

California Regional Water Quality Control Board
San Francisco Bay Region
EXECUTIVE OFFICER'S REPORT

A Monthly Report to the Board and Public

April 2009

The next regular scheduled Board meeting is April 8, 2009.

See <http://www.waterboards.ca.gov/sanfranciscobay/> for latest details and agenda

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Enforcement - Complaints, Settlements, and Penalties (Brian Thompson)

The Assistant Executive Officers issued two administrative civil liability (ACL) complaints during the month of March with notices for public hearings at upcoming Board meetings. One ACL complaint proposes a fine of \$115,000 to the San Francisco Public Utilities Commission for discharge of chlorine and petroleum contaminated water to San Francisco Bay caused by a spill from its from Crystal Springs Pipeline Number 2 in Daily City (San Mateo County). The other ACL complaint proposes a fine of \$734,000 to the Mt. View Sanitary District for a sanitary sewer overflow from its collection system to Vine Hill Creek (Contra Costa County). Copies of these complaints can be found on our web site: http://www.waterboards.ca.gov/sanfranciscobay/pending_en.shtml.

Five dischargers have agreed to conditional offers to settle mandatory minimum penalty violations through the Water Board's Expedited Payment Program. The dischargers will pay the following penalties if no significant comments are received within the 30-day comment period that ends April 15. More information about these offers can be found on our web site: http://www.waterboards.ca.gov/sanfranciscobay/pending_en.shtml.

- The Tesoro Refining and Marketing Company, Golden Eagle Refinery - \$3,000
- San Francisco Public Utilities Commission,
Harry Tracy Water Treatment Plant - \$87,000
- City of Fairfield, North Bay Water Treatment Plant - \$9,000
- City of Fairfield, Waterman Treatment Plant - \$6,000
- Chevron USA, Inc., Richmond Refinery - \$6,000

The San Francisco Public Utilities Commission has paid \$64,000 in penalties for violations at its Sunol Treatment Plant in Alameda County, and the City of St. Helena has paid \$12,650 in penalties in accordance with ACL complaints that were issued to these dischargers and upon waiving their right to a hearing before the Board. No comments were received during the public comment periods and the matters are settled.

Morrison Park Brownfield Restoration (Nathan King)

In March, I issued a "no further action letter" for the Morrison Park redevelopment site, signifying the completion of site investigation and cleanup. The four-acre site is located approximately a third of a mile northwest of HP Pavilion in San Jose. The site was historically used for agriculture, auto repair and maintenance, fruit canning and distribution, metal fabrication, and as a gas station. These operations used various chemicals including pesticides, lead-based paint, metals, gasoline, and solvents that resulted in releases of these chemicals to soil at several locations.

381 Stockton, LLC, the current owner, completed cleanup of the site by excavating and disposing of ten underground storage tanks, three hydraulic lifts, and over 2,000 tons of contaminated soil offsite. The excavations were backfilled using clean fill. Post-cleanup confirmation soil, soil gas, and groundwater samples indicated the site is now suitable for unrestricted use. The buyer of the property, Morrison Park Homes, LLC, proposes to construct 250 single and multi-family units with podium parking on the ground floors. Construction is scheduled to be completed by 2012.

We began oversight of this cleanup site in early 2007 and were able to complete all oversight tasks within about two years. Rapid oversight of site cleanup is often key to successful Brownfield restoration.

Dry Cleaner Workshop on Potentially Responsible Party Searches (Roger Papler)

On March 11, site cleanup staff from the Water Boards and DTSC held an internal workshop on finding potential responsible parties (PRPs) for discharges of perchloethylene (PCE) from dry cleaners. This is the second workshop put on by the recently created dry cleaner workgroup. PCE is a highly toxic chlorinated solvent that has been the main cleaning agent used by dry cleaning facilities for the last several decades. PCE is a highly mobile chemical that moves rapidly through groundwater, so it is important to identify these release sites and require investigation and cleanup. It is sometimes difficult to find financially viable responsible parties for discharges from dry cleaners because there are often several different owners and operators over time.

The workshop allowed the agencies to share information about available tools for conducting PRP searches. We have summarized the main points below:

- Attorneys from the Water Board and DTSC summarized laws and regulations that allow the respective agencies to require site history information, investigation, and cleanup.
- Research tools that may be used for PRP searches include: business histories including advertising, licensing, registration, tax, and permitting requirements; Polk directories and old telephone books; county clerk fictitious name records; the Secretary of State's website; court documents including divorce and criminal

records; vital statistics including birth and death; police department records of environmental crimes; public works department records; interviews; and internet searches.

- DTSC contracts with firms that specialize in PRP searches, title searches, and insurance archaeology. Research on older insurance policies can be important because in some cases the PRP had an insurance policy that will pay for the investigation and cleanup.
- Soil gas sampling is a good source identification tool to use where a groundwater plume is known to exist but the exact discharge point is not known.
- Leaking sewer lines can allow PCE to be released to groundwater. Sewer surveys, videos, and sampling can be used to identify specific release points from sewers. In certain cases, cities have been named as responsible parties and required to complete cleanup of PCE leaked from sewer lines.

The next dry cleaner workshop will focus on funding to help pay for required investigation and cleanup. This is a key issue because most dry cleaner owners and operators are often "mom and pop" small businesses.

In-house Training

We had no training in March. Our April training will be on groundwater/surface water interactions. Brownbag seminars include an April 8 session on bar-building estuaries, immediately following the Board meeting (no cover charge).

Staff Presentations

On March 10, Wil Bruhns and Blair Allen met with Spyros Kouvelis, the Shadow Minister for the Environment for the Greek Parliament. Mr. Kouvelis was on a US State Department sponsored tour to learn how environmental matters are addressed in the US. He came to our offices to discuss water management. Staff explained the Water Board structure, procedures, successes, and challenges. Mr. Kouvelis was particularly interested in our stakeholder involvement efforts, our ability to compel actions by reluctant dischargers using the public process and enforcement, and our monitoring efforts, including the public dissemination of data.

On March 4, Jill Marshall gave a presentation at the Salmonid Restoration Federation's annual conference in Santa Cruz. She was one of five speakers at a daylong workshop focusing on assessment planning and design considerations for estuary restoration in California. She spoke about the historical changes, habitat loss, study results and critical uncertainties both driving and limiting restoration actions in Pescadero Marsh. The workshop provided an opportunity to discuss issues recently raised at a one day Pescadero Marsh Forum with a broader group of estuary scientists and resource managers.