

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

MEETING DATE: February 10, 2021

**Item: 5**

**Executive Officer's Report**

## Executive Officer's Report February 3, 2020

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### **In-house Training: Water Quality Objectives (Carrie Austin)**

Richard Looker, Planning Senior Specialist Engineer, opened our January training on water quality objectives with an informative and amusing video that he wrote, directed, and starred in (solo act for COVID-safety). Richard set the stage by explaining the three components of water quality standards: beneficial uses, water quality objectives, and antidegradation. Lisa Holmes, from the State Water Board, demonstrated the on-line [compilation of water quality goals](#) tool. Nicole Fry, Toxics Research Scientist, explained [environmental screening levels](#) and when to use them. Particularly informative were the three case studies. Anna Gallagher, NPDES Engineer, explained how to use a numeric water quality objective to calculate effluent limits in NPDES permits. Brian Wines, Watershed Engineer, described how to review culvert projects in a watershed context using the hydromodification implementation plan to protect beneficial uses. Tina Low, Groundwater Engineer, reviewed how PCB cleanup goals were developed for sediment in San Francisco Bay at Hunters Point Shipyard. This successful, cross-division effort was organized and emceed by Jessica Watkins, NPDES Senior Engineer.

### **Special Recognition for Staff**

2021 has gotten off to a strong start as it relates to external recognition of our staff's hard work. Aristeo "Resty" Pelayo, Engineering Geologist in our Toxics Division, has been working with the Los Angeles County Public Health Department on contact tracing efforts since June 2020. Last month, he was awarded the Contact Tracing Employee of the Month. Aristeo's Supervisor highlighted his research skills, his openness in sharing the knowledge he has gained and the great care he takes in completing each interview with the public.

Samantha (Sami) Harper (Planning Division) was recently recognized for her accomplishments during a six-month fellowship program organized by the Morgridge Family Foundation. This fellowship matches emerging social sector leaders with non-profit executive mentors. Sami designed and implemented a strategic planning effort for the [TGR Foundation](#). She helped the TGR Foundation to identify the scope and key areas for growth and development in order to better train, connect, and serve teachers around the world in delivering STEM education to underrepresented students. The fellowship included working with multiple stakeholders, developing a vision, presenting to a public audience and building new leadership skills.

## **Potential Impacts of Water Resources Development Act 2020 on Bay Area**

In late December, 2020, Congress passed the Water Resources Development Act (WRDA) with strong bipartisan support. The bill, drafted in the House Committee on Transportation and Infrastructure, was approved as part of the omnibus appropriations legislation. It aims to improve water infrastructure across the United States and should impact several ongoing and future projects in the Bay Area. The US Army Corps of Engineers (Corps) is the primary engine that all projects are run through, while the bulk of the work takes place on the local level.

WRDA includes language that focuses the Corps efforts on building more resilient communities through addressing the needs of disadvantaged communities, committing to more nature-based solutions, and calculating the benefits of incorporating sea level rise conditions to projects. The Corps is directed to increase coordination with all communities, in particular minority and tribal groups and to ensure affordability when providing technical assistance to these communities.

Some highlights related to our region include Implementations of Water Resource Principles and Requirements (Sec 110), Resiliency Planning Assistance (Sec 111), Review of Resiliency Assessments (Sec 113), Review of Natural and Nature-Based Features (Sec 116), and Dredged Materials Management Plans (Sec 125). One local project involving flood risk management received approval for expedited completion (Sec 202.19), and a robust sea level rise modification was included that encompasses the shorelines of San Francisco, San Mateo and Marin counties (Sec 203.1). Lastly, the Harbor Maintenance Trust Fund received both an increase in annual funding and a broadening of the scope of activities. It is worth noting that parts of the San Francisco waterfront is being reclassified as an "area to be declared nonnavigable" (Sec 316).

The bill received support from a wide range of national entities, as well as from the Association of California Water Agencies and the California Association of Port Authorities.

The [WRDA full text](#), [section-by-section summary](#) and [House Committee of Transportation and Infrastructure WRDA website](#) can be accessed through the links.

Separate from WRDA, but part of the omnibus legislation, was an approval for a 50% increase in funding to the San Francisco Bay Region through the San Francisco Bay estuary Comprehensive Conservation and Management Plan. This is part of the EPA's Geographic Program under Section 320 of the Clean Water Act.

**Former San Francisco Nike Battery 08/09 Receives Regulatory Closure (Max Shahbazian)**

I am pleased to share that we have moved forward with the complete and unrestricted regulatory closure of the Former San Francisco Nike Battery 08/09 (site). This particular closure is significant because it returns the site to solely recreational and grazing activities, without any land use restrictions, at Wildcat Regional Park located in the Berkeley/Contra Costa County hills.

The site was a former Nike Missile Battery located on top of San Pablo Ridge that was established after World War II (1955) by the United States Army as part of the San Francisco Harbor Defense Area to protect the Bay Area from enemy attack. The site is 135 acres and located approximately 4.9 miles northeast of Berkeley and 4.6 miles east of downtown Richmond in Contra Costa County.

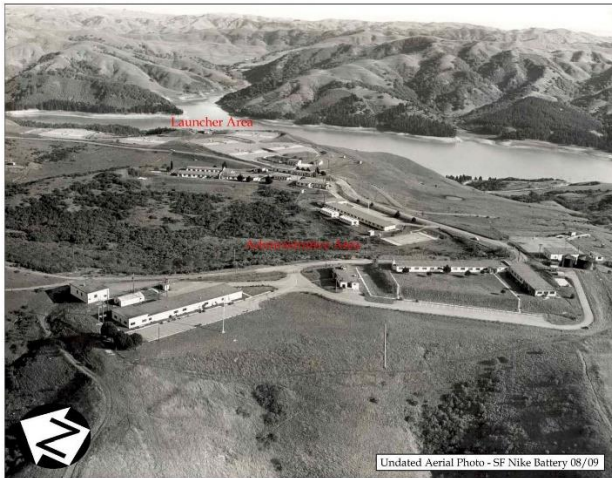


Photo of former Battery prior to razing site structures



Actual photo of Nike Missile at Battery 08/09

All site buildings have been razed and the U.S. Government terminated leases and transferred the property to the East Bay Municipal Utility District and East Bay Regional Park District (EBRPD) in 1972.



Current photo of area now part of Wildcat Regional Park

This regulatory closure included the evaluation of soil and groundwater impacts from three underground storage tanks (USTs) and associated piping that were historically used for the storage of diesel fuel. Groundwater was not encountered during the investigations and no water wells, surface water, or wetlands were present at, or immediately adjacent to, the former USTs. This helped to facilitate regulatory closure by simplifying the number of potential impacts that needed to be evaluated during the closure review process.

**San Francisco International Airport Shoreline Protection Program/Sea Level Rise Regional Planning (Elizabeth Morrison)**

San Francisco International Airport (SFO) is proposing to implement the SFO Shoreline Protection Program to protect the airport from flooding and future sea-level rise. The project would install new shoreline protection infrastructure that would comply with FEMA requirements for flood protection and incorporate protection for projected sea-level rise through 2085. The project would construct an approximately 40,600-foot-long new shoreline protection system, consisting of a combination of concrete walls and steel king and sheet pile walls. The work has the potential to result in the placement of fill into approximately 15-20 acres of impact to waters comprised of 1-3 acres of tidal wetland, with the remainder open water.

The Water Board's Basin Plan policies regarding wetland and Bay fill include ensuring projects have the least amount of fill and associated impacts needed to accomplish the basic project purpose. As such, staff is working with SFO to ensure that project designs minimize impacts to the maximum extent practicable while still protecting the airport. In addition, the Board has incorporated into the Basin Plan the California Wetlands Conservation Policy (Executive Order W-59-93) (No Net Loss Policy), which established state guidelines for wetland conservation. The No Net Loss Policy's primary goal is to ensure no overall net loss and to achieve a long-term net gain in the quantity, quality, and permanence of wetland acreage in California. One of SFO's challenges is finding parcels that can provide the substantial 'creation' acreage necessary to mitigate the proposed loss of area associated with the project's Bay and wetland fill. Typically, parcels that have significant restoration potential, such as Cargill's Redwood City ponds and Area 4 in Newark, are also the locations of potential future development, which means they may be unavailable for restoration.

By contrast, there are substantial opportunities for enhancement of existing wetlands and waters. While beneficial, enhancement, by itself, would result in a net loss in the quantity of wetlands that would be counter to the No Net Loss Policy. Opportunities for enhancement include ongoing Bay restoration projects and parcels associated with them, such as parcels at Eden Landing, part of the South Bay Salt Pond restoration project. While this work would provide benefit to Bay and Bay margin beneficial uses, and could contribute to sea level rise adaptation, the lack of a creation component poses a potentially significant impact and a policy challenge. Staff continue to meet with SFO staff to discuss possible mitigation sites and the airport's work on a mitigation package that will meet Water Board requirements, including the No Net Loss Policy. In addition, staff is coordinating on related issues, including ensuring design approaches take into account tools like the Shoreline Adaptation Atlas and consideration of potential direct or indirect effects on other parts of the Bay shoreline associated with project implementation.

The San Francisco Planning Department is preparing an initial study (IS) and environmental impact report (EIR) in compliance with CEQA for the project. Project construction is scheduled to begin in 2025 and is expected to be completed by 2032.



**January 2020 Enforcement Actions (Brian Thompson and Jessica Watkins)**

The following table shows the settled enforcement actions since January's report. In addition, enforcement actions are available on our website at

[http://www.waterboards.ca.gov/sanfranciscobay/public\\_notices/pending\\_enforcement.shtml](http://www.waterboards.ca.gov/sanfranciscobay/public_notices/pending_enforcement.shtml)

**Settled Actions**

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

<b>Discharger</b>	<b>Violation(s)</b>	<b>Imposed Penalty</b>	<b>Supplemental Environmental Project</b>
Equilon Enterprises LLC d/b/a Shell Oil Products US	Discharge limit violations.	\$9,000	None.

**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 December 24, 2021 through January 12, 2021. A check mark in the right-hand column indicates a project with work that may be in BCDC jurisdiction.

<b>Project Name</b>	<b>City/Location</b>	<b>County</b>	<b>May have BCDC Jurisdiction</b>
Zone 5 Line D Creek Restoration Project	Newark	Alameda	
6531 San Pablo Dam Road Creek Restoration	El Sobrante	Contra Costa	
Emergency Pier Repair at Marin Rod and Gun Club	San Rafael	Marin	✓
Middle Lake Restoration	San Francisco	San Francisco	
Butano Creek Channel Stabilization and Habitat Enhancement at Cloverdale Rd Bridge	Pescadero	San Mateo	
Mount Eden Road Stabilization	Saratoga	Santa Clara	