

## Oil Spill Protections Expanded to All State Waters

### *New Law Ensures Wildlife Will Get Rescue and Care During Oil Spills*

In a major victory for protecting California waterways from oil spills, a new state law will provide rivers, lakes, and creeks with oil spill protections previously given only to coastal waters.

The law also ensures continued funding for the California agency that rescues wildlife injured by an oil spill. Baykeeper helped orchestrate the law's passage.

The expanded protections are especially critical now, because the danger of oil spills into the state's inland waters is rising as more oil is shipped into the state by rail.

Railroad tracks cross over water at more than 7,000 locations in California. Last year in the US, rail accidents caused the spilling of more than a million gallons of crude oil.

As a result of the new law, the state Office of Spill Prevention and Response (OSPR) will now oversee work to prevent, prepare for, and respond to oil spills anywhere in California. Baykeeper holds a position on OSPR's Technical Advisory Committee, and under the new law, we will help strategize



Photo by Roberto Sorcin Gerometta

**Page 3: Opposing oil and coal shipment along the Bay shore**

how best to protect inland waters from the oil onslaught. We will particularly focus on high-risk rail corridors that parallel sensitive rivers in San Francisco Bay's watershed.

In addition, the new law meets a critical need for protecting wildlife **(Continued on page 3)**

## East Bay Agencies Commit to Major Upgrades To Reduce Sewage Pollution in the Bay



Photo by TJ Gehling/Flickr/CC

**Upgrades to East Bay sewage infrastructure will make the water safer for paddle boarders and others who spend time on and in the Bay.**

Sewer agencies serving nine East Bay cities have agreed to make major upgrades to keep hundreds of millions of gallons of raw and undertreated sewage from polluting San Francisco Bay.

The improvements will ultimately end the current practice of intentionally releasing undertreated sewage from the cities into the Bay during rainy weather. Sewage contaminates the Bay with toxic substances and pathogens, and can endanger wildlife and people who come into contact with the water.

"These upgrades will lead to an enormous improvement in the long-term health of the Bay," said Deb Self, Baykeeper Executive Director. "It will make the water safer for wildlife, as well as for swimmers, surfers, sailors, and anyone who visits the Bay's shorelines and beaches."

Sewer pipes are crumbling in Alameda, Albany, Berkeley, El Cerrito, Emeryville, Kensington, Oakland, Piedmont, and **(Continued on page 6)**



SAN FRANCISCO  
**BAYKEEPER**®

[www.baykeeper.org](http://www.baykeeper.org)

Pollution hotline:  
1-800-KEEP-BAY

SAN FRANCISCO

**BAYKEEPER**®



**Safeguarding San Francisco Bay from pollution since 1989.**

785 Market Street, Suite 850  
San Francisco, CA 94103  
(415) 856-0444  
info@baykeeper.org  
www.baykeeper.org

#### BOARD OF DIRECTORS

Jeff Russell, JD, *Chair*  
Benjamin Patton, *Treasurer*  
Doreen Gounard, *Secretary*  
Brian Drue  
Tim Eichenberg  
Diane Livia  
Peter Molnar  
Christina Swanson, PhD

#### ADVISORY COUNCIL

Reverend Marc Andrus  
Rob Dougherty  
Tom Hicks, JD  
Tim Kochis, JD  
James A. Kuhns  
Robert Reed  
Kent Smith  
Diane Walton  
*Special Advisors to the Board*  
Robert F. Kennedy Jr.  
Michael Herz  
Terry Tamminen

#### STAFF

Deb Self  
*Executive Director*  
Sejal Choksi-Chugh  
*Program Director*  
George Torgun  
*Managing Attorney*  
Erica Maharg  
*Staff Attorney*  
Nicole Sasaki  
*Associate Attorney*  
Ian Wren  
*Staff Scientist*  
Eliet Henderson  
*Development Director*  
Judy MacLean  
*Communications Manager*  
Jenna McElroy  
*Development Associate*  
Jeremy Nelson  
*Finance & Administration Manager*

Baykeeper News is a publication of  
San Francisco Baykeeper,  
a 501(c)(3) nonprofit organization.

# New Victories to Keep Industrial Pollution Out of the Bay

Baykeeper's Bay-Safe Industry Campaign targets the widespread problem of illegal rainy-season runoff that flows into San Francisco Bay from more than 1,000 Bay Area industrial facilities. This runoff often contains high concentrations of contaminants that include toxic metals and petroleum hydrocarbons. These pollutants harm wildlife and people who spend time in and around the Bay.

We have now secured legally-binding agreements requiring cleanup by 21 industrial facilities that had been allowing significant amounts of toxic substances to run off into the Bay. Most recently:

**Sims Metal Management** in San Jose, a scrap metal recycler, is installing controls to keep contaminated runoff from flowing into nearby storm drains that empty into the Guadalupe River, and then into San Francisco Bay. The company's cleanup efforts will protect the Bay from pollutants that include oil, grease, iron, zinc, copper, and lead.

**Oldcastle Precast** in Pleasanton makes large concrete products that include building columns, pipes, and culvert linings. For five years during the rainy season, water contaminated with heavy metals has been running off Oldcastle's site to into storm drains that empty into Arroyo del Valle Creek, which flows to Alameda Creek and then to the Bay. Now, Oldcastle will collect and treat polluted storm water instead of allowing it to run off the site.

**Pacific Rim Recycling** in Benicia, which collects and processes household recyclables and electronics, has been allowing toxic



***Harbor seals and other wildlife can be harmed by pollutants in storm water that runs off Bay Area industrial facilities into San Francisco Bay, even during a drought. Baykeeper's Bay-Safe Industry Campaign is reining in this widespread source of contamination.*** Photo by Joan Robins

storm water to run off into Suisun Bay, an inlet of San Francisco Bay. The company will also collect and treat its storm water to prevent this pollution.

All three companies have been extremely cooperative in working with Baykeeper to reduce polluted runoff, and we applaud their ongoing efforts to contribute to a healthier San Francisco Bay.

In other Bay-Safe Industry Campaign action, Baykeeper has joined with our statewide coalition, California Coastkeeper Alliance, in a lawsuit for stronger statewide regulations on industrial runoff pollution.

For years, Baykeeper has been advocating for the State Water Board to tighten these regulations, but in April the board adopted a policy that weakens many previous protections. Our lawsuit aims for regulations that protect the Bay—and all California waters—from the highly toxic pollutants that run off industrial facilities. 

# Opposing Oil and Coal Shipment on the Bay's Shore

The Oakland City Council voted unanimously in June to oppose rail shipments of hazardous crude oil, coal, and petroleum coke (a toxic by-product of oil refining) through Oakland. Baykeeper advocated in support of the measure along with a coalition of partner environmental groups.

This action was part of Baykeeper's efforts to oppose the oil and coal industries' plans to expand their operations along San Francisco Bay.

Fossil fuel industries are pushing hard for more oil and coal exports from Bay Area ports, and for more oil and coal to be brought here by train.

More oil coming here by rail will raise the risk of accidents that could spill oil into San Francisco Bay and its watershed. Coal is shipped in mile-long trains with open-top cars that could spread highly toxic coal dust in densely populated Bay Area neighborhoods.

Cities can't ban shipment of coal and oil by train outright because the federal government regulates railroads. Oakland's resolution urges the City Administrator to take action within the city's power, including actively opposing new permits for fossil-fuel transport projects.

In other action against increased oil shipment along the Bay, Baykeeper is opposing the Valero refinery's plan to enlarge its Benicia rail yard. Valero wants to ship in more crude oil via tank car, mostly explosion-prone light crude from the North Dakota Bakken fields. Trains would run on tracks next to Suisun Bay, an inlet of San Francisco Bay with important wildlife habitat.



***The oil and coal industries are pushing hard for more oil and coal to be shipped into the Bay Area and along the Bay's shoreline by train.*** Photo by Susie Biehler

In September, we urged Benicia city government leaders to reject the proposed expansion of the Valero refinery rail yard—and we also mobilized our online network to send over 150 messages opposing increased shipment of crude oil to the refinery by train.

Baykeeper is continuing to advocate to keep the Bay and shoreline communities from being contaminated by expanded oil refining and increased oil and coal shipment in the Bay Area. 

## Oil Spill Protections Expanded to All State Waters *(Continued from page 1)*

by securing funds to keep open California's Oiled Wildlife Care Network.

The agency is a national leader in the rescue, cleaning, and care of wildlife harmed by an oil spill. For several years, a funding shortfall has threatened to shut it down. Now, thanks to the new law, the Oiled Wildlife Care Network will stay open to rescue wildlife along the state's coast, and also expand to rescue wildlife harmed if an inland oil spill occurs.

**The new law keeps open the California agency that rescues and cares for wildlife during an oil spill.**

To further protect San Francisco Bay and its wildlife from oil

spills, Baykeeper is working to oppose the oil industry's plans to increase regional oil refining and the shipment of oil through the Bay Area (see above). 



Photo by Bart Quigley

**Report Pollution to Baykeeper**  
**Call 1-800-KEEP-BAY**  
**Email [hotline@baykeeper.org](mailto:hotline@baykeeper.org)**  
**Click "Report Pollution" at [baykeeper.org](http://baykeeper.org)**



# Baykeeper 25th Anniversary

## Key Victories from Baykeeper's First 25 Years

*In honor of our 25th anniversary, we highlight key victories for San Francisco Bay over the course of our history.*

### 1998 Oil Refineries Compelled to Stop Contaminating San Francisco Bay



Photo by Hudson Henry

In 1998, Baykeeper compelled two oil refineries to stop contaminating the Bay with selenium. Selenium is a trace element in crude oil. Excess selenium causes gross deformities and death in birds, and it poses similar dangers for people who eat selenium-contaminated seafood.

The refinery owners, oil giants Unocal and Exxon, not only had to bring their selenium pollution below levels set by the Clean Water Act, they also paid \$4.8 million in penalties. The funds were used for projects that included restoring 45 square miles of Bay wetlands and habitat along creeks and rivers that flow into the Bay.

### 2000 30-Million-Gallon Sewage Overflows into the Bay Prevented

In 2000, Baykeeper and a coalition of neighborhood and environmental groups won crucial changes in the redevelopment of San Francisco's Mission Bay neighborhood that still protect San Francisco Bay from pollution today.

In a major win for the Bay and the neighborhood, the changes prevented annual overflows of 30 million gallons of sewage into the Bay and led to the restoration of wetlands along Islais Creek.

### 1999 Baykeeper Helps Found Nationwide Waterkeeper Alliance

Baykeeper was the first Waterkeeper program on the West Coast, and the fourth Waterkeeper in the nation. We worked with Robert F. Kennedy, Jr., and the two other original Waterkeepers on the East Coast to establish Waterkeeper Alliance in 1999.



Today, Waterkeeper Alliance includes over 200 local organizations on six continents, all defending the right to clean water and patrolling rivers, lakes, and coastal waterways.

### 2002 Dow Chemical Required To Clean Up Contamination of the Bay

After a five-year court fight, Baykeeper compelled the Dow Chemical plant in Pittsburg to keep toxic chemicals from contaminating Suisun Bay, a San Francisco Bay inlet. The chemicals, which cause cancer and reproductive harm, had also reached groundwater four miles upstream from a Contra Costa Water District drinking water intake.



Photo by Tracy Corbin

Dow signed a legally-binding agreement requiring the company to meet yearly targets for cleanup of the pollution. The company also paid a \$3 million penalty that was used to restore Bay wetlands and improve the Bay's water quality.

# 2004

## The Nation's First Regulations on Agricultural Pesticides Secured

For more than 20 years, pesticide-laden runoff from irrigated cropland was one of the largest sources of California water pollution. But because of the industry's political and economic influence, agricultural pesticides were exempt from all regulations.

After years of advocacy and community organizing, in 2004 Baykeeper won a groundbreaking set of pollution controls on agriculture in the Central Valley, the first regulations on agricultural pesticides in the nation. In 2006, we secured augmented regulations with tighter requirements to reduce pesticide pollution.

# 2010

## Federal Government Compelled To Clean Up the Ghost Fleet

The Ghost Fleet of 57 decaying surplus military ships poisoned the San Francisco Bay ecosystem for 40 years. The rusting ships released more than 20 tons of heavy metals and toxic substances into Suisun Bay and its critical wildlife habitat.

In 2010, Baykeeper, ArcEcology, and Natural Resources Defense Council secured an agreement requiring the federal government to clean and remove all the ships by 2017. Only five ships are left, and the worst ships have been removed first, so the ongoing pollution has already been significantly reduced. This victory has prevented an additional 50 tons of heavy metals from being blown and washed into San Francisco Bay.

# 2007

## Baykeeper Responds to a Major Oil Spill in San Francisco Bay



In November 2007, the oil tanker *Cosco Busan* spilled 53,000 gallons of heavy fuel into San Francisco Bay. Oil stained shorelines and beaches, contaminated wildlife habitat, and killed thousands of birds.

Baykeeper patrolled Bay waters and coastlines, advocated for more resources to clean up the spill, urged officials to incorporate local and community cleanup efforts, and educated boaters on limiting the spread of oil. Following the spill, Baykeeper participated in the Coast Guard incident evaluation, helping prepare 190 recommendations for improving oil spill preparation and response efforts.

In 2008, we went on to win statewide legislation to better protect the Bay from future spills and assure a more effective official response if spills happen. In the years since, Baykeeper has continued to play a lead role in protecting San Francisco Bay from oil spills (see page 1).

---

*Thanks to former Baykeeper Executive Director Mike Lozeau and Baykeeper Program Director Sejal Choksi-Chugh for sharing information, and to Ruth MacKay for research help.*

---

## First-Ever Bay Parade Commemorates Baykeeper's 25th Anniversary



Thank you to the fantastic participants, donors, and volunteers who made the first-ever Baykeeper Bay Parade a big success for the Bay! More than 50 swimmers, sailors, stand-up paddle boarders, kayakers, and rowers, plus the San Francisco Fire Department fire boat, the Hornblower hybrid ferry, and the Baykeeper pollution patrol boat rode swift currents under sunny June skies. The spectacular finale, with the fire boat spraying water hundreds of feet in the air, was broadcast live on the AT&T Park Jumbotron at the start of the San Francisco Giants ball game.

The Parade commemorated Baykeeper's 25th anniversary year, and participants raised funds to support our work to protect the Bay from pollution. It was a terrific demonstration of support for a clean and healthy San Francisco Bay.

# East Bay Agencies Commit to Protecting the Bay from Sewage Pollution

(Continued from page 1)

part of Richmond. During significant rain storms, the leaky sewer pipes allow massive amounts of rainwater to seep in.

The influx of raw sewage mixed with rainwater is too large for the East Bay's main wastewater treatment plant, so the flow is diverted to three wet weather treatment plants. There, the diluted sewage is only partly treated and quickly discharged into the Bay.

## The required updates will reduce, and then eliminate, the release of undertreated sewage into San Francisco Bay.

During the rainy season, these wet weather plants release millions of gallons of undertreated sewage mixed with polluted storm water into the Bay. In very wet years, it's hundreds of millions of gallons.

Now, the sewer agencies serving the nine East Bay cities, along with the region-wide East Bay Municipal Utility District (EBMUD), will make major

investments to replace outdated infrastructure over the next 21 years.

The required upgrades will gradually reduce, and then eliminate, releases of undertreated sewage into the Bay.

Another pollution problem in the East Bay cities is that outdated sewer pipes get clogged by tree roots and other materials and back up, spilling hundreds of thousands of gallons of raw sewage into streets. The raw sewage gets washed into storm drains that empty directly into the Bay, without filtration or treatment.

By replacing old pipes, the cities will minimize spills of sewage into neighborhoods and to the Bay. In addition, when homes in these cities are sold, worn-out sewer lines connecting the homes to the sewer system will have to be replaced.

The agreement is a result of a 2009 joint legal action by San Francisco Baykeeper, the US Environmental Protection Agency, and the California Water Board.

Since reaching an interim settlement agreement in 2011, the East Bay sewer agencies have begun making initial repairs, while planning longer-term infrastructure improvements

Raw sewage overflows and inadequately-treated discharges from sewer systems pollute the Bay with harmful substances that include disease-causing organisms.

Swimmers, surfers, and others who come in contact with sewage-contaminated water can get persistent skin and sinus infections and painful stomach disorders. Sewage pollution also threatens wildlife and can make fish caught in the Bay unsafe to eat.

This legally-binding agreement for cleanup of sewage pollution in the Bay is the latest progress in Baykeeper's Sick of Sewage Campaign.

As a result of our campaign, sewer agencies serving 20 Bay Area cities, including these in the East Bay, are upgrading their infrastructure in order to reduce pollution of the Bay. Repairs are ongoing, or in some cases complete, at sewer agencies serving 11 Peninsula cities.

Baykeeper is watching the progress closely, and we will take further action if the repairs fall short. We will continue our legal action and monitoring until sewage ceases to be a major pollution problem in San Francisco Bay. 

---

## Baykeeper Files Court Appeal to Stop Excessive Sand Mining in the Bay

In July, Baykeeper filed a notice of appeal in court to stop private companies from mining too much sand from San Francisco Bay. Excessive sand mining contributes to erosion at Ocean Beach and threatens important Bay species like Dungeness crab that migrate along the floor of the Bay through mining areas.

Our appeal will seek to overturn an April state court ruling that gave sand mining companies a green light to increase the amount of sand they dig up from the Bay floor, in violation of the California Public Trust Doctrine. Under the law, Bay sand is a resource that belongs to the public, and the state is charged with ensuring it's used properly on our behalf.

Plus, excessive sand mining can damage two of our region's natural treasures, the Bay and Ocean Beach, which also belong to the public.

For over 60 years, sand mining companies have been removing too much sand. Yet in 2012, the California agency that oversees sand mining, the State Lands Commission, approved a large increase in Bay sand mining. Baykeeper is standing up to private companies that are unsustainably depleting sand in the Bay.

In addition to our court case, we are advocating before the Bay Conservation and Development Commission, which issues permits for sand mining in the Bay. We are urging the Commission to carefully consider the large body of scientific evidence showing harm from excessive Bay sand mining, and set appropriate limits to protect both Ocean Beach and the Bay. 



**Excessive sand mining in San Francisco Bay threatens important Bay species like Dungeness crab.**

*Photo by majorbonnet Flickr/CC*

---

## Tips to Protect the Bay During Drought

During a drought, infrequent rainstorms can deliver a heavier-than-usual load of pollution to the Bay. Rainwater that runs off buildings and streets picks up trash, oil, pesticides, fertilizers, and other pollutants that have accumulated while the weather was dry.

In most Bay Area cities, this polluted water flows into storm drains that empty directly into the Bay, or into creeks that flow to the Bay, with no filtering or treatment. Likewise, water from a hose or sprinkler system can also pick up concentrated pollutants on its way to the Bay.

Here are some ways you can help protect the Bay:

**Reduce water use.** The Bay Area's tap water comes from sources farther up the watershed, whether the Sacramento-San Joaquin Delta or the Hetch Hetchy Valley of Yosemite, which supply freshwater to the Bay. By using less tap water, we can reduce the burden on the ecosystem.

**Clean driveways and sidewalks with a broom and a dustpan, not a hose.** Empty the dustpan into the trash, not a gutter or storm drain.

**Don't wash your car in the driveway or street.** Instead, look for a carwash that conserves or recycles water and sends its runoff water to a treatment plant.

**When watering your garden, keep water from running off into the street.** Water by hand or position your hose or irrigation system to keep water in your yard, and don't over-water.

**Install porous walkways, driveways, and patios** that allow rain to soak into the ground below.

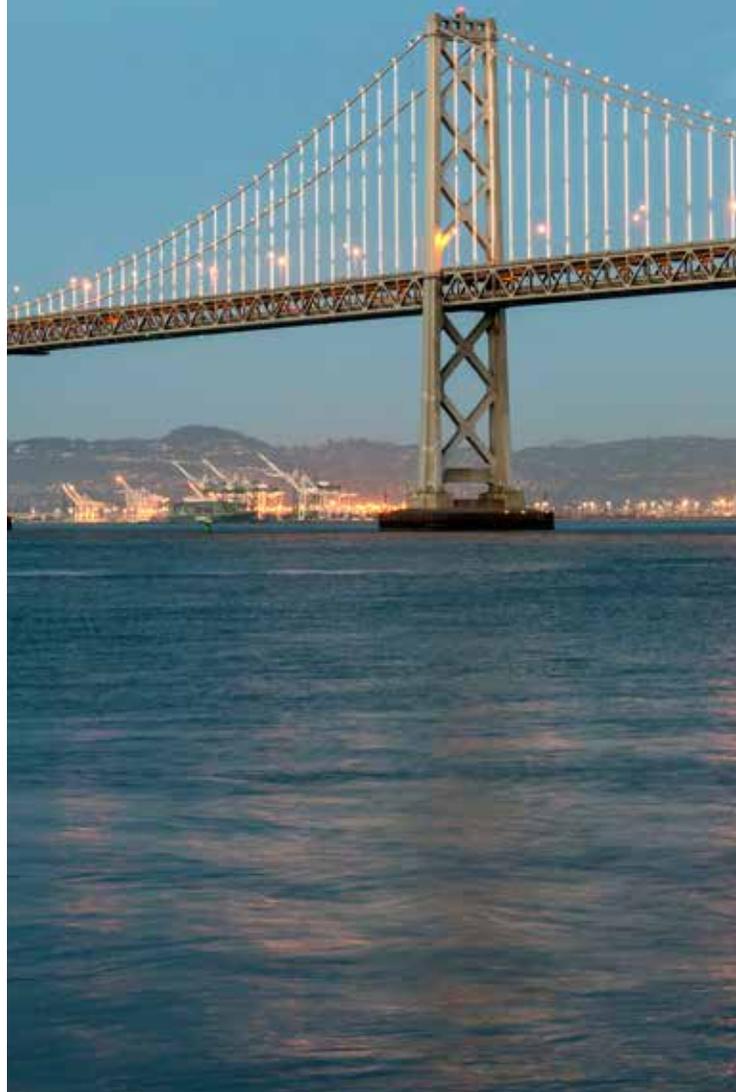
**Use a rain barrel** to collect water from your roof for use later in your yard or garden during dry weather.



**Plant a rain garden** with native, drought-resistant plants. A well-planned rain garden absorbs rainwater from your roof, driveway, and sidewalks, and breaks down pollutants naturally.

**Support Bay-friendly storm water systems.** Learn more about the storm water systems where you live, and support funding increases for infrastructure improvements. Cities can do a lot to control storm water pollution, such as installing trash removal devices on storm drains; requiring new development projects to have features that reduce storm water pollution; and reducing pesticide use on city property.

SAN FRANCISCO  
**BAYKEEPER.**



**Help Protect the Bay from Pollution  
with Your Gift to Baykeeper**

**Use the enclosed envelope to send your gift,  
or donate online at [www.baykeeper.org](http://www.baykeeper.org)**



## Fall/Winter 2014-15 Baykeeper News

### Bay Species Spotlight: Great Blue Heron (*Ardea herodias*)

Slender, blue-gray birds up to five feet tall, great blue herons (*Ardea herodias*) live all around San Francisco Bay. With half its height in its long legs, this majestic bird wades in the Bay's shallow tidal waters, often standing silent and unmoving. Then, with a sudden thrust of its sharp beak, the heron stabs a fish and swallows it whole.

Sometimes the fish is larger than the heron's own head, and a visible lump goes in stages down the bird's long, S-shaped neck. Great blue herons also eat small land animals. If an unwary pocket gopher sticks its head out of its hole, a heron can grab it and eat it in one gulp.

About 600 great blue heron pairs nest around San Francisco Bay, including on Alcatraz, at Don Edwards National Wildlife Refuge in the South Bay and even at Stow Lake in Golden Gate Park. With a six-foot wing span, great blue herons rise into the sky with grace, beating their wings slowly. They occasionally fly close to the water's surface and dive to spear prey.

Male and female herons look very similar. For half the year, they are solitary, each with its own feeding territory in the Bay's wetlands. Starting in January or February, they gather in colonies to breed and nest. Made from sticks, the nests are two to four feet wide, usually in tall trees. Males and females take turns sitting on the eggs and feeding the chicks, one finding food while the other stays at the nest. This year's chicks have grown to full



size and left the nest, and are now catching their own food in their own solitary territory in the Bay's wetlands.

Adult herons have few predators, but raccoons and feral cats prey on eggs and chicks. If humans intrude into nesting areas, chicks may not survive and the herons may not return to the area in following years. You can help great blue herons thrive in the Bay Area by keeping away from nesting areas. Some adult herons will casually stroll close to humans. For others, a human coming close can be stressful. When in doubt, keep your distance.

Great blue herons need wetlands for habitat. The more Bay wetlands can be preserved and restored, the more we will see of these powerful and elegant birds. Herons also need clean, healthy Bay water. Like sea lions

and harbor seals, herons are among the Bay's top predators. If the fish herons eat have been swimming and feeding amid toxic pollution, these birds can accumulate a heavy load of harmful contaminants in their own bodies.

To protect great blue herons and all San Francisco Bay's wildlife, Baykeeper is working to stop pollution that runs off the region's industrial facilities into the Bay during storms (see page 2). 

Photo by Joan Robins



Follow us on Facebook and Twitter  
 Sign up for e-mail updates at [baykeeper.org](http://baykeeper.org)

[www.baykeeper.org](http://www.baykeeper.org)

Pollution hotline: 1-800 KEEP BAY

