

## Baykeeper Wins New Oil Spill Protection for the Bay

### ***Large Outbound Ships Prohibited From Passing Under the Bay Bridge In Heavy Fog***

San Francisco Baykeeper's advocacy helped win new rules to reduce the risk of oil spills in San Francisco Bay. Outbound oil tankers, cargo ships, and other large vessels are now prohibited from passing under the Bay Bridge when fog reduces visibility to less than half a mile. The restriction was adopted by the San Francisco Bay Harbor Safety Committee on February 14 and went into effect immediately.

Baykeeper Executive Director Deb Self serves on the Harbor Safety Committee, representing the public and the Bay. Baykeeper advocated for the committee to take swift action in the wake of an accident on January 7, when the oil tanker *Overseas Reymar* crashed into the Bay Bridge in heavy fog. The tanker's cargo tanks were empty, but it was carrying 245,000 gallons of bunker fuel used to run the tanker itself. It was a relief that the crash didn't pollute the Bay, but this near-disaster made it clear that the existing rules weren't doing enough to protect the Bay from oil spills.

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***Baykeeper Executive Director Deb Self aboard the Baykeeper patrol boat on January 7, investigating possible harm to San Francisco Bay just after the tanker Overseas Reymar hit the Bay Bridge. Fortunately no oil was spilled into the Bay, but the accident showed that the Bay needs more protection from the risk of oil spills. Baykeeper successfully advocated for new rules that keep large outbound ships from passing under the Bay Bridge when visibility is less than half a mile.***

## South San Francisco Cleans Up Sewage Spills to the Bay

### ***Targets Reached Early in Progress for Baykeeper's Sick of Sewage Campaign***

Sewage pollution from South San Francisco is no longer a problem in San Francisco Bay, marking a new success in Baykeeper's Sick of Sewage campaign. In 2011, Baykeeper won a legal agreement from South San Francisco requiring the city to fix its sewage pollution problem within five years. Now, the city has finished three years ahead of schedule.

South San Francisco, a city of 64,000 on the eastern shoreline of the Peninsula, formerly did not maintain its sewer collection system properly. The poor maintenance allowed roots, debris, grease, and rain water into the sewage pipes. This caused ruptures of the pipes, along with backups of untreated sewage that spilled into storm drains and creeks flowing into the Bay. To compel South San Francisco to curb the pollution, Baykeeper sued the city in 2010 for violating the Clean Water Act.

In 2011, Baykeeper secured a legally-binding agreement requiring South San Francisco to improve its sewage operations and management practices.

The city also agreed to make \$300,000 in grants to eligible homeowners for replacement of worn-out household sewer lines

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### **Page 3: New Victories to Curb Industrial Pollution in the Bay**



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**Spring/Summer 2013**



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## BAYKEEPER®

San Francisco Baykeeper is the pollution watchdog for San Francisco Bay, using science and advocacy to reform policy and enforce clean water laws for the benefit of the Bay ecosystem and Bay Area communities.

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## Letter from the Executive Director



Welcome to the Spring/Summer 2013 issue of *Baykeeper News*! We're proud to share news of our recent victory to **protect San Francisco Bay from oil spills**, and new progress in our **Sick of Sewage campaign** to keep sewage from poisoning the Bay. We also have more victories to celebrate in our **Bay-Safe Industry campaign**, our latest effort to curb a major pollution problem in the Bay: contaminated industrial runoff. Plus, Baykeeper is taking a stand against fracking to extract oil and gas in California, a major threat to the health of the San Francisco Bay and Delta watershed.

In staff news, I'm pleased to welcome our new Managing Attorney, **Jayni Foley Hein**, who has joined us to oversee our investigations and legal docket. We're also delighted to have **Jenna McElroy** as our new Development Associate. Both new staff members are already making great contributions to Baykeeper's work. And we've had excellent assistance this season from our interns, **Coby A. Graham** (Boston College Law School) **Brittney Laver** (UCLA), and **Madeleine MacGillivray Wallace** (Urban School).

The Baykeeper victories on these pages belong to our generous supporters. As you read about our campaigns and successes, I hope you will take pride in knowing you play a part in making it all happen. Because of you, San Francisco Bay is cleaner for wildlife, safer for recreation, and healthier for everyone who enjoys the Bay. Thank you!

Deb Self  
San Francisco Baykeeper  
Executive Director

## Baykeeper Files Suit to Stop Excessive Sand Mining in the Bay

Baykeeper has filed a lawsuit against the California State Lands Commission to overturn its decision to permit a large increase in sand mining in San Francisco Bay. Too much sand is already being mined, disrupting the Bay's ecosystem and contributing to erosion of Ocean Beach.

Beaches outside the Golden Gate, like Ocean Beach, are naturally replenished by sand that washes out of the Bay over time. Ocean Beach is eroding in part because sand mining is depleting the amount of sediment flowing out the Golden Gate from upstream sources in the Delta and Sierra Nevada mountains.

Further erosion from increased sand mining could threaten the Great Highway, cause a major San Francisco sewer line to rupture, and wash away sensitive habitat for shorebirds.

Excessive sand mining also damages the Bay's ecosystem. Sand is mined by scooping it from the floor of the Bay, impacting bottom-dwelling invertebrates and shellfish. The mining area is mostly between the San Francisco waterfront and Angel Island, which is used by juvenile Dungeness crab, sturgeon, and other important Bay species.

In addition to filing the lawsuit, Baykeeper is also advocating for regulatory agencies to improve limits on sand mining that protect Ocean Beach and the Bay.



**Excessive sand mining harms San Francisco Bay's bottom-dwellers, such as young Dungeness crab.** Photo credit FlickrCC Lori & Todd

## Bay-Safe Industry Campaign

# New Victories to Curb Industrial Pollution in the Bay

Baykeeper is making steady progress in our Bay-Safe Industry campaign to clean up widespread, illegal runoff into San Francisco Bay from industrial facilities. Two more facilities have recently agreed to control their pollution, bringing the total to nine. Baykeeper's advocacy has also prompted regulators to tighten controls on one of the Bay's worst industrial runoff polluters.

**Baykeeper has so far won legally binding agreements requiring nine significant industrial polluters to control their toxic runoff contamination of San Francisco Bay.**

Early this year, Xstrata Recycling in San Jose, one of the largest processors of precious-metal-bearing electronic scrap in the western US, agreed to install new pollution controls. When Baykeeper notified Xstrata that they were polluting the Bay with runoff containing heavy metals, the firm's management was very cooperative and agreed to learn more about how to clean up the contamination. As a result, Baykeeper was able to reach a legally-binding agreement for pollution control with the

company, without filing a lawsuit. Now Xstrata is implementing our recommended pollution controls, such as installing filters on storm drains and resurfacing some paved areas to reduce runoff.

We also contacted another recycler of electronics, e-Recycling of California in Hayward, with concerns about the company's potential pollution runoff. The company volunteered to test its storm water runoff to see if it is polluting the Bay, and to reduce any pollution found.

Baykeeper has stepped in to clean up industrial runoff pollution because regulators are not controlling this contamination. Although about 95% of the Bay Area's 1,300 industrial facilities have violated the Clean Water Act in recent years, underfunded



**During the rainy season, Baykeeper staff and volunteers collected samples of runoff from industrial facilities as evidence of pollution.**




**As a result of Baykeeper's advocacy, Schnitzer Steel Oakland, one of San Francisco Bay's worst industrial polluters, was recently ordered by regulators to do more to keep toxic dust from blowing and washing into the Bay.**

California regulatory agencies inspect and require improvements at fewer than 5% of these facilities. Our Bay-Safe Industry campaign includes legal action against major industrial polluters, outreach and education to industrial facilities, and advocacy for better regulation of industrial runoff pollution.

Baykeeper's advocacy for better regulation recently scored a victory when the San Francisco Bay Regional Water Board put stronger requirements on one of the Bay's worst industrial runoff polluters, Schnitzer Steel Oakland. This facility on the Oakland Estuary shoreline processes, shreds, and ships out tens of thousands of tons of scrap metal from automobiles and other sources every year. Dust from a similar vehicle shredder was found to contain lead, copper, iron, zinc, cadmium, mercury, and arsenic, among many other pollutants.

We urged the Regional Water Board to strengthen its cleanup order on Schnitzer, and to back up our case, we provided thorough documentation of the ineffectiveness of Schnitzer's pollution control efforts. As a result, twice this year the Board told Schnitzer that the company must do more to keep toxic dust from blowing and washing into San Francisco Bay. However, since Schnitzer has repeatedly disregarded required pollution control measures, Baykeeper continues to monitor the site aggressively to rein in contamination.

In addition, we are now pursuing new Clean Water Act lawsuits against eight significant industrial polluters of the Bay. More Bay-Safe Industry campaign investigations are underway, and Baykeeper will continue to aggressively pursue this multi-year effort to rein in one of the Bay's most widespread pollution problems. 



# Baykeeper Fights Fracking in California

## *Destructive oil and gas method threatens the Bay and Delta*



***A California fracking well next to a strawberry field. Fracking—the process of injecting millions of gallons of water, sand, and chemicals underground at high pressure to extract oil and gas—threatens the health of San Francisco Bay and the Delta. Baykeeper is working for a moratorium on fracking in our state.*** *Photo by RL Miller*

### By Deb Self

Baykeeper is working to end fracking, a destructive method of extracting gas and oil used in hundreds of wells across California. Because our state currently has no regulation of fracking (hydraulic fracturing), oil companies are allowed to extract oil with no protections for the environment and public health. Fracking is a major threat to the health of San Francisco Bay and the Delta watershed.

Fracking is the process of injecting millions of gallons of water, sand, and toxic chemicals underground at high pressure to extract oil or gas. Oil companies aim to greatly increase fracking in order to extract an estimated 15 billion barrels of oil from the Monterey shale, a large underground deposit of oil trapped in shale that stretches across much of California.

Fracking poses many serious environmental and public health problems. Injecting fracking fluid and water into wells at high pressures can result in oil spills that impact our rivers and

creeks. Currently there are no requirements for reporting such spills, and there are no funds available for response or cleanup.

Bay Area refineries will also be processing much of this new oil, which is even dirtier than the Alberta Tar Sands oil. Then the oil will likely be loaded onto tankers that cross San Francisco Bay for export or for burning in other states, increasing the risk of oil being spilled into the Bay.

In the rest of the country, most contamination from fracking has been in groundwater, as a result of waste fluids re-injected underground after oil extraction. California has no controls on this process, even if the injection wells are close to groundwater aquifers, and no requirements for monitoring groundwater to test for contamination.

Fracking poses additional dangers. The US Geological Survey has determined that fracking has triggered earthquakes, even in such places as the seismically dormant Midwest. Oil companies should not be allowed to increase the risk of activating California's major earthquake faults.


Each "frack" also requires millions of gallons of water—water that is already in short supply for residents, businesses, and industries like agriculture, as well as for purposes such as restoring the Delta ecosystem. In a state with little water to spare, use of water for fracking is irresponsible.

Proposed California regulations and legislation would also extend a federal loophole allowing oil companies to keep secret the exact toxic chemicals used in fracking fluid. In the guise of protecting "trade secrets," the oil industry is allowed to undermine the public's right to know about environmental and public health hazards.

Baykeeper is advocating on your behalf to protect the Bay and all of California from fracking. We support a proposed bill in the California legislature that puts a moratorium on fracking in the state.

Meanwhile, we're working hard to secure strong regulations from the state's oil and gas regulatory agency. These regulations would require groundwater monitoring before and after fracking; public disclosure of the location, chemicals, and amount of water used; protection and cleanup of surface waters in case of oil spills caused by well blow-outs; and a ban on using California's fresh water supplies for fracking.

**Each "frack" requires millions of gallons of water that is already in short supply.**

We will continue to advocate for statewide legislation and regulations that protect San Francisco Bay, the Delta, and all of California from the myriad dangers posed by fracking. 

## Baykeeper Sponsors New State Bill for Oiled Wildlife Rescue

Funds are running out for the California agency that rescues and cares for birds, seals, and other wildlife that get coated with oil during an oil spill into the Bay and other coastal waters. That's why Baykeeper is sponsoring AB 881, new state legislation to prevent a shutdown of the Oiled Wildlife Care Network.

Being coated with oil can be fatal to wildlife. The Oiled Wildlife Care Network maintains more than twelve specialized facilities in a constant state of readiness statewide. It is regarded as the most proactive agency responding to wildlife harmed by oil spills in the world. In 2007, when the *Cosco Busan* container ship dumped 53,000 gallons of oil into San Francisco Bay, the network cared for nearly 8,000 oiled birds and mammals.



Photo credit Debbie Aldridge UC Davis

AB 881, introduced by Wesley Chesbro (D-North Coast) funds oiled wildlife rescue by slightly raising fees on oil and shipping companies. The fees, if passed on to consumers, will cost the average California driver just 27 cents per year.

Last year, Baykeeper sponsored similar state legislation to fund care for oiled wildlife. The oil industry initially supported the bill, but then killed it at the last minute. We're not giving up! Baykeeper is back this year with a renewed determination to assure that during oil spill disasters, wildlife gets life-saving care and rescue. 🐟

### ***Tip for a Healthy Bay:*** ***What Not to Put Down the Drain***

Despite what their labels may say, many household, automotive, and garden products should never be washed down the drain, flushed down the toilet, or emptied into storm drains. The harmful substances in these products are often not removed during the wastewater treatment process, and anything that goes down the storm drain doesn't get treated at all. These contaminants can end up in San Francisco Bay, altering its natural state and causing harm to fish, seals, shorebirds, and other wildlife.

#### **What shouldn't go down the drain:**

- **Cleaning products** labeled "toxic," "corrosive," "flammable," or "ignitable."
- **Automotive products** such as motor oil, antifreeze, or brake fluid.
- **Garden supplies** such as pesticides, herbicides, or fungicides.
- **Paints and solvents**, including latex and oil-based paints, thinners, or strippers.
- **Art and hobby supplies**, such as glues, photographic chemicals, or paints.
- **Leftover medication.**
- **Cooking fats, oil, and grease.** These can cause clogged sewers, resulting in raw sewage being washed into the Bay.

Take containers of unwanted toxic products, medication, and cooking fats to a collection facility in your area.

## Baykeeper Wins New Protection for the Bay From Oil Spills

*(Continued from page 1)*

After the *Cosco Busan* container ship hit the Bay Bridge in 2007, spilling more than 53,000 gallons of bunker fuel into the Bay, Baykeeper advocated for rules to prevent similar crashes. At that time, many parts of the Bay were made off limits to large ships during fog, but the Bay Bridge was not included.

Under the new rules, inbound ships will still be able to enter the Bay in foggy conditions, using extreme caution. Baykeeper supports this approach, because it would be far less safe to have large ships circling just outside or inside the Golden Gate, waiting for fog to lift.

Baykeeper has also been advocating for better oversight of the bar pilots who guide large ships through the Bay. The pilot who was at the helm of the *Overseas Reymar* during the January

incident has been suspended, and may lose his license. Baykeeper supported these actions, but we also want to explore better guidelines for all bar pilots, including requiring minimum rest breaks between jobs, to prevent errors due to fatigue.

The license renewal process for pilots may also need to change. Apparently, pilot's licenses are automatically renewed every five years, unless the pilot fails a medical exam. Instead, bar pilots' performance should be regularly assessed, which can help ensure that pilots with a record of poor judgment are identified for training, discipline, or suspension.

Baykeeper will continue our role as lead environmental advocate for better protection for San Francisco Bay from oil spills. 🐟

# South San Francisco Cleans Up Sewage Pollution

*(Continued from page 1)*

that contributed to sewage spills. South San Francisco has now completed all its required actions, and as a result, the city's rate of sewage spills has been reduced to below the minimum that Baykeeper required. We are extremely pleased with the city's efforts and the resulting decrease in pollution to the Bay.


Sewage pollution has been one of the most serious threats to the Bay's health due to crumbling Bay Area sewer infrastructure. Each year during the rainy season, millions of gallons of partially treated and raw sewage gets spilled directly into the Bay or into local waterways that empty into the Bay.



***The South San Francisco shoreline. As a result of Baykeeper's Sick of Sewage campaign, sewer agencies serving 20 Bay Area cities are required to clean up their sewage spills to the Bay, by repairing crumbling pipes and replacing outdated infrastructure. South San Francisco fixed its sewage pollution problem three years ahead of schedule.*** Photo by Chris D (Flickr/CC)

Sewage pollution in the Bay can cause skin infections and stomach disorders for those who come in contact with the water, including windsurfers, swimmers, boaters, and fishermen. Sewage also threatens fish, seals, other sea creatures, and plant life.

Baykeeper launched our Sick of Sewage campaign to stop sewage spills to the Bay. Last year, we reached a milestone of compelling the region's worst-polluting sewage systems to make needed upgrades. Sewer agencies serving 20 Bay Area cities are now required to repair crumbling pipes and replace outdated infrastructure, on a year-by-year timetable. Some Peninsula cities, where we reached some of our first cleanup agreements, have reduced sewage spills by 75%. South San Francisco is the first city to finish upgrading its sewer system early.

Baykeeper will continue to watchdog Bay Area sewage systems to assure that they complete required repairs and upgrades. We expect to keep making steady progress over the next five to ten years, until sewage ceases to be a major pollution threat to the Bay. 

# Thanks, Volunteer Pollution Investigators!

Evidence gathered by Baykeeper's first crew of volunteer pollution investigators has helped us file Clean Water Act lawsuits against three industrial polluters of San Francisco Bay. Now we're working to compel the facilities to change their operations so they no longer contaminate the Bay with toxic rainy-season runoff.

Starting last fall, Baykeeper's volunteer investigators worked in teams to help identify the Bay's significant industrial polluters. The volunteers conducted advance surveys of industrial sites, identifying locations where polluted water could run into storm drains that lead to the Bay or its tributaries. Later, during rainy weather, the volunteers or Baykeeper staff members returned and gathered samples of the runoff water for testing for pollutants by a certified lab.

In addition to the three Clean Water Act lawsuits we've already filed, we're also using evidence gathered by our volunteers to prepare possible lawsuits against three additional industrial polluters.

Baykeeper will train a new crew of volunteer pollution investigators this summer. If you'd like to be notified about this opportunity, please sign up to receive Baykeeper's E-news at [www.baykeeper.org](http://www.baykeeper.org).

Thanks to all the volunteers who took part this year ... especially those who went out in the rain to an industrial site after dark and collected a lab bottle full of contaminated runoff.

## 2012-13 Volunteers

|                      |                   |
|----------------------|-------------------|
| Cedric Balozyan      | Betty Lo          |
| Mary Barnsdale       | Joleen MacKay     |
| Lisa Beyer           | Connie Malone     |
| Beth Brown           | Jackueline McEvoy |
| Kristal Caidoy       | Bart Mertens      |
| Jennifer Cedar-Kraft | Paula Mertens     |
| Eileen Cohen         | Matt Nolan        |
| Ken Colson           | Chris O'Connell   |
| Cynthia Denny        | Ilana Peterson    |
| Rachel Doughty       | Holly Reed        |
| Michael Hecker       | Lisa Rudman       |
| Christie Herron      | Emily Scheff      |
| Dan Katzman          | Tom Schueneman    |
| Tim Keeler           | Mary Spicer       |
| Patrick Kelley       | Jason Sutton      |
| Brian Leunow         | Nate Topie        |
| Leslie Levy          | Walker Townsend   |
| Denise Lillian       | Bill Walzer       |
| Betsy Little         | Larry Wendt       |
| Diane Livia          | David Wren        |



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Your monthly or quarterly contributions help Baykeeper save money on administrative costs, so your gift goes further to support our efforts to defend San Francisco Bay.

## Your gift goes a long way

For two years in a row, Charity Navigator has awarded Baykeeper its top 4-star rating for financial efficiency.



Photo by Chase Bathersfield FlickrCC

## Bay Species Spotlight: Harbor Seal (*Phoca vitulina richardii*)

Have you walked along the shores of San Francisco Bay and spotted a dark head with big eyes looking back at you? A harbor seal will often curiously watch people walking on the beach. They can also playfully bump swimmers, although they have been known to bite! Once on land, though, "hauled out" and resting on a beach or a mudflat, harbor seals are skittish. They have great difficulty moving outside the water, and will immediately lunge into the water at the sight or sound of humans.



Photo by Hudson Henry

Harbor seals (*Phoca vitulina richardii*) are smaller than the sea lions who charm visitors at Pier 39. Unlike sea lions, harbor seals live year-round in and alongside San Francisco Bay, spending

about half their time in water. They can dive to 1,500 feet for up to 40 minutes, but a typical dive is shallow and lasts three to seven minutes. They sometimes sleep in the water. Harbor seals eat a variety of seafood, including sole, flounder, sculpin, herring, octopus, and squid.

When they're not in the water, harbor seals haul out on sites that are safe from humans and have easy access to deep water. If left undisturbed, generation after generation will use the same haul-out site.

Females give birth to a single pup between February and April. At birth, pups weigh about 20 to 24 pounds and can swim immediately. Pups sometimes ride on their mothers' backs. They make a bleating "maaaa" sound. Mother seals nurse their pups on land only, and pups gain almost a pound a day. After about a month, the pup is weaned and must catch fish on its own.

In order to nurse, mother seals need to feed in the water. They sometimes leave pups for short times alone on beaches. If you see a seal pup on a beach, it is probably not stranded or orphaned. Wildlife protection guidelines recommend you stay 300 feet away, and the mother will mostly likely return soon to nurse the pup. The presence of humans or dogs can keep the mother away and cause pup death.

In San Francisco Bay, many harbor seals are fully or partially reddish in color. This may be caused by an accumulation of trace elements such as iron or selenium in the water. The Bay's harbor seals are threatened by pollution, and one serious threat is toxic industrial chemicals. Baykeeper is working to protect these seals and all Bay wildlife with our Bay-Safe Industry campaign to curb runoff pollution from Bay Area industrial facilities (see page 3).



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## Spring/Summer 2013 Baykeeper News

# Cleaning Up Toxic Debris at Richmond's Point Molate



San Francisco Baykeeper is removing up to 100 tons of debris that has been polluting San Francisco Bay waters and the shoreline at Point Molate Beach Park in Richmond. The beach has been blighted by hundreds of pilings contaminated with creosote, a now-banned wood preservative that poses a threat to both wildlife and people. Other litter includes metal shards, tires, and large objects that threaten public safety and wildlife habitat. Once Baykeeper and our volunteers have removed the debris, the city of Richmond hopes to reopen the park, which has been closed for a decade due to lack of funding for maintenance. The cleanup will also improve the health of eelgrass beds along the beach, along with shoreline and Bay wildlife habitat.

**Top left: Cutting contaminated pilings to a size that can be carried by hand. Below: A team of Baykeeper staff and volunteers hauls sections of pilings off the beach. Bottom left: The waste heaped up near the parking lot. From there, equipment will be used to move it to a debris box, for eventual hauling to a landfill.**



Photo by Joan Garrett



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