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

MEETING DATE: December 14, 2022

Item: 4

Executive Officer's Report

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Table of Contents

Fiscal Year 2021-22 Water Board Program Accomplishments

Last year the San Francisco Bay Water Board (SF Bay Water Board) accomplished multiple program improvements and outcomes which are highlighted below. We also met or exceeded nearly all of the SF Bay Water Board program performance measure targets that are part of the Water Boards' 2021-22 Performance Report, which are presented in a summary table along with a discussion of our federal program commitments.

In previous years, we included an overview of accomplishments as part of a Water Board (November and/or December) meeting agenda item in which we also discussed program commitments and priorities for the current fiscal year with the Board. This year we plan on having that discussion with the Board in the Spring of 2023 for current and future year strategic priories and commitments. Our goal is to get input and feedback prior to, rather than during the affected fiscal year.

In addition to the following specific program accomplishments, we are pleased to report that we are now viewing and seeking improvements in all our programs from a climate change, racial equity, and environmental justice perspective.

Annual Program Accomplishments by Water Board Divisions

The following are key accomplishments for each of the SF Bay Water Board divisions.

Groundwater Protection and Waste Containment Division

- We prepared an amendment of waste discharge requirements for 16 bayfront landfills requiring them to identify long-term flood protection strategies by evaluating the potential and predicted impacts of climate change, specifically groundwater rise, sea level rise, and extreme climate events based on the latest state guidance and emerging science. We conducted extensive public outreach (with permittees, landfill management professionals, soil and groundwater cleanup experts, local governments, and environmental justice advocates) and modified the amendment in response to public comments.
- We continued progress on the safe reuse of former military bases. We expanded Per-and polyfluoroalkyl substances (PFASs) investigations at Treasure Island Naval Station and Travis Air Force Base and required these facilities including Hunters Point Naval Shipyard to evaluate the potential and predicted impacts of climate change (based on the same considerations as the amendment above) when proposing and evaluating effectiveness of soil and groundwater cleanup.
- We expanded engagement with government and community leaders and members about environmental justice issues, including long-standing environmental and human health impacts, from Hunters Point Naval Shipyard contamination and ongoing cleanup.

Toxics Cleanup Division

- We protected drinking water supply wells from PFAS chemicals by initiating groundwater investigations at 20 facilities and issued orders to 16 fire stations to determine site history where firefighting foams were likely stored or discharged.
- We re-prioritized soil and groundwater cleanup cases to advance racial equity. This included implementing faster and more effective cleanup in communities with predominantly Black, Indigenous and other People of Color. We also considered how the people in these communities experience the greatest exposure to pollution, have worse health conditions, and live in areas most vulnerable to current and future flooding from sea level rise and groundwater rise. The potential for remobilization of contamination in response to climate change impacts is much higher and likely more impactful in these communities.
- We engaged with communities who have experienced the most historic and significant environmental injustices about water quality and climate change impacts, and about the impacts from the contaminated sites in their neighborhoods. The communities we partnered with include Bayview Hunters Point, Richmond, Vallejo, and West Oakland.
- We required parties responsible for soil and groundwater contamination at former industrial sites to evaluate the potential and predicted impacts of climate change.

NPDES Wastewater and Enforcement Division

- The Board issued or reissued 12 National Pollutant Discharge Elimination System (NPDES) permits and maintained our low permit backlog.
- We continued our collaborative Nutrient Management Strategy with the Bay Area Clean Water Agencies to improve knowledge of the fate and potential adverse consequences of nutrients in the Bay and to pursue nutrient load reduction options. For the latter, we have encouraged multi-benefit infrastructure renewal. For example, the Board issued the new San Leandro treatment wetlands NPDES permit.
- The Board adopted a stipulated cleanup and abatement order to abate overflows from San Francisco's combined sewer systems in three low-lying areas of the city.

Watershed Management Division

- The Board reissued the municipal regional NPDES stormwater permit for 79 permittees. The permit includes new or updated requirements for new development and redevelopment and to control discharges of trash, PCBs, mercury, and bacteria. It also calls for addressing the adverse water quality impacts of unsheltered homelessness and developing tools, like asset management, to maintain and improve stormwater program effectiveness.
- We issued the first Notice of Applicability for a winery under the statewide winery general order, capping years of collaborative work with Bay Area wineries and County program staff, and State Water Board staff, including creating the order's framework and authoring substantial portions of the order.

- We continued to support the growing demand and need for recycled water by permitting five decentralized onsite recycled water treatment systems that collect and treat water onsite to serve non-potable uses such as irrigation and toilet/urinal flushing. We enrolled the onsite recycled water projects, which included two Silicon Valley tech company office campuses, two wineries, and a Marin County office campus, under the General Waste Discharge Requirements for Small Domestic Wastewater Treatment Systems with site-specific conditions and monitoring programs. We enrolled the City of Hayward's new recycled water program under the State Water Board's Water Reclamation Requirements of Recycled Water Use Order. The City constructed a new 0.5 million gallon per day recycled water treatment facility and approximately eight miles of distribution pipelines.
- We issued Clean Water Act section 401 Water Quality Certifications for 177 projects. Some of them were carry-over applications from the previous year, and we received 227 new applications for certification.
- The Board amended waste discharge requirements for our existing Clean Water Act section 401 Water Quality Certification for routine stream maintenance activities to include the Mid-Peninsula Regional Open Space District. The Order already includes the Napa County Flood Control and Water Conservation District, San Mateo County, the Contra Costa Flood Control and Water Conservation District, and the Sonoma County Water Agency.

Planning Division

- The Board completed the Triennial Review of the Basin Plan and acknowledged the following highest priority projects: Climate Change and Wetland Policy Update; San Francisco Bay Nutrient Management Strategy; Regional Stream Protection Policy; Temperature Limits to Protect Salmonids; and Designation of Tribal Tradition and Culture, Tribal Subsistence Fishing, and Subsistence Fishing Beneficial Uses.
- The Board approved a Water Quality Improvement Plan to address San Gregorio Creek sediment impairment. The Plan, which is an alternative to a Total Maximum Daily Load (TMDL), facilitates recovery of coho salmon and steelhead trout in the Creek through commitments by local stakeholders to manage sediment from roads and trails and agricultural lands, as well as efforts to improve instream habitat conditions.
- The Board adopted the Climate Change and Wetlands Basin Plan Amendment to increase transparency with permitting of shoreline adaptation projects. The Amendment adds information on climate change and how it might affect habitat and water quality and describes existing efforts to support the long-term resilience of aquatic habitats.
- We continued to encourage and seek beneficial use of dredged sediment for wetlands restoration sea level rise resilience, including negotiating an agreement with the U.S. Army Corps of Engineers and the Bay Conservation and Development Commission that results in beneficial reuse of 50 percent of the sediment from the Oakland Navigational Channel.

Workforce Planning and Development

- We continue to create an environment that attracts, retains, and engages a talented, diverse, and inclusive workforce in support of our mission.
- We include racial equity, diversity and inclusion practices to support the Water Board's hiring, promotion, and retention goals.
- We continue to implement organizational measures that promote and value employee contributions, safety, employee wellness, racial equity, diversity and inclusion, and a learning culture.
- We, as the rest of the world, are re-inventing the office as we adjust to the hybrid work environment, and we are adapting as we learn new strategies for creating, maintaining, and strengthening work relationships as we continue to build our team.

Performance Measure Targets and Federal Program Commitments

The following table provides a report card of our attainment of performance measure targets for programs and measures that have targets. It's a condensed version of the Water Boards' 2021-22 Performance Report**.** We did not include the Enforcement performance-measure targets due to errors in the Report attainment numbers that we are in the process of resolving. Nevertheless, our enforcement performance continues to be one of the highest across the state regional water boards.

As shown in the table below, we met or exceeded all but two targets. We fell short of our target for inspecting waste discharge to land facilities due to a key position vacancy. We did not meet our target for closure of underground storage tank cleanup cases for two reasons. First, local agencies transferred a higher-than-expected number of new cases to us. We also discovered that most of the transferred cases were more challenging (e.g., had multiple contaminants, larger extent of contamination, unknown responsible parties) so could not be closed through routine investigation and remediation.

Some of the reported performance measures account for conditions of agreement with U.S. EPA for development of TMDLs and implementation of the NPDES permit program, e.g., permit reissuance and facility inspections, and for receipt of federal grant resources. Implementation of the NPDES pretreatment program is not included since we currently have no staff resources for pretreatment inspections. However, we use some of our permitting resources in conjunction with U.S. EPA and State Water Board staff support to conduct inspections. Also, only one of our Nonpoint Source Program commitments, confined animal facility inspections, is included. We have other commitments that are not included, which we are meeting involving the implementation of TMDL requirements for agriculture sources, e.g., vineyards, and grazing operations.

Program Measure	Target	Actual Achieved	% Target Met
Total Maximum Daily Load and Basin Planning			
TMDLs Adopted	1	1	100
Pollutant/Waterbody Combinations Addressed	1	1	100
Basin Plan Amendments Adopted	0	0	
NPDES Wastewater			
Major Individual Facilities Inspected	26	28	108
Major Individual Permits Issued or Reissued	6	5	83
Minor General Facilities Inspected	2	2	100
Minor Individual Facilities Inspected	7	8	114
Minor Individual Permits Issued or Reissued	6	7	117
NPDES Stormwater			
Stormwater Municipal Inspections	32	37	116
Stormwater Industrial Inspections	85	133	156
Stormwater Construction Inspections	80	112	140
Waste Discharge to Land - Wastewater			
Individual Waste Discharge Requirements Updated	0	0	
Waste Discharge to Land Inspections	12	7	58
Land Disposal			
Landfill Individual Permits Updated	4	5	125
Landfill Facilities Inspections	20	31	155
All Other Inspections - Land Disposal	9	9	100
All Other Individual Permits Updated - Land Disposal	0	0	
Confined Animal Facilities			
Confined Animal Facilities Inspections	6	6	100
Cleanup			
Underground Storage Tank Sites Projected Closed	37	16	43
New Underground Storage Tank Sites in Active Remediation	6	6	100
New Department of Defense Sites in Active Remediation	5	28	560
New Cleanup Sites in Active Remediation	15	31	207
Cleanup Sites Closed	20	29	145

Total Maximum Daily Load (TMDL) Program Update (Setenay Bozkurt Frucht and Kevin Lunde)

The November 2022 Executive Officer's Report included an item that described the process to develop the Clean Water Act section 303(d) List of impaired water bodies in the Region. States are required to establish TMDLs for pollutant discharges to impaired water bodies on the 303(d) List. TMDLs are water body specific restoration plans that target a single pollutant, or multiple pollutants. They can address just one water body, such as the Napa River bacteria TMDL, or they can address multiple water bodies or watersheds, such as the Guadalupe River watershed mercury TMDL. TMDLs examine complex water quality problems that have not been remedied with existing National Pollutant Discharge Elimination System (NPDES) permits, waste discharge requirements, or other means. TMDLs include identification of all pollutant sources, considering both point and nonpoint sources, and specific subsequent implementation actions that must be taken by Water Board permitting programs to restore water quality.

The TMDL adoption process can take several years because the nature of the work is complex. First, we collect and analyze water quality and pollutant source data. Then, we develop achievable solutions in collaboration with stakeholders. Lastly, a draft TMDL is prepared for consideration by the Board. After a TMDL is adopted by the Board, it must be approved by the State Water Resources Control Board, Office of Administrative Law, and U.S. EPA.

After U.S. EPA approves a TMDL, we begin to implement it through permits and programs. Most TMDLs address large scale water quality problems, so it may take many years and possibly decades to achieve water quality standards. We implement TMDLs by coordinating across organizational divisions and programs on needed permit updates, preparing new permits, and requesting investigations or reports from external implementating parties. For instance, we developed a number of nonpoint source permits to manage ranching and vineyards in North Bay watersheds to implement bacteria and sediment TMDLs.

To illustrate activities undertaken following adoption of a TMDL, we describe implementation, monitoring, and progress reporting activities from Fiscal Year 2021-22 below.

Implementation Activities

We now oversee implementation of 23 TMDLs. Implementation activities for the Petaluma River Bacteria TMDL, Napa River and Sonoma Creek sediment TMDLs, and San Francisco Bay Polychlorinated Biphenyls (PCBs) TMDL are described below.

One implementation priority was to initiate implementation of the Petaluma River Bacteria TMDL, approved by U.S. EPA on May 10, 2021. Our TMDL program staff coordinated with NPDES program staff to require inspections and possible improvements of sanitary sewer systems; coordinated with our agriculture program staff to enroll horse boarding facilities into our Confined Animals Facilities permit and to begin developing a grazing permit in the watershed to reduce bacteria loads from cattle ranch lands. We are now drafting TMDL implementation requirements for the Statewide

Municipal Stormwater General Permit that we expect State Water Board to issue in 2023, which covers municipalities' storm system discharges not covered by the Municipal Regional Stormwater Permit (MRP), e.g., municipalities in Marin, Napa, and Sonoma counties.

The Napa River and Sonoma Creek Vineyard Program implements key actions required by the Napa River and Sonoma Creek sediment TMDLs. In July 2017, the Board adopted General Waste Discharge Requirements to manage sediment, nutrient, and pesticide pollution from vineyards. Our work this year focused on tracking enrollment and fees, overseeing a monitoring and reporting program for the permit, and supporting key monitoring steps that will allow us to determine whether these watersheds are meeting TMDL targets.

To implement the San Francisco Bay PCBs TMDL, a number of provisions were updated as part of the reissuance of the MRP earlier this year. The MRP requires effective control measures for PCBs and establishes clear and specific accountability metrics and deadlines for their achievement. Requirements relating to PCB-containing demolition debris were updated to improve accountability related to the control, management, and disposal of these wastes. The reissued MRP also includes a new provision requiring Permittees to address legacy PCBs contamination in old industrial landuse areas. Our TMDL program staff are also focusing on PCBs sources via our contaminated site cleanup program. Specifically, an internal PCBs team of staff from our Groundwater Protection, Toxics Cleanup, and Planning Divisions has been convened to maximize PCBs load reductions from clean up of PCB contaminated sites.

Monitoring Activities

TMDLs include monitoring programs to determine whether pollutant-source reductions are improving water quality as well as tracking attainment of the TMDL water quality targets. Our Surface Water Ambient Monitoring Program (SWAMP) staff work with our TMDL program staff to collect high quality data. This included collection of indicator bacteria data in the Napa River mainstem to assess how water quality conditions have changed since adoption of the TMDL. Our SWAMP staff also assisted with monitoring fine sediment conditions that impact salmonid survivorship in Napa River and Sonoma Creek watersheds as part of tracking progress of their respective sediment TMDLs and supported dissolved oxygen monitoring at a year-round location in Suisun Marsh to evaluate the effect of TMDL implementation actions.

TMDL Progress Reports

This year, we also created two public report cards, which are used to track water quality improvements resulting from TMDLs and to communicate this information to the public. The San Gregorio Bacteria Report Card noted that the water body was impaired by indicator bacteria and water quality improvements are needed. The San Francisco Bay Beaches Bacteria TMDL Report Card showed that conditions are improving due to TMDL implementation actions taken in the last five years. Past TMDL report cards can be found on the State Water Board website at Performance Report | Water Quality Report Cards. In addition to the two public report cards, we prepared a report

summarizing ten years of implementation actions for the Guadalupe River Watershed Mercury TMDL and set priority actions for the next ten years.

State Route 37 Corridor Planning Update (Keith Lichten)

The August 2021 Executive Officer's Report included an item describing the still-ongoing planning process to address flooding and traffic congestion along State Route 37 (SR 37), including approaches to accommodate anticipated sea level rise. We are continuing to participate in the planning and environmental linkages process, and to further facilitate project design and authorization. Assistant Executive Officer Thomas Mumley has joined an agency-level coordination group that includes the Resources Agency, the Transportation Agency, and other key partners. Coordination is focused on supporting two shorter-term "interim" projects. One interim project will address flooding on the western end of SR 37 where it intersects with Highway 101, and the other will address congestion on the eastern end of SR 37 from Sears Point to Mare Island. Both interim projects include components that will begin to realize both the environmental and transportation improvements of the intended long-term project. We are continuing to work to ensure that both short- and long-term projects appropriately consider the Baylands Ecosystem Habitat Goals Project's work and the San Francisco Bay Shoreline Adaptation Atlas, as well as more-specific needs identified by U.S. Fish and Wildlife Service Refuge staff and others.

As San Francisco Bay's northern vehicle crossing, SR 37, which stretches 21 miles from Interstate 80 in Vallejo to U.S. Highway 101 in Novato, traverses a substantial mosaic of sensitive habitats. It is located in a broader landscape context of planned tidal marsh restoration and additional transportation needs and opportunities, including the SMART rail line, which is itself threatened by projected sea level rise. The inter-agency group continues to seek design approaches that will align short- and long-term transportation needs with Bay habitat and flood protection needs, accomplished by recognizing the separate restoration to tidal marsh of historically diked baylands. An example of these design approaches is the identification of some of the highway's existing impacts, and consideration of how an interim project could take steps to incrementally address those impacts. The resulting benefits then have the potential to serve as mitigation for potential impacts associated with implementing interim projects. For example, the highway's current Tolay Creek crossing restricts tidal circulation and potential future tidal marsh restoration north of the crossing. By implementing a longer and higher bridge now, or by including piers or other work that could support a future longer and higher bridge, the interim project can begin to better allow tidal marsh restoration and associated adaptation work to proceed, ahead of the full realization with a long-term project.

We intend to update the Board in greater detail in the coming year on SR 37, including the status and design of both the planned interim and long-term projects.

Staff Presentations at CASQA Annual Conference (Keith Lichten)

In October of this year, the California Stormwater Quality Association (CASQA) held its first in-person annual conference since the pandemic, drawing more than 900 participants, including municipal stormwater staff, consultants, industrial and utility representatives, federal and state government staff, and practitioners. The conference serves as a venue for communicating the latest technical information, regulatory updates, and lessons learned.

Assistant Executive Officer Thomas Mumley presented on a range of topics that reflected his local, state, and national leadership roles in stormwater and water quality, including:

- Reflections on his 35+ years helping to develop and implement the Clean Water Act stormwater program in the Bay Area and California, including a panel with former Bay Area Stormwater Management Agencies Association Executive Director Geoff Brosseau and retired U.S. EPA Region 9 Assistant Water Director Dave Smith on the Clean Water Act's framing of stormwater management.

- Joining with State Water Board manager Amanda Magee, an update on the Water Boards' Statewide Stormwater Strategy, which seeks to advance stormwater management through viewing stormwater as a valuable resource, supporting collaboration and pollution prevention, removing obstacles to funding, and integrating regulatory and non-regulatory interests.

- News from the September 2022 joint CASQA/Water Boards Bacteria Summit, which sought to identify and support collaborative solutions to achieve fishable and swimmable waters. This included an update on the Board's establishment of expectations for controlling bacteria, such as Total Maximum Daily Loads adopted for the Petaluma River and San Francisco Bay Beaches, and the Board's reissuance of the Municipal Regional NPDES Stormwater Permit, which included updated expectations for bacteria control both to implement TMDLs and to address waters in which elevated levels of bacteria have been observed.

Watershed Management Division Manager Keith Lichten joined a panel discussing infiltration of urban runoff into the ground for beneficial use, one tool in the Governor's August 2022 Water Supply Strategy (the "Hotter Drier Plan"). The panel discussed State Water Board work to develop guidance that supports infiltration while protecting groundwater resources, including drinking water; existing municipal stormwater permit measures to protect groundwater, along with drivers supporting increased infiltration; and a risk-based approach presented by Geosyntec consultant Brandon Steets, TAMP, which considers whether pollutants are toxic, abundant, mobile, and persistent in evaluating their threat to water quality. In addition, Keith joined Santa Clara Valley Water District and Santa Cruz County staff in a presentation discussing the MRP's language clarifying that compacted gravel roads are treated as impervious surfaces for the purpose of managing their runoff, and describing approaches to manage runoff, such as using adjacent vegetated areas for absorption.

Enforcement Actions (Brian Thompson and Bill Johnson)

The following tables show the proposed and settled enforcement actions since November's report. Because the proposed settlements are pending and could come before the Regional Water Board, *ex parte* communications are not allowed. Please refer to the Pending Enforcement Liabilities and Penalties webpage for more information on the alleged violations and proposed settlements.

Proposed Settlements

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	Violations	Proposed Penalty	Comment Deadline
Vista Corporation and Clover Flat Landfill, Inc.	Discharge of acidic and leachate-laden stormwater, failure to observe or respond to leaks, and ineffective slope stabilization	$619,400	December 29, 2022

Settled Actions

On behalf of the Board, the Executive Officer approved the following:

Discharger	Violations	Imposed Penalty	Supplemental Environmental Project
Lehigh Southwest Cement Company	Discharge limit violations	$6,000	$6,000 [1]
Valero Refining Company-California	Discharge limit violations	$39,000	$27,000 [2]
Hanson Aggregates MidPacific LLC	Discharge limit violations	$3,000	$3,000 [3]
Mt. View Sanitary District	Discharge limit violations	$12,000	

1. The entire penalty, $6,000, will supplement Regional Monitoring Program studies.
2. A portion of the penalty, $27,000, will supplement Regional Monitoring Program studies.
3. The entire penalty, $3,000, will supplement Regional Monitoring Program studies.

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 October 19 through November 29, 2022. A check mark in the right-hand column indicates a project with work that may be in the San Francisco Bay Conservation and Development Commission (BCDC) jurisdiction.

Project Name	City/Location	County	May have BCDC Jurisdiction
Cordornices Creek Wall Repair Project	Berkeley	Alameda	
Berkeley Drill Track Rehabilitation Project	Berkeley	Alameda	✓
Kaiser Pond Diversion Pipe Improvement Project	Fremont	Alameda	
UPRR Oakland Subdivision MP 12.52 Bridge Replacement	Oakland	Alameda	
Transmontaigne Martinez Terminal - Wharf Maintenance Repairs	Martinez	Contra Costa	✓
SFPP, L.P. Line Section (LS)-72 Integrity Digs, Site CA-215	Martinez	Contra Costa	
Pile Repair (81 and 83 West Shore Rd)	Belvedere	Marin	✓
Hass Magoon Residence	Marshall	Marin	
Rotary Manor Culvert Replacement Project	San Rafael	Marin	
2088 Paradise Dr. Dock	Tiburon	Marin	✓
Sir Francis Drake Blvd. Milepost Marker 20.97 Slide Repairs	Unincorporated	Marin	
Marshall Petaluma Rd. MP 6.4 Retaining Wall	Unincorporated	Marin	
Devlin Road/Soscol Ferry Road Roundabout Project	Unincorporated	Napa	
SFO Storm Drain Pump Station Trestle Repair and Replacement Project	Millbrae	San Mateo	✓
SDPS 2 Outfall E004 Emergency Repairs	San Francisco International Airport	San Mateo	✓
Secure Space Self Storage- Benicia Road Bridge Project	Vallejo	Solano	
Eames Ranch Irrigation Pump Replacement Project	Petaluma	Sonoma	