

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

MEETING DATE: May 13, 2020

ITEM: **4**

SUBJECT: **Executive Officer's Report**

**Executive Officer's Report
May 6, 2020**

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Executive Officer's Report May 13, 2020

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Prosperity Cleaners Status Update, Marinwood (Ralph Lambert)

The purpose of this update is to inform you about cleanup progress at this site and our actions in response to missed reporting deadlines.

Background: Prosperity Cleaners is a former dry cleaner located in the Marinwood Plaza shopping center north of San Rafael in Marin County. Releases of tetrachloroethene (PCE) from past dry-cleaning operations have impacted soil, groundwater, and soil vapor. In 2014, you adopted Cleanup Order [R2-2014-0007](#), which you subsequently amended with Orders No. [R2-2014-0036](#) and [R2-2018-0035](#). Collectively, the Order requires Marinwood Plaza, LLC, as the owner of the property where the dry-cleaning operation was located, to cleanup and monitor the PCE contamination.

PCE in groundwater and soil vapor extends from the source property (where the dry-cleaning operation was located) to nearby properties. The area where PCE in groundwater exceeds the 5 ug/L Maximum Contaminant Level (MCL) extends from the source property about ½ mile to the east. Affected properties include the Silveira cattle ranch and land owned by Catholic Charities for the St. Vincent School for Boys.

The ranch uses groundwater for its operations. Marinwood LLC provides wellhead treatment to ensure the water is safe and useable even though PCE concentrations are below the drinking water standard of 5 µg/l.

PCE has also been detected in soil vapor at the source property in excess of screening levels for commercial use. However, there are currently no occupied buildings on the property overlying the soil vapor plume and no current exposure concern. Soil vapor sampling in the nearby residential neighborhood did not detect any PCE or breakdown products above applicable residential risk-based concentrations.

Soils/Soil Vapor Cleanup Delays: The Order requires that Marinwood Plaza, LLC complete additional soil excavation to abate soil vapor contamination on the source property after demolition of the existing buildings. To date, the owner has not conducted the required remedial actions, nor have they submitted the completion report. On April 22, 2020, the Assistant Executive Office signed a Notice of Violation for the failure to submit a remedial action completion report for soil vapor demonstrating completion of the work by the March 27, 2020 due date. The owner has also failed to submit monitoring reports since July 2019, as required by the Order's Self-Monitoring Plan (SMP). The monitoring is necessary to identify changes in PCE concentrations in groundwater and soil vapor and provide data to evaluate progress toward achieving cleanup levels. We also included these violations in our NOV to the owner.

The owner has told staff that they do not have funds for the work, that they are in negotiations with a potential buyer and that a property sale could provide funding for the work to be implemented. A redevelopment plan (with community support) proposes mixed commercial and residential use, including self-storage units.

Groundwater Cleanup: The current Order requires the discharger to meet drinking water standards within 10-years (i.e., by 2027). However, the groundwater remedial action plan (RAP) approved in 2018 has not been implemented. The 2018 RAP

proposed in-situ bioremediation with substrate injections as the primary remedial methods for PCE destruction. Because the Order did not specifically require RAP implementation, we are planning to update the Order to require implementation of the approved 2018 groundwater RAP toward achieving the cleanup levels by 2027. The updated Order will reinforce a directive letter staff issued last month under Water Code Section 13267 authority, requiring quarterly submittal of technical reports for groundwater remediation progress. The reports must summarize remediation activities implemented, how the groundwater plume is responding, and if the response is sufficient to achieve MCLs in the required timeframe. We also plan to include a new task in the Order that requires evaluation of new or modified remedial actions if cleanup progress is too slow.

Next Steps: We are continuing to keep interested parties – including offsite landowners, Marinwood community members, the County supervisor's office, and the prospective buyer – informed about site activities and reports. We anticipate bringing to you an updated Order in the next few months. In the meantime, we will evaluate enforcement actions based on the owner's response to our NOV and provide you with future updates on this case as circumstances warrant.

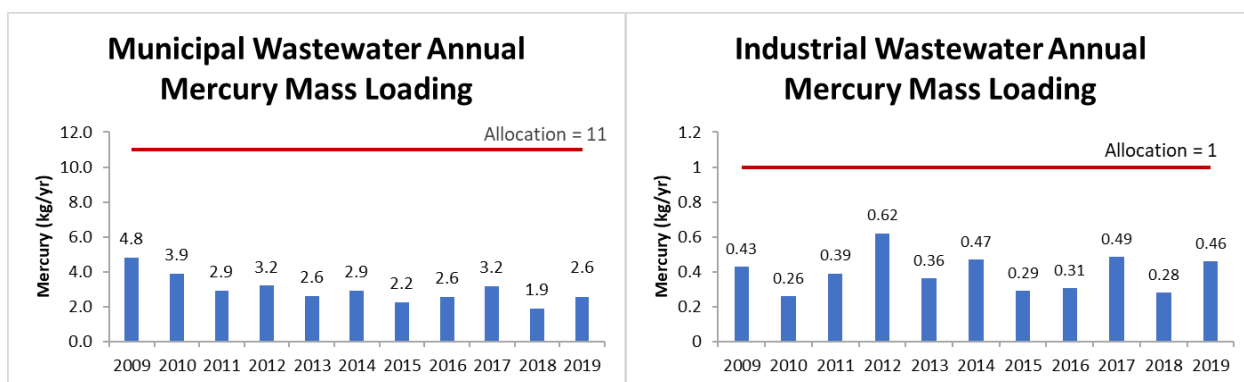
Wastewater Mercury and Polychlorinated Biphenyls Load Update – (James Parrish and Matias Tejero-Leon)

San Francisco Bay is impaired by mercury and polychlorinated biphenyls (PCBs), which led to the Board adopting total maximum daily loads (TMDLs) for mercury and PCBs in 2006 and 2008. These TMDLs define load and wasteload allocations that determine how much mercury and PCBs can be discharged by wastewater facilities to San Francisco Bay while still meeting water quality standards. In 2019, mercury and PCBs loads in wastewater discharges continued to be below the TMDL wasteload allocations, which are implemented through a regionwide watershed permit the Board reissued most recently in 2017.

Mercury Loads

As shown in Figure 1, 2019 mercury loads from municipal and industrial wastewater discharges increased compared to 2018 loads. Despite this increase, municipal and industrial discharges were 76 and 54 percent below the TMDL allocations and consistent with discharges over the last decade.

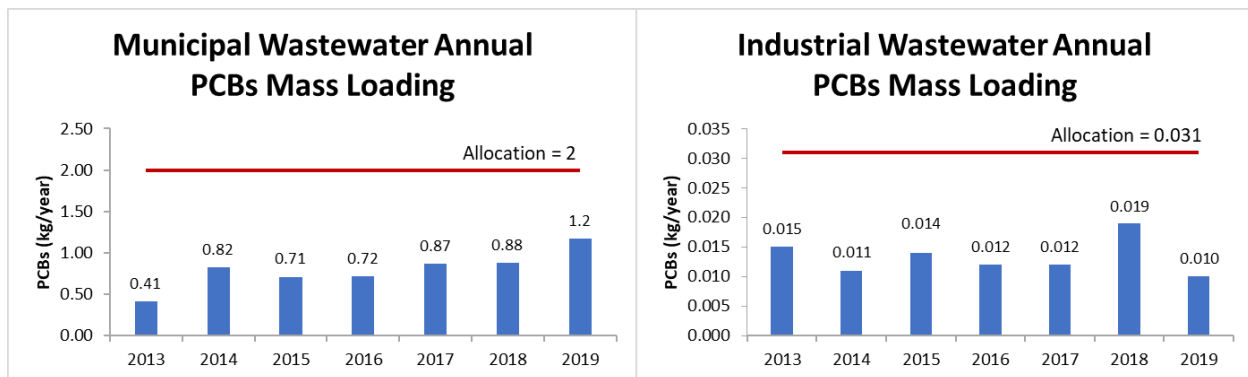
Figure 1. Municipal and Industrial Mercury Mass Loads from 2009 to 2019



PCBs Loads

As shown in Figure 2, 2019 PCBs loads from municipal wastewater discharges increased and loads from industrial wastewater discharges decreased compared to 2018 loads. Despite the increase in municipal loads, municipal and industrial dischargers were 59 and 35 percent below the TMDL allocations and consistent with discharges over the last decade.

Figure 2. Municipal and Industrial PCBs Mass Loads from 2013 to 2019



Findings

Year-to-year variations in mercury and PCBs loads could be due to variations in sample timing, wet weather, or simply analytical variability. Wet weather can increase mercury and PCBs loads by mobilizing solids in municipal collection systems or discharging contaminated runoff into industrial treatment ponds, and 2019 was a very wet year compared to 2018. Most of the 2019 increase in PCBs loads from municipal wastewater discharges can be traced to two effluent samples collected in February and May from the East Bay Dischargers Authority (EBDA). These samples coincided with prolonged wet weather, during which EBDA did not reduce treatment in any way that would otherwise explain the increase.

Vineyard Program Rollout and Update (James Ponton)

In 2017, the Board adopted general waste discharge requirements (Permit) to control sediment discharges from vineyard properties in the Napa River and Sonoma Creek watersheds. The Permit implements the control actions specified for vineyards in total maximum daily loads (TMDLs) for the Napa River and Sonoma Creek. The Permit is the first irrigated agricultural permit for our Region and implements our Vineyard Program. The Vineyard Program covers 1,420 properties equaling 105,000 vineyard property acres, of which 51,000 acres are planted in grapes.

The Permit was structured with a 10-year implementation horizon. In the early years, 2018 and 2019, significant effort was directed towards outreach and enrollment. This past year, we focused on fine-tuning enrollment information in GeoTracker to prepare for annual fee collection and worked closely with the Napa County and Sonoma County Farm Bureaus to take on two important roles to manage: 1) group fee collection for their constituents, and 2) the monitoring and reporting requirements of the Permit. The State Board's fee structure for irrigated agriculture provides a financial incentive for enrollees to pay fees through a fee collection group. This allows the State Board Fee Unit to issue a single invoice to the fee group, rather than individual invoices to each enrollee. Over 95 percent of our enrollees chose the group fee option. The Farm Bureaus maintain their own fee structure to cover their administrative costs of their program.

Two significant Permit milestones are upcoming in July: 1) verification of vineyard-specific Farm Plans (FPs) to see if the FP properly documents site conditions and meets Permit requirements, and 2) development of a monitoring and reporting program that is acceptable to the Executive Officer.

Farm Plans are used to map, document and evaluate the best management practices (BMPs) used to control erosion on the property, including surface erosion and unpaved road-related erosion, and minimize pesticide and nutrient discharges in stormwater. The Permit establishes performance standards for erosion and a timeline to achieve the performance standards. FPs document deficiencies and recommend a course of action to fix the deficiencies observed.

The Permit also established the roles and responsibilities of Third-Party Groups. Growers have the option to work with Third-Party Groups to develop the FP. Over the years, significant 319(h) grant funds were competitively awarded to develop technical Third-Party Group capacity and to offset the costs of FP development to the grower. Four Third-Party Groups were approved by the Executive Officer in 2018 to help growers in the FP development process. Third-Party groups also provide independent technical review of each FP as a cross-check to see if the FP properly characterizes site conditions. While we believe that most growers will meet their July milestone of a completed FB, we do expect that the COVID-19 health crisis will result in delays to the FP verification step for some growers.

The second July deliverable is a monitoring and reporting program for the Vineyard Program. Staff from the two Farm Bureaus, the Napa and Sonoma Resource Conservation Districts, and the Wine Institute have been collaborating with Water Board staff to develop a reasonable and acceptable approach towards watershed monitoring, specifically BMP implementation effectiveness monitoring and receiving water

streambed fine sand monitoring. The streambed monitoring ties back to streambed condition targets established in the TMDLs. Given our close working relationship with all parties involved, we believe that an acceptable monitoring and reporting program will be developed by the July 31 deadline.

Rollout of the Vineyard Program has been a success and much of this success can be attributed to Engineering Geologist Mike Napolitano. Mike was the primary researcher and author of the Napa River Sediment TMDL and contributed to the Sonoma Creek Sediment TMDL. He's been instrumental to the habitat restoration efforts undertaken in the Napa River watershed, and he worked to craft a permit that rewarded actions taken by growers, such as setting aside land for the river to adjust naturally and to enhance river function. He worked through our Grants Program to help develop Third-Party Groups and establish technical capacity in the watersheds for farm planning, so growers would have a head start towards Permit compliance. Most importantly, the trust Mike established within the watersheds over these past two decades was instrumental to our continued collaboration with stakeholders and successful Permit rollout.

BAY ADAPT | Regional Strategy for a Rising Bay (Lisa Horowitz McCann, Xavier Fernandez)

Water Board staff are playing key roles in [Bay Adapt](#). Bay Adapt is an initiative to establish regional agreement on the actions necessary to protect our people and the natural and built environment from rising sea levels. This is a regional planning forum, convened by the San Francisco Bay Conservation and Development Commission (BCDC). This effort grew out of BCDC's former Regional Shoreline Adaptation Strategy and in response to release of the [Adapting to Rising Tides](#) Report. This report outlines impacts of various projections of sea level rise on transportation, housing/development and natural lands. Bay Adapt is developing Guiding Principles that include supporting socially vulnerable communities, early actors, nature-based solutions and collaborative problem solving..

I serve on the Leadership Advisory Group for Bay Adapt and Assistant Executive Officer Lisa Horowitz McCann has been supporting me in that role. She has been participating in meetings, along with our Planning Chief, Xavier Fernandez, to help design the process and in the early planning sessions. Bay Adapt is currently organizing workgroups to focus on regional consistency, local planning, and project implementation. The workgroups and the Leadership Advisory Group will be meeting several times over the next six to nine months. Bay Adapt will also host public forums. The workgroups will be charged with developing sea level rise adaptation actions considering four main issues: equity and communities, natural environment, housing and jobs, and infrastructure.

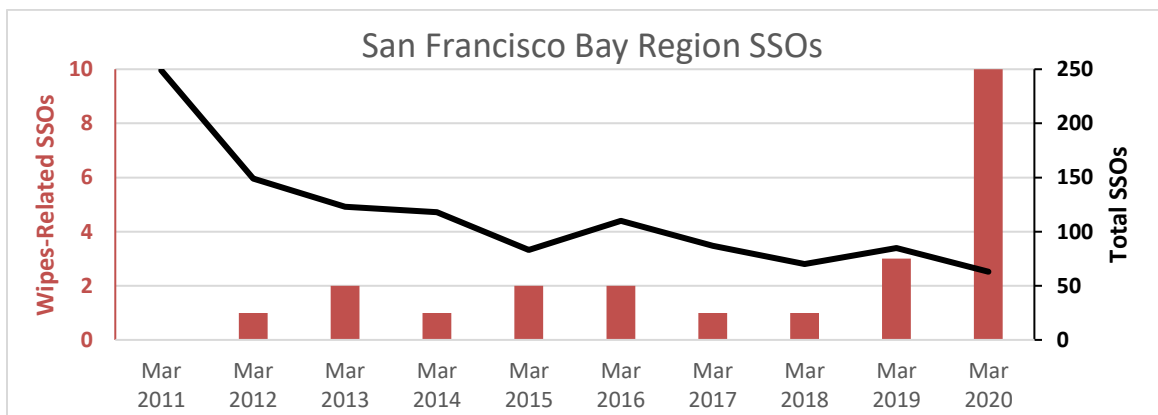
We have determined that our participation in Bay Adapt will be valuable for several reasons. Our participation is responsive to Board direction to address climate change as a priority. This is a structured opportunity to collaborate with key stakeholders on regional sea level rise adaptation and has successfully secured participation of key stakeholders from all sectors including environmental, business, housing, transportation and environmental justice. Our staff can make a significant contribution as they have experience and expertise developing and implementing region-wide consistency related to water quality and resource protection (e.g., regional general permits, basin plan amendments) and, under our own initiatives, are working on integrating sea level rise adaptation (e.g., [Adaptation Atlas](#), [wetland policy climate change basin plan amendment](#)). Our staff has experience and expertise developing, funding, permitting and managing shoreline adaptation projects, including piloting new nature-based solutions (e.g., South Bay Shoreline Levee), and collaborating and commenting on shoreline project planning to protect shoreline habitat and wetlands (e.g., Highway 37). The time investment in the Bay Adapt process is reasonable and we have the capacity to assign staff to participate (BCDC is staffing the logistics and management of the process).

Our goals in participating include engaging in regional collaboration, bringing forward nature-based solutions and wetland protection as integral for sea level rise adaptation, providing planning assistance for adaptation projects and developing policies and permitting strategies to efficiently permit projects as they come forward.

Sanitary Sewer Overflows in the Era of COVID-19 (Jessica Watkins)

The coronavirus pandemic shines light on an old problem: wipes. Wipes are among the leading causes of sewer system backups, clogging pipes, jamming pumps, and obstructing treatment systems. Many sanitary sewer overflows (SSOs) go to our creeks, Bay, and ocean, where they threaten public health and aquatic life. Wipes and paper towels stop up sewage collection and treatment systems because they do not break down like toilet paper. Even so-called “flushable” wipes clog pipes.

As people use more disinfectant wipes to prevent the spread of COVID-19, wipes-related SSOs have increased. The toilet paper shortage has exacerbated the problem by forcing some to turn to non-flushable alternatives. Data confirm this trend. The figure below shows the number of SSOs reported during March over the last ten years. Although the total number of SSOs has steadily decreased, the number of wipes-related SSOs has increased, particularly during 2020. In our Region, wipes-related SSOs accounted for 16 percent of the total number of SSOs reported in March 2020, compared to less than 4 percent in previous years.



This phenomenon is being reported in the news and social media. We are doing our part through the social media presence we debuted in March. Last month, we posted the wipes outreach shown below on Twitter, Facebook, and Instagram. Other agencies are doing their part too. For example, the Central Contra Costa Sanitary District won the California Water Environment Association's [Best Use of Social Media Award](#) last year for its [Wipes Clog Pipes](#) campaign and continues to post innovative wipes outreach on its social media, as shown below.

Regional Water Board Twitter



Central Contra Costa Sanitary District Twitter



March 2020 Enforcement Actions (Jessica Watkins)

The following table shows the proposed enforcement action since April's report. In addition, enforcement actions are available on our website at http://www.waterboards.ca.gov/sanfranciscobay/public_notices/pending_enforcement.shtml

Proposed Settlement

The following is noticed for a 30-day public comment period. If no significant comment is received by the deadline, the Executive Officer will sign an order implementing the settlement.

Discharger	Violation(s)	Proposed Penalty¹	Comment Deadline
CalAtlantic Group, Inc.	Discharge of polluted stormwater and failure to implement appropriate erosion, sediment, and perimeter control BMPs during construction between November 2018 and January 2019.	\$549,600	May 23, 2020

¹ Includes \$264,000 to supplement Regional Monitoring Program studies. The Regional Monitoring Program is managed by the San Francisco Estuary Institute to collect water quality information in support of management decisions to restore and protect beneficial uses of the Region's waters.

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 February 14 through April 9, 2020. 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
Alameda Point Harbor Seal Haul Out	Alameda	Alameda	✓
Patterson Slough Southbound Bridge Deck Replacement	Fremont	Alameda	
Pleasanton Ridge Regional Park Access	Pleasanton	Alameda	
Tehan Creek Bank Stabilization	Pleasanton	Alameda	
Property Division at 3333 Little Valley Road	Sunol	Alameda	
Alameda Harbor Bay Ferry Landing Donut Fender Piles	Alameda	Alameda	✓
Shell Pond Solid Waste Mgmt Unit 4.18 Managed Natural Recovery Through Phytoremediation Within the Waste Management Pond	Bay Point	Contra Costa	✓
Finley Road Culvert Replacement	Clayton	Contra Costa	
Sanders Ranch Falls Streambank Stabilization	Moraga	Contra Costa	
2 Sandhill Road Property Culvert Installation	Orinda	Contra Costa	
Montezuma Pump Station Replacement	Pittsburg	Contra Costa	✓
LS72 and LS47 Pipeline Washout Repair	Concord	Contra Costa	

Project Name	City/Location	County	May have BCDC Jurisdiction
Vanderslice Bridge Scour Repair	Walnut Creek	Contra Costa	
Waterfront Improvements 1 West Shore Rd	Belvedere	Marin	✓
7711 Redwood Boulevard	Novato	Marin	
Vineyard Creek Sewer Line and Bank Stabilization	Novato	Marin	
Gallagher Ranch Streambank Stabilization	Point Reyes Station	Marin	
Deck Construction at 24 To 26 Moorings Road	San Rafael	Marin	✓
Emergency Pile Replacement at Schoonmaker Point Marina	Sausalito	Marin	✓
112 Cypress Drive Sewer Lateral Replacement	Fairfax	Marin	
Hog Island Oyster Company Tomales Bay Shellfish Farm Equipment Upgrade	Marshall	Marin	
Vino Farms Napa River Streambank Stabilization and Revegetation	Napa	Napa	
Devlin Road and Vine Trail Extension	American Canyon	Napa	
Green Island Road Reconstruction and Widening	American Canyon	Napa	
Pioneer Park Pedestrian Bridge and Fish Passage Enhancement	Calistoga	Napa	
Napa Pipe Redevelopment	Napa	Napa	
Sulphur Creek Rock Removal at 765 Valley View	St. Helena	Napa	

Project Name	City/Location	County	May have BCDC Jurisdiction
Pier 70 Wharf 8 fill Removal	San Francisco	San Francisco	✓
Stream Channel Maintenance	Burlingame	San Mateo	✓
Beach at Coyote Point Improvements	San Mateo	San Mateo	✓
Guadalupe Channel Erosion Control	Brisbane	San Mateo	✓
Rockaway Quarry Reclamation	Pacifica	San Mateo	
Serra Drive Outfall Repair	Pacifica	San Mateo	
Single Family Home Construction at 248 Jared Lane in Los Gatos	Los Gatos	Santa Clara	
SR 17 Capital Preventative Maintenance	Los Gatos	Santa Clara	
8733 FEMA Kelley Park Storm Drain Outfall Repair	San Jose	Santa Clara	
City Place Development	Santa Clara	Santa Clara	✓
8770 FEMA Alum Rock Mineral Springs Bridge Rock Wall Embankment Repair	San Jose	Santa Clara	
Tasman East Specific Plan Riverfront Park Drainage Swale Culverting	Santa Clara	Santa Clara	✓
Suisun Creek Bridge Scout Repair	Fairfield	Solano	
Vallejo Marina Seawall Repair	Vallejo	Solano	✓
Wings Landing Tidal Habitat Restoration	Fairfield	Solano	✓

Project Name	City/Location	County	May have BCDC Jurisdiction
Depot Park First Street West Frontage Improvements	Sonoma	Sonoma	
Fryer Creek Pedestrian and Bicycle Bridge	Sonoma	Sonoma	
Rinehart Tanker Spill Site Cleanup	Sonoma	Sonoma	
9457 Willow Avenue Home Construction	Cotati	Sonoma	
Chase Street Bridge Replacement	Sonoma	Sonoma	