

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

MEETING DATE: October 10, 2018

ITEM: **5**

SUBJECT: **EXECUTIVE OFFICER'S REPORT**

EXECUTIVE OFFICER'S REPORT: *October 2018*

A Monthly Report to the Board and Public

NEXT MEETING: October 10, 2018

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

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Planned Cleanup and Redevelopment at Point Richmond (Jeff White)

The City of Richmond has approved redevelopment plans for the former Terminal One Site (the "Site"), which includes 316 residential units, open space, and other improvements. The Site is located at Point Richmond on the San Francisco Bay shoreline, as shown on Figure 1. The City, which currently owns the Site, and its developer (Laconia) have also prepared a draft 2018 Remedial Action Plan (draft RAP) for the cleanup of legacy pollution at the Site. The draft RAP includes remedies to protect human health and the environment by removing and containing historic petroleum contamination and incorporating numerous, integrated design features. Next steps include finalizing the draft RAP, designing and engineering the remedies, and updating the Board's existing 2004 Cleanup Order.

Site and Regulatory History

Terminal One was initially developed about 1913 as a port facility for shipping and industrial activities, and it operated until the late 1980s. It was primarily a storage and warehouse facility for transfer of cargo and bulk liquids from ships to trucks and rail cars. Various site improvements included 68 aboveground storage tanks (ASTs), warehouses, an office building, boilers, an underground fuel storage tank, a truck scale, and a below-ground stormwater drainage system. Detailed records on past chemical use are not available; however, chemicals likely to have been stored in the ASTs include petroleum hydrocarbons (crude and fuel oils), non-petroleum-based hydrocarbons (vegetable, coconut, and cottonseed oils), and solvents. During its operating history, chemicals were released to soil and groundwater at the Site.



Figure 1: Location of Richmond Terminal One Site

Site investigation, risk assessment, remediation feasibility study, and remedial action plan development were performed between 1998 and 2004. Based on the site investigation, there are three primary areas where chemicals were released at the Site: 1) the Southwestern Tank Farm Area (chlorinated solvents); 2) the Northeastern Tank Farm Area (petroleum and other hydrocarbons); and 3) the Central Area (polycyclic aromatic hydrocarbons), as shown on Figure 2.

After the Board adopted the Cleanup Order in June 2004, remediation was performed in 2005 and 2006 in the Southwestern Tank Farm Area and the Central Area. Cleanup for the Northeastern Tank Farm Area was linked to earthmoving activities associated with planned redevelopment of the Site. That work has not yet been completed, because the previous developer abandoned the redevelopment project about 2007.

Change in Land Use/Redevelopment Plan

Due to the now planned land use change of the Southwest Tank Farm Area from open space to residential housing, as well as rapidly-evolving industry practices for vapor intrusion mitigation and risk management, in 2016, Board staff requested additional investigation to better understand the current environmental conditions at the Site. Additionally, an evaluation of petroleum-contaminated groundwater discharge to the Bay was requested. In early 2017, the City and the developer collected additional soil-gas and groundwater data and,

in November 2017, reported those data in a preliminary draft RAP. Board staff's comments have been substantively addressed through two revisions, culminating in the current 2018 draft RAP.



Figure 2: Aerial Photograph of Richmond Terminal One Site (2002). Southwestern Tank Farm is adjacent to Warehouse, and Northeastern Tank Farm is adjacent to Yacht Club.

2018 Draft RAP

The current design of the proposed redevelopment has incorporated a comprehensive evaluation and mitigation of environmental concerns through:

- Podium construction of residential structures;
- Slurry wall construction to mitigate potential petroleum discharges to the Bay;
- Collection, onsite treatment, and offsite discharge of most stormwater runoff;
- Excavation and treatment of heavily-contaminated soil in the Northeast Tank Farm Area, with onsite reuse under the garage slabs;
- Raising Site grades with imported clean fill to accommodate future sea level rise;
- Capping the Site with buildings, roads, pathways, and other hardscapes; and
- Institutional controls prohibiting residents and visitors from excavating on the Site.

On September 19, Board staff convened a community meeting at the City's Public Library to inform the public and to hear concerns about the planned redevelopment. During the meeting, the developer, City's representatives, and Board staff responded to community concerns and questions.

Next Steps

Board staff is now reviewing and considering all comments and concerns to determine if any changes are needed to the draft RAP. After the draft RAP is finalized, the City and the developer will proceed to remedial design. Board staff anticipates updating the 2004 Cleanup Order in early 2019 to approve the remedial design and require RAP implementation, remedy effectiveness evaluations, and groundwater monitoring. Construction activities will follow an approved risk management plan, stormwater runoff controls, and dust, noise, and other nuisance abatement measures as specified in the City's 2016 Environmental Impact Report for the project. We will keep the Board informed of progress at the Site.

Update on Hillview Cleaners Site (David Barr)

In late August, I issued a site cleanup order for the Hillview Cleaners dry cleaner site in Saratoga. The Board considered this matter at its April and July 2018 meetings. At both meetings, the current landowner, the past dry cleaner operators, and the insurance company covering all parties argued for delaying action to allow more time for settlement discussions. The main issue with the settlement discussions how to allocate cleanup costs and who should be named on the cleanup order. At the July meeting, the Board agreed to a short delay and directed me to administratively issue the site cleanup order on or after August 27. The Board also provided direction on which dischargers to name in the order, depending on the status of settlement discussions in late August. If the parties *had* reached a settlement agreement, the order would name only the current landowner. If the parties *had not* reached an agreement, the order would name the current landowner and the past operators.

We received confirmation on August 27 that the parties entered into a settlement agreement. We understand that the agreement will be considered by the court in mid-November and anticipate that it will be accepted. Accordingly, I issued the site cleanup order naming only the current landowner. The order also incorporates changes in task deadlines to reflect the four-month delay in order issuance as directed by the Board in July.

Shortly after I issued the order, the current landowner questioned the task deadlines in the order, arguing that the deadlines should be further delayed until after court approval of the settlement agreement and funding of a trust account. We disagreed, citing the supplemental material for this item (redline Word versions of the order under the two settlement scenarios) presented to the Board and the parties at the July Board meeting and Board-approved minutes from that meeting. The current landowner is checking the meeting transcript, has petitioned the order to the State Board, and may request further changes to the task deadlines. We will provide you with future updates about this case as circumstances warrant.

Consent Judgement Against James Tong et al. (Brian Thompson)

On September 4, the Deputy Attorney General, on behalf of the Board and the California Department of Fish and Wildlife (DFW), reached settlement with defendants James Tong, Wildlife Management LLC, Charter Properties, Stanforth Holding LLC, Topgrade Construction Inc., and Goodfellow Topgrade Construction LLC that disposes of the State's suit against the defendants. This settles alleged Water Code and Fish and Game Code violations at a 30-acre development in Dublin, known as Dublin Ranch. The settlement requires the defendants to pay \$1.1 million to the Board and DFW, to provide 23 acres of onsite mitigation for impacts to California Tiger Salamander habitat, to purchase offsite Tiger Salamander mitigation credits in the amount of \$270,000 at a mitigation bank that includes Dublin Ranch in its service area, and to obtain an Incidental Take Permit from DFW before development at the Dublin Ranch continues.

The settlement resolves violations at the Dublin Ranch site in 2012. The defendants allegedly failed to implement adequate sediment and erosion control measures causing sediment discharges, filled streams without authorization, and discharged alkaline stormwater from crushed concrete used as road base. The Board referred these alleged violations to the Attorney General's Office in July 2013, and a civil complaint was filed in Alameda County Superior Court in July 2015. The complaint also contained violations DFW alleged, including discharges of deleterious materials into Tiger Salamander and Red Legged Frog habitat, diversion or obstruction of a stream without a stream alteration agreement, negligent misrepresentation of mitigation and the failure to obtain mitigation credits, creation of a nuisance, and cost avoidance at the expense of wildlife.

This settlement follows State and federal enforcement of criminal violations. In spring 2016, Mr. Tong pleaded guilty to crimes related to forging mitigation credits to obtain a grading permit for the site, securities fraud, and endangered species act violations. He agreed to pay a total of \$1 million in restitution and funding for wildlife protection, conserve 107 acres of land in Contra Costa County, serve 4 months of house arrest, and perform 100 hours of community service.

This settlement closes our enforcement against Mr. Tong and related parties for their construction and permitting short cuts taken in 2012 to develop property at the expense of wildlife and water quality.

In-house Training

In-house trainings are scheduled to resume in the fall.

Staff Presentations

Kevin Lunde participated in a panel discussion at the North Coast Regional Water Board's September 6 meeting on lessons learned since the devastating 2017 North Bay wildfires. Kevin presented on the water quality monitoring results in the Sonoma Creek and Napa River watersheds and shared our fact sheets with the North Coast Board.

On September 7, I presented a "regulatory update" to the North Bay Watershed Association at its monthly meeting, where I updated Association members, who are representatives of North Bay water, wastewater, and stormwater agencies, on statewide and regional water quality policy development and implementation. I highlighted the evolving emphasis on multi-benefit and "one water" projects in the Bay Area and encouraged them to implement such projects throughout the North Bay.

Barbara Baginska presented at the 10th Biennial Bay-Delta Science Conference, held September 10-12 in Sacramento, on our approach to develop site-specific objectives for dissolved oxygen for Suisun Marsh, the TMDL adopted by the Board in April, and related implementation actions taken to improve Suisun Marsh water quality.

Enforcement Actions (Mary Boyd and Brian Thompson)

The following table shows the 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			
On behalf of the Board, the Executive Officer approved the following:			
Discharger	Violation(s)	Imposed Penalty	Supplemental Environment Project
Lennar Homes of California	Effluent limit violation	\$3,000	\$3,000
Burlingame Point, LLC	Effluent limit violation	\$3,000	none
Chevron Environmental Management Co.	Effluent limit violation	\$3,000	none
Golden State Warriors	Effluent limit violation	\$3,000	none
Browning Ferris Industries	Effluent limit violations	\$9,000	\$3,000
Sausalito-Marin City Sanitary District	Effluent limit violation	\$3,000	\$3,000
City of St. Helena	Effluent limit violations	\$21,000	none
City of Half Moon Bay	12 unauthorized discharges of untreated sewage	\$26,800	\$13,400

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 August 10 through September 10, 2018. 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
Schevill and Hayes Properties – Emergency Slope Repair	Berkeley	Alameda	
Alhambra Creek Desedimentation	Martinez	Contra Costa	
McCosker Creek Restoration and Recreational Improvements	Oakland		
Brookwood Road Culvert Repair	Orinda		
Winter Island Tidal Habitat Restoration	Winter Island		✓
Tamalpais Creek Bank Stabilization	Kentfield	Marin	✓
Bolinas Lagoon Drainage Maintenance	Stinson Beach		✓
Alcatraz Dock Fender Pile Replacement	San Francisco	San Francisco	✓
Geotechnical Investigations for Seawall Repairs	San Francisco		✓
Mission Bay Park P3 Bank Stabilization	San Francisco		✓
372 Poett Road Swale Creation	Hillsborough	San Mateo	
Pescadero Creek Habitat Enhancement	La Honda		
Blu Harbor Maintenance Dredging	Redwood City		✓
MidPen Housing - Bradford Street	Redwood City		✓
240 Lindenbrook Road Retaining Wall Installation	Woodside		
Chevron Pipeline Replacement	Birds Landing	Solano	✓
2018 Ignacio Mare Island #1 Piling Inspections and Geotech Investigation	Vallejo		✓