

## EXECUTIVE OFFICER'S REPORT: *March 2012*

A Monthly Report to the Board and Public

**NEXT MEETING:** March 14, 2012

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

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### **The 34th America's Cup Races (Xavier Fernandez)**

The City of San Francisco and the America's Cup Event Authority plan to host the 34th America's Cup on San Francisco Bay. The America's Cup is a series of international sailing races that will be held in August 2012 (World and Youth Series) and in July through September 2013 (Youth, Louis Vuitton Cup, America's Cup Challenger Series, potential Defender Selection Series, and Final Match).

Water Board staff participated in an inter-agency work group to evaluate potential impacts associated with the America's Cup and to develop permit strategies and conditions to prevent and minimize those impacts. Potential water quality impacts associated with the America's Cup include: (a) permanent and temporary fill and dredging of subtidal habitat; (b) pollutant discharges associated with demolition and construction activities; (c) introduction or spread of invasive species via construction and spectator vessels; (d) discharges of sewage, trash, and debris from spectator boats and viewing areas; and (e) pollutant discharges associated with racing yacht maintenance and impervious surfaces replaced by the America's Cup Project.

On February 13, I issued a Clean Water Act Section 401 Water Quality Certification for the America's Cup Project. To compensate for permanent and temporary fill impacts, the Certification requires subtidal habitat to be restored by removing dilapidated pier platforms and creosote-treated wood and concrete piles. In addition, a small nesting platform will be constructed, with non-toxic materials, to benefit the Caspian tern. The Certification also

requires best management practices (BMPs) to prevent the discharges of pollutants and the spread of invasive species during construction and race events. These BMPs include an innovative boater outreach program, based on social marketing principles. As part of the outreach program, an America's Cup *Clean Boater Flag* will be provided to any boater coming to the America's Cup that makes a pledge to: (a) properly dispose of trash and other wastes; (b) not discharge sewage to the Bay; and (c) implement BMPs to prevent the spread of invasive species. The Certification also requires the installation, operation, and maintenance of low impact development facilities, such as a rainwater harvesting system and a bioswale at the Marina Greens parking lot, to minimize and mitigate for pollutant loads in stormwater from replaced impervious surfaces.

### **Bay Area Watershed Network Annual Meeting (A.L. Riley)**

On February 10, we hosted the annual Bay Area Watershed Network (BAWN) meeting with the assistance of the San Francisco Estuary Partnership. BAWN brings together federal, state, and local agencies, non-profit organizations, and private firms involved in watershed and stream management in the Bay Area. BAWN participants collaborate on watershed and stream assessments and the development of restoration tools and watershed education programs. BAWN also provides a forum for discussing policies that affect watersheds and stream quality and habitat and for exploring ways to better link land use and water management and address climate change.

The work of BAWN is accomplished through self-formed working groups; these groups use the annual meeting to report back on their activities and plans for the future year. Some participants are engaged in the proposed vegetation management guidelines of the U.S. Army Corps of Engineers, which will impact riparian corridors. Some are involved in the protection of volunteer-based public works projects. The promotion of green jobs and development of sustainable sources of funding for watershed protection and restoration has been another focus. The assessments and monitoring working group has been working towards creative solutions for improving monitoring programs for stormwater and exposing network members to the array of assessment and monitoring methods for different watershed management purposes. Future workshops are being planned on the design of green stormwater controls, bay-friendly landscaping and vegetation for stream restoration, and a synthesis of the 40 different types of watershed assessments currently under use. Another function of BAWN is to help link watershed projects to the Bay Area's Integrated Regional Water Management Plan.

Speakers at the annual meeting included Tina Cannon Leahy, the principal consultant to the Assembly Water Parks and Wildlife Committee, who informed us about future funding options under consideration; Robin Grossinger of the San Francisco Estuary Institute, who spoke about the potential uses of historic landscape information for stream management and restoration efforts; and the Water Board's Claudia Villacorta, who described recent progress on a collaborative effort with water purveyors to improve our response to, and regulation of, potable water discharges from water supply distribution facilities and lines. The management of BAWN is now going through a transition from Water Board staff (which has helped form and sustains the collaboration of the group) to the San Francisco Estuary Partnership.

**Grazing Operations in Napa and Sonoma (Rico Duazo)**

The Water Board adopted a Conditional Waiver of Waste Discharge Requirements for grazing operations in the Napa River and Sonoma Creek watersheds last September. Twenty-nine ranchers submitted Notices of Intent to comply with the Conditional Waiver by the November 15 due date. We are continuing to conduct stakeholder outreach efforts to make sure all eligible ranchers (approximately 50 in total) are notified and aware of the Conditional Waiver's requirements. To that end, we have submitted a newsletter item to the Sonoma Farm Bureau and are working with the UC Cooperative Extension and the Napa and Sonoma Resource Conservation Districts to identify those eligible ranch operations that have yet to enroll and to help educate them about how to develop the required farm water quality plans.

**Mare Island Naval Shipyard Team Receives Award (Elizabeth Wells)**

On February 22, the Navy team overseeing cleanup of a former 230-acre landfill at the Mare Island Naval Shipyard in Vallejo was awarded the 2011 Chief of Naval Operations Environmental Award. The Environmental Award Program recognizes Navy ships, installations, and people for outstanding performance in promoting environmental stewardship. The Navy team worked closely with staff representatives from the Department of Toxic Substances Control and the Water Board to efficiently implement a remedy-in-place for the former landfill area.

The Record of Decision for the area was signed in 2006 and the "remedy-in-place" was successfully achieved in 2010. This award winning project included hot spot removals, construction of a 73-acre multi-layer cap, and installation of a slurry wall with a groundwater extraction trench. A two-foot-thick soil cover was placed on adjacent areas, and long-term monitoring with land use controls was implemented.

Additionally, the Navy constructed 8.7 acres of new wetlands to replace 7 acres of wetlands that were filled as part of the remedy (approximately 120 acres contain non-tidal wetlands adjacent to or within disposal areas, which includes critical habitat for the endangered salt marsh harvest mouse). It also constructed a 4-mile public access trail that overlooks San Pablo Bay and non-tidal wetlands. The trail includes interpretive panels about sensitive natural resources, potential munitions explosive hazards, and Mare Island's military history.

One of the factors considered in selecting this project for award was that it was finished in a timely fashion and is currently providing critical habitat to the salt marsh harvest mouse. We are especially pleased to be mentioned as part of the award-winning team that participated in effectively bringing the entire project to fruition.



Photo 1. Aerial view of the Mare Island Naval Shipyard.



Photo 2. Improved wetlands.

### **Closure of Novato MTBE Case (John Jang)**

In mid-February, Water Board staff issued a case closure letter for the VIA Station site in Novato. This action culminates a ten-year cleanup at a leaking underground fuel tank case that impacted a water supply well serving a nearby mobile home park.

VIA Station site is located on Redwood Boulevard north of downtown Novato and has been in operation since 1967. Petroleum released during its earlier years of operation resulted in up to 6 inches of free product in several shallow groundwater wells, and subsurface contamination extending up to several hundred feet northeast of the site.

The discharger discovered very high concentrations of the gasoline oxygenate MTBE in shallow groundwater in 1997 – up to 53,000 ug/l in one well. This finding prompted a well survey, which found 15 private wells in the vicinity. One drinking water well was impacted by MTBE (levels were 90 ug/l or nearly 20 times the current drinking water standard). The well served 42 dwellings in the Redwood Homes mobile home park. The well was taken out of service and drinking water was supplied by truck. The mobile home park connected to the city water supply in October 2000.

The Water Board adopted a site cleanup order for this site in February 2001. The discharger implemented several phases of cleanup pursuant to this order including groundwater “pump and treat,” ozone micro-sparging, and dual-phase extraction. The last cleanup method was successful at removing most petroleum residuals in the soil and shallow groundwater. The Water Board rescinded the site cleanup order last October, following completion of all tasks.

Water Board staff issued a case closure letter in mid-February. The case qualified for low-threat closure for the following reasons:

- The contaminant sources were evaluated.
- The site was adequately characterized.
- Exposure pathways, receptors, and potential risks, threats, and other environmental concerns were adequately evaluated.
- Sources of onsite pollution were remediated to the extent practicable.
- The groundwater plume is stable and retreating and limited to the immediate site vicinity.

- There are no unacceptable risks to human health, ecological health, and sensitive receptors, considering current and reasonable future land and water uses.
- Shallow groundwater in the area is no longer used for drinking water, and water quality objectives should be met before any future beneficial use of shallow groundwater occurs.

### **MTBE in South San Francisco Drinking Water Well (Nancy Katyl)**

Water Board staff are working to determine the source of MTBE detected in a cluster of municipal supply wells in South San Francisco. MTBE is a gasoline oxygenate that was widely used in California in the 1990s until its use was phased out in 2003.

The well field is owned by the California Water Service (CWS) and is located near South San Francisco's former corporation yard, west of the downtown area. The wells contribute drinking water to South San Francisco residents, who also obtain drinking water from San Francisco's Hetch Hetchy water system. Starting in 2005, CWS' monitoring showed that several of the wells had MTBE detections, including one well with detections above the 5 ug/l drinking water standard for MTBE. That particular well has since been taken out of service.

In November 2011, Water Board staff met with representatives from CWS, the City of South San Francisco, San Mateo County Health Services, and the California Department of Public Health to assess the situation and determine appropriate next steps. We learned that the City's former corporation yard is the closest petroleum release case to the well field and that MTBE was among the contaminants released from a former underground storage tank on this property. The case was closed by San Mateo County in 2003, at which time MTBE concentrations in shallow groundwater had substantially declined. There are other leaking underground storage tanks in the area that may be contributing to the contamination, and additional work is needed to identify the source(s) of MTBE and determine how the MTBE has migrated into the supply wells.

Following the meeting, Water Board staff reopened the former City corporation yard case and directed the City to perform additional investigative work to determine whether a residual source of MTBE remains on the property and if there are other potential MTBE sources in the area. We will update you on significant developments in this case.

### **Cleanup Plans for BART Extension Project Approved (Adriana Constantinescu)**

I recently approved two cleanup plans for the Bay Area Rapid Transit (BART) Extension Project in Fremont, Milpitas, and San Jose. The Extension Project will ultimately connect the BART system south from the currently planned Warm Springs station in Fremont, through Milpitas and San Jose, and then northwest to Santa Clara.

Construction of the Extension Project will require removal of existing Union Pacific railroad tracks and excavation of soil to build the permanent BART tracks. Portions of the Project will be in areas with soil concentrations of metals, total petroleum hydrocarbons, and volatile organic compounds above environmental screening levels. One cleanup plan addresses a 10-mile rail alignment between Warm Springs and downtown San Jose, while the second cleanup plan addresses areas extending beyond the rail alignment in Fremont. The two cleanup plans provide several management options for impacted soils, depending on contaminant concentrations.

The Extension Project will include six stations – one in Milpitas, four in San Jose, and one in Santa Clara; a 5-mile tunnel in downtown San Jose; and a new maintenance and storage facility in Santa Clara. Some of the benefits of the Extension Project are: (1) accommodating over 90,000 daily riders, (2) arrival of BART trains every six minutes, (3) intermodal connections to light rail and buses, Caltrain, Altamont Commuter Express, Capitol Corridor, future Automated People Mover and High Speed Rail, and (4) connections to San Jose State University, HP Pavilion, Santa Clara University, Mineta SJ International Airport and other major South Bay employment, education, and shopping centers.

### **National Groundwater Awareness Week (Mary Rose Cassa)**

Now well into its second decade, National Groundwater Awareness Week (March 11-17, 2012) spotlights one of the world's most important resources: groundwater. More than 90 percent of the available fresh water on Earth (excluding fresh water locked up in glaciers and ice caps) is groundwater. Municipalities, industries, and farms in many areas depend on groundwater for their water supply. California pumps 10.7 billion gallons of groundwater per day, a third more than the second-ranked state – Texas. About 44 percent of the U.S. population depends on groundwater from either a public source or private well for its drinking water supply. Roughly half the residents in our Region obtain some or all of their drinking water from groundwater.

This annual event is sponsored by the National Ground Water Association; its website provides additional information (see [www.ngwa.org/events-education/awareness/pages/default.aspx](http://www.ngwa.org/events-education/awareness/pages/default.aspx)). Below are some groundwater awareness tips:

- If you own a water well, have your water tested yearly and if you notice a change in odor or taste.
- Don't over-apply pesticides, herbicides, and fertilizers. Use them in the recommended amounts.
- When you're handling hazardous substances, do so in a location (such as over concrete) to avoid groundwater infiltration or runoff into surface water from accidental spills.
- Don't dispose of any hazardous substances by dumping them on the ground, pouring them down the drain, or flushing them down the toilet. Contact local waste authorities about proper disposal of hazardous substances such as: pesticides/herbicides, antifreeze, fertilizer, paint/paint thinner, oil, and chemicals.
- If you own a septic tank, have it cleaned and serviced every two years to prevent a breakdown that could pollute your groundwater.

### **In-house Training**

Our February training was on effective briefings, with an outside trainer provided by the State Board's Training Academy. We will have no training in March.

### **Staff Presentations**

On February 9, staff geologist Mike Napolitano spoke at a State Board training titled Restoring Water Quality and Aquatic Ecosystems. The training highlighted efforts by U.S. EPA to make greater progress in the control of non-point pollutant sources and fulfill the promise of the Clean Water Act. Mike's talk on "A Rare and Cool Plan for Fish in the Napa River Watershed" emphasized a holistic approach to beneficial use protection founded on strong science, communication, and watershed partnerships.

On February 29, I spoke at the Sixth Annual California Infrastructure Symposium, organized by the American Society of Civil Engineers, focusing on the evolving infrastructure needs for

wastewater treatment and stormwater runoff control. I emphasized that local agencies need to implement an asset management approach to revitalizing their infrastructure and that all stakeholders need to collaborate on enhancing the multiple benefits revitalized infrastructure provides.

On March 5, I participated on a panel for the Engineering Research Center that is starting up the "Re-inventing the Nation's Urban Water Infrastructure (ReNUWIt)" initiative, led by UC Berkeley and Stanford, and funded by the National Science Foundation. The ReNUWIt initiative's goal is to inspire the technological change necessary to develop the urban water systems of the future that use less energy and resources and provide more social and ecological benefits. I represented the government sector on the panel, which remotely reached three states that included representatives from academia and the private sector discussing evolving trends and employment opportunities in urban water system development.

**Recent Penalty Enforcement Complaints and Settlements (Lila Tang)**

The following tables show newly issued complaints, recently proposed settlements, and settled actions for assessment of penalties as of last month's report. No new complaints were issued. All active cases 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 Settlements</b>			
The following are noticed for a 30-day public comment period or settlement discussions are underway. 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>
Union Oil Company of CA and Atlantic Richfield Company, properties on High Street in Oakland	Failure to timely submit an adequate report for site remediation	\$143,253	March 30, 2012

<b>Settled Actions</b>			
On behalf of the Water Board, the Executive Officer approved the following settlements.			
<b>Discharger</b>	<b>Violation</b>	<b>Penalty</b>	<b>Supplemental Environmental Project</b>
East Bay Municipal Utility District, potable water distribution system	Unauthorized discharges to Sausal and Reliez Valley Creeks	\$72,000	Not applicable

The State Board's Office of Enforcement also 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](http://www.waterboards.ca.gov/board_info/eo_rpts.shtml)