

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

REPORT DATE: January 11, 2023

Executive Officer's Report
Corrected

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Closure of Sonoma County Tanker Truck Spill (Brian Thompson)

We recently closed a cleanup case associated with a tanker truck that crashed on Arnold Drive in Sonoma County in November 2019. The accident spilled approximately 4,500 gallons of gasoline into a tributary of the Sonoma Creek. The spill was cleaned up to the extent feasible, and residual impacts will be managed in accordance with a soil and groundwater management plan.

Tanker truck spills don't necessarily become cleanup cases because the amount spilled is limited by the size of the truck and emergency response actions are often able to contain and clean up the spills. We typically only advise emergency responders so cleanups protect beneficial uses. However, the Arnold Drive spill required more oversight because the truck crashed at an overpass and excavation to remove the spilled gasoline required a California Department of Transportation (Caltrans) approved shoring plan to preserve the structural integrity of the overpass itself. Gasoline remained in the ground for many months, and it migrated to areas where excavation was restricted (e.g., beneath trees and the overpass). We provided additional oversight to further evaluate the risks posed by the residual gasoline.

This case was closed as a low-risk site after additional investigation and risk assessment was completed. The amount of residual gasoline left at the site does not threaten State waters, and the potential risks associated with subsurface exposure will be managed in accordance with a soil and groundwater management plan that we approved on July 22, 2022.



In overseeing this case, we collaborated clean up with Caltrans and the California Department of Fish and Wildlife. The Sonoma County District Attorney's Office pursued enforcement against the trucking company (Rinehart Oil, Inc.). The matter was settled with a judgment and injunction filed in Sonoma County Superior Court on August 4, 2022, that imposes \$91,000 in civil penalties and costs to be paid to the Fish and Wildlife Propagation Fund (\$30,000), the Fish and Game Preservation Fund (\$30,000), Sonoma County (\$10,000), Sonoma County District Attorney's Office (\$15,000), and the California Department of Fish and Wildlife (\$6,000).

East Bay Municipal Utility District and Satellite Collection Systems on Track to Reduce Wet Weather Discharges (Sam Plummer)

A Consent Decree requires the East Bay Municipal Utility District (EBMUD) and seven "Satellites" that deliver wastewater into the EBMUD system to complete sewer rehabilitation work that will eliminate discharges from EBMUD's three Wet Weather Facilities. The seven Satellites are the cities of Alameda, Albany, Berkeley, Emeryville, Oakland, and Piedmont and the Stege Sanitary District. The Wet Weather Facilities are San Antonio Creek (to cease discharge by 2028), Point Isabel (to cease discharge by 2034), and Oakport (to cease discharge by 2036). EBMUD and the Satellites are on track to eliminate the wet weather discharges as required.

To evaluate progress toward meeting the Consent Decree requirements, EBMUD uses a hydrologic and hydraulic model of the Satellite collection systems. It calibrates the model annually using the previous year's wet weather data to reflect rehabilitation work performed by the Satellites and private sewer lateral rehabilitation work overseen by EBMUD. Then, it runs the model using a template storm defined in the Consent Decree. The volume of water discharged from the Wet Weather Facilities during the template storm using the newly calibrated model is compared to the baseline volume discharged before any rehabilitation work was performed. The ratio of these flows is called the Output Ratio. The goal of the Consent Decree is to reach an Output Ratio of zero.

To evaluate whether the work performed is on track, the Consent Decree identifies two Mid-Course Check-In dates, 2022 and 2030. If the Output Ratios from the previous three years are above the Consent Decree's targets, listed in Table 1, EBMUD and the Satellites must implement additional measures to ensure that discharges from the Wet Weather Facilities are eliminated by the Consent Decree's final compliance deadline. In September 2022, EBMUD reported Output Ratios indicating that EBMUD and the Satellites complied with the 2022 Mid-Course Check-In targets. Discharges from the Wet Weather Facilities have been reduced by 41 to 64 percent compared to baseline conditions.

Table 1: Output Ratios and Consent Decree Targets

Wet Weather Facility	Output Ratios	Consent Decree Targets		
	Three-Year Average (FY20-22)	Three-Year Average (FY20-22)	Three-Year Average (FY28-30)	Final Compliance
San Antonio Creek	36%	43%	0%	0% by 2028
Point Isabel	50%	53%	18%	0% by 2034
Oakport	59%	65%	31%	0% by 2036

Enforcement Actions (Brian Thompson and Bill Johnson)

The following table shows a proposed enforcement action. Because the proposed settlement is pending and could come before the Regional Water Board, *ex parte* communications are not allowed. Please refer to the [Pending Enforcement Liabilities and Penalties](#) webpage for more information on the alleged violations and proposed settlement.

Proposed Settlement

The following was noticed for a 30-day public comment period. Enforcement staff are reviewing comments received. The Executive Officer will review the comments and enforcement staff responses and may sign an order implementing the settlement.

Discharger	Violations	Proposed Penalty	Comment Deadline
Vista Corporation and Clover Flat Landfill, Inc.	Discharge of acidic and leachate-laden stormwater, failure to observe or respond to leaks, and ineffective slope stabilization	\$619,400	December 29, 2022

401 Water Quality Certification Applications Received (Abigail Smith)

The table below lists those applications received for Clean Water Act section 401 water quality certification from November 30 through December 14, 2022. An X 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
San Pablo Creek Culvert Repair	Orinda	Contra Costa	
Hass Magoon Residence	Marshall	Marin	
Englehardt Residence 1003 Francisco Court	Suisun City	Solano	X