald, Patricia, and Lisa Rossi to clean up soil and stored waste at E-D Coat. Since then, U.S. EPA stepped in to oversee cleanup. Water Board staff recommended covering open-topped containers and evaluating rooftops for contamination by particulates from E-D Coat's ventilation system to minimize or eliminate the pollution of stormwater.

The Alameda County District Attorney's office criminally prosecuted Lisa Rossi, a co-owner of E-D Coat, and she pleaded no contest to a felony violation of the Health and Safety Code for the unlawful storage of hazardous waste causing unreasonable risk of harm. On December 13, 2018, the court ordered Ms. Rossi to wear an electronic ankle monitor for six months of supervision and serve three years of probation, under the terms of which she is prohibited from operating E-D Coat; is required to pay all fines, penalties, and restitution;

and must comply with cleanup orders. The court has scheduled a hearing on cleanup progress for March 15, 2019.

We are pleased with success of the task force and will track the cleanup at E-D Coat.

## **Cleanup Orders Issued by Executive Officer** (Phyllis Flack)

The Board has delegated to the Executive Officer the authority to issue, amend, 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 the Executive Officer issues, amends, or rescinds 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.

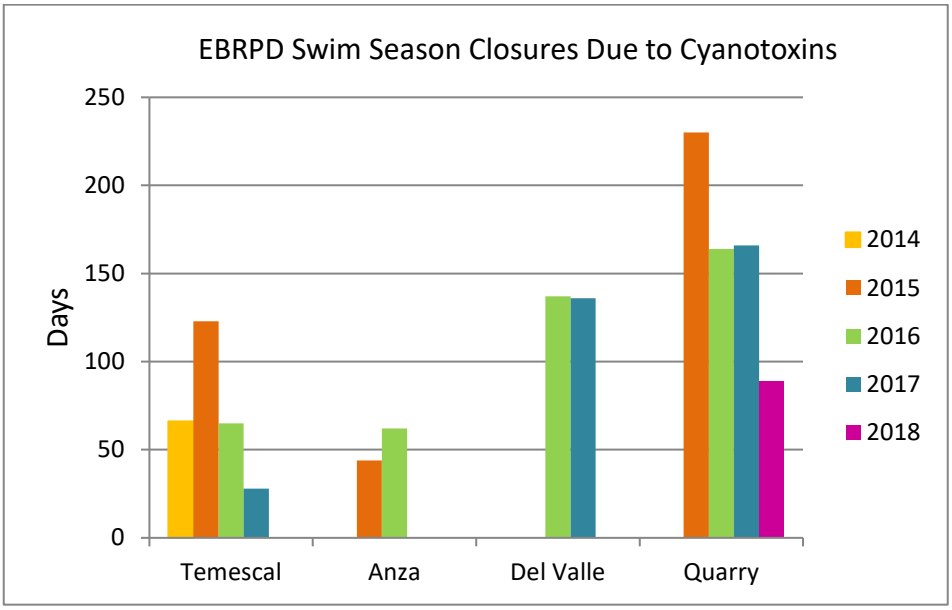
*290 South Maple* In late January, the Executive Officer amended the 2015 site cleanup order for this site in South San Francisco. 290 South Maple is a commercial laundry that formerly performed dry cleaning and has released the solvent tetrachloroethene (or PCE). The responsible parties at 290 South Maple have limited ability to pay for cleanup work. They recently obtained a Site Cleanup Subaccount (SCAP) grant from the State Water Board, although new contracting procedures at the State Water Board have slowed the grant funding. Task deadlines in this order were revised to reflect the schedule in the grant agreement. This is the second such amendment; we made a similar amendment in May 2018 while the SCAP grant application was being considered.

## **2018 Harmful Algal Blooms** (Carrie Austin)

In 2018, cyanobacteria and other harmful algal blooms (HABs) were reported in 10 waterbodies directly to us or via the internet at the California HABs Portal. We received fewer bloom reports than in 2017 (18) but the same number as in 2016 (10). Monthly average temperatures during the growing season (May to September) were slightly lower in 2018 compared to 2017, which may partly explain fewer blooms in 2018. No dog deaths have been reported since June 2017.

Our HABs coordinator, Carrie Austin, is leading a statewide mitigation committee. Maps of HABs, bloom reporting, and more information is available on the California HABs Portal. The mitigation committee has added valuable information to the website that is aimed at assisting lake managers who are responding to HABs. It provides technical assistance on controlling nutrients already present in lakes. Although some of these measures are expensive, they can provide long-term reduction in blooms.

East Bay Regional Park District (EBRPD) has been a leading partner in monitoring for HABs and is mitigating blooms at two lakes with swim beaches (Temescal and Anza). EBRPD monitors seven lakes, four with swimming and three to protect dogs (i.e., where water contact is not allowed but is known to occur). In 2018, there were fewer closures of EBRPD lake swim beaches than in previous years, as illustrated below (figure provided by EBRPD).




Notably, after four consecutive years of intermittent closures, Lake Temescal was not closed to swimming in 2018 due to cyanotoxins. (In May, swimming was briefly closed in Lake Temescal due to pathogen concerns from a sanitary sewer overflow.) HABs mitigation work in Lake Temescal included the following high priority actions: alum applications in fall 2017 and spring 2018; pre-wet season dredging of sediment basins to prevent nutrient-laden sediments from getting into the lake; and twice monthly swim beach maintenance (mechanical vegetation removal) from May through October. Alum is a commonly used coagulant/flocculant in drinking water treatment. EBRPD is also evaluating dredging the lake and installing treatment wetlands as a long-term treatment option.

*Alum Application in Lake Temescal*


*Swimming in Lake Temescal in 2018*

Mitigation is also underway in Lake Anza, where an oxygenation system will be installed in spring 2019. Oxygen can also be used to control nutrients in lakes, thereby reducing harmful algae blooms.

## U.S. EPA Campus RainWorks Challenge Enters 7th Year (Keith Lichten)

Since 2012, U.S. EPA, in cooperation with the American Society of Civil Engineers, American Society of Landscape Architects, and the Water Environment Foundation, has sponsored an annual green infrastructure design competition for American colleges and universities. The competition, per U.S. EPA, "seeks to engage with the next generation of environmental

professionals, foster a dialogue about effective stormwater management, and showcase the environmental, economic, and social benefits of green infrastructure practices." Interdisciplinary teams of students, guided by a faculty advisor, submit entries for a small-scale demonstration project or a larger-scale master plan, on or in the vicinity of their campus. Entries often feature innovative thinking about how to address traditional problems like flooding, runoff pollution, and water supply. However, they typically combine those with thoughtful approaches to pedestrian and bicyclist safety, parking needs, and opportunities to develop community gathering spaces. This demonstrates the significant co-benefits that can be part of any green infrastructure design. The Challenge has served as an effective means of incorporating green infrastructure design into campus engineering, planning, landscape architecture, and environmental science curricula. Entries are judged in three rounds. This year, Keith Lichten served as a judge for the second round. The final round of judging will take place at EPA's Washington, DC, headquarters, next month. Winning teams receive a modest cash prize.

## Staff Presentations

On February 7, Nicole Fry presented at an Orange County Bar Association event in Newport as part of a panel providing perspectives on changes to vapor intrusion regulatory guidance in California. Other speakers included Nick Amini of the Santa Ana Regional Water Board and Peter Scaramella of the consulting firm GSI Environmental. Nicole discussed the upcoming Cal/EPA guidance on vapor intrusion assessment, our office's Environmental Screening Levels, and the pending update to our office's Vapor Intrusion Framework guidance. Questions from the audience mainly focused on site-specific vapor cleanup levels and long-term site management.

On February 27, Keith Lichten, Chief of the Watershed Management Division, spoke at the South San Francisco City Council meeting with their engineering consultant who is working on the City's Green Infrastructure Plan, updating the Council on the City's work to prepare the plan. The Municipal Regional NPDES Stormwater Permit requires permittees, including the City, to complete the plans by June 30, 2019. The plans must ensure permittees have the tools to implement green infrastructure measures, like bioretention cells and rain garden curb bulb-outs, in their jurisdictions. In addition, they must include a projection of how much green infrastructure permittees anticipate implementing over the coming 25 years, and how that work will help ensure permittees meet requirements to reduce TMDL pollutants—PCBs and mercury—in stormwater runoff.

The City is well along in its plan, and is coordinating on key elements on a countywide level. Council members were engaged, noting the City's planned Orange Memorial Park stormwater detention facility, which is a cooperative project funded in part by $9.5 million from Caltrans. In addition, Council members raised questions about trash discharges from Caltrans right-of-way, and Keith noted the Board's adoption this month of the CDO requiring Caltrans to control trash on its Bay Area right-of-way. He also noted Caltrans' need for cooperative projects to help it meet its trash control goals. Council members expressed interest in completing cooperative projects beyond Orange Memorial Park. Robin Lee, their engineering consultant, noted the City has several candidate projects.

On March 5, Keith Lichten spoke to UC Berkeley's graduate hydrology seminar on the history of urban water pollution and clean water regulation in the U.S., and current Clean Water Act requirements to address stormwater runoff pollution. He covered current thinking about green infrastructure implementation, opportunities to control the adverse impacts of hydromodification associated with impervious surfaces and storm drains, stormwater capture and use, and efforts to control impairing pollutants like mercury and PCBs.

## **Enforcement Actions** (Jessica Watkins and Brian Thompson)

The following table shows proposed enforcement actions since last month's report. In addition, enforcement actions are available on our website at:

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

| **Settled Actions**<br>On behalf of the Board, the Executive Officer approved the following: | | | |
|---|---|---|---|
| **Discharger** | **Violation(s)** | **Imposed Penalty** | **Supplemental Environmental Project** |
| GR Block | Failure to submit an annual report for the 2016/2017 reporting year by September 1, 2017. | $1,000 | $500 |
| Sunpower Corporation | Failure to submit an annual report for the 2016/2017 reporting year by September 1, 2017. | $1,000 | None |

## **401 Water Quality Certification Applications Received** (Abigail Smith)

The table below lists applications received for Clean Water Act section 401 water quality certification from January 7, 2019 through February 8, 2019. A check mark in the right-hand column indicates a project that may be in BCDC jurisdiction.

| **Project Name** | **City/Location** | **County** | **May have BCDC Jurisdiction** |
|---|---|---|---|
| Branah Pond and Channel Enhancement | Martinez | Contra Costa | |
| Sequoia Way Culvert and Roadway Repair | Martinez | | |
| San Francisco Bay Trail Construction at Point Molate | Richmond | | ✓ |
| Bank Stabilization at 596 Ethel Ave | Mill Valley | Marin | ✓ |
| Catalpa Pedestrian Bridge Repairs | Mill Valley | | ✓ |
| Harbor Drive Headwall Repair on Unnamed Slough | Novato | | ✓ |
| Repair of Retaining Wall at 104 Butterfield Rd | San Anselmo | | |
| Installing I Beams in Pilings at 21 Main Street in Tiburon | Tiburon | | ✓ |

| | | | |
|---|---|---|---|
| Truchard Watershed Enhancement and Aquatic Restoration | Napa | Napa | |
| Zinfandel Estates Salvador Creek Floodplain Mitigation | Napa | | |
| Arastradero Road Storm Damage Repair | Portola Valley | San Mateo | |
| Yard Restoration | San Carlos | | |
| Belgatos Station Maintenance | Los Gatos | Santa Clara | |
| Coyote Ridge Ponds Restoration Projects CR-01 and CR-04 | San Jose | | |
| Chipps Island Shipping Container Removal | Pittsburg | Solano | ✓ |
| Petaluma River Flood Management in Denman Reach Phase 4 | Petaluma | Sonoma | |
| Lawson Trail Stream Crossings | Santa Rosa | | |