

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

MEETING DATE: May 9, 2018

ITEM: **4**

SUBJECT: **EXECUTIVE OFFICER'S REPORT**



# EXECUTIVE OFFICER'S REPORT: *May 2018*

A Monthly Report to the Board and Public

NEXT MEETING: May 9, 2018

WEBSITE: <http://www.waterboards.ca.gov/sanfranciscobay/>

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## **Prioritization Project (Lisa Horowitz McCann)**

### **PRIORITIES AND ANNUAL PRIORITIZATION PROCESS**

In November 2017, the Board appointed a subcommittee of Board members Jayne Battey and Cecilia Ogbu to work with Assistant Executive Officer Lisa Horowitz McCann to review and improve the annual prioritization process and consider affirming existing or adding new priorities. The subcommittee is developing an approach to review and improve annual priorities for fiscal year 2019-20 (Prioritization Project). Determining priorities for fiscal year 2018-19 is already underway and limited by time and resources. The subcommittee also approved implementation of a pilot project to address climate change adaptation as a new priority (Pilot Project). The Pilot Project is being implemented simultaneous with the Prioritization Project. Both projects are briefly described below and presented in a table with a schedule.

### **PROJECT DESCRIPTIONS AND SCHEDULE**

*The Pilot Project-* For 2018-19 prioritization, we are assuming a decision/direction that climate change adaptation is a priority. We plan to test some of the proposed tasks for our future prioritization process. The schedule below indicates the work we will do now related to climate change adaptation.

*The Prioritization Process-* In parallel, for 2019-2020, we are working with Board members to determine revisions, if any, to our annual prioritization process. We will determine a revised approach/steps for an annual prioritization process to establish priorities for 2019-20.



<b>2019 June-July:</b>		Board and staff establish priorities for 2019-20.
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**PROJECT STATEMENT**

Create clear statement of the Board's top priority issues and initiatives for 2019-20 and identify key projects and strategies to implement the priorities. Articulate in a two-page written document to facilitate outreach and shared understanding. To implement the priorities, consider realigning current staff assignments with priorities, seeking regulatory efficiencies (i.e., for Board staff, the regulated community, stakeholders) to improve implementation and make room for new strategies and projects, leveraging partnerships and funding, and seeking new funding and resources.

**BACKGROUND**

The Board heard staff presentations on priorities within each division of the Board organization at its October and November 2017 meetings as part of the Board's annual prioritization process. At the November meeting, Bruce presented and described region-wide budget and position allocations, including indicating where there was some flexibility with resource use coupled with expectations to provide levels of service and maintain program activities and achieve priorities.

For example, he illustrated that we use discretion to apply our most flexible funding sources as broadly as possible and to target important activities that are difficult to fund through other means. We also establish funding and technical assistance partnerships (e.g., through permits that allow third-party implementation and program coordination with non-profit organizations) where we can. Finally, we try to redirect staff away from lower priority activities or those easiest to stop or delay, to make room for new ones (e.g., our Sustainable Groundwater Management Team). We are limited in our capacity to get new resources due to the State's established budget process. Our most flexible funding sources make up a very small amount of our total funding so we are constrained in how much we can take advantage of these funds.

Nevertheless, staff is engaged in several strategic projects that address important, cross-cutting issues. Bruce explained our approaches to cross-division/program efforts to maximize efficient and effective use of resources. He said they fall in three types:

- 1) Leveraging dedicated program resources and expertise, e.g., if groundwater cleanup staff are investigating facilities with industrial stormwater permits or wetland fill, they will look on behalf of other programs
- 2) Close coordination between permitting staff and the Planning Division on broad issues, such as implementing the Nutrient Management Strategy and the Regional Monitoring Program, implementing TMDLs, optimizing wetland restoration, and expanding the beneficial reuse of dredged material
- 3) Cross-division activities like addressing climate change, the potable reuse of wastewater, the impacts of homelessness, infrastructure resiliency, and sustainable

groundwater management that are largely unfunded and fall outside of established programs

He said staff would bring more detailed presentations to the Board on the cross-division issues throughout the coming year and integrate them into development of a list of items during the Triennial Review of the Basin Plan. These are the initiatives that staff is currently implementing:

- Using discretionary groundwater cleanup resources to improve water quality cleanup and protection from mines
- Using planning and permitting resources and authorities to develop and implement the Nutrient Management Strategy for San Francisco Bay
- Promoting and permitting wastewater of the future
- Addressing climate change by permitting projects that establish shoreline resiliency (e.g., build horizontal levees and expand tidal marshes)
- Improving groundwater protection and use via our Sustainable Groundwater Management Team

Board members discussed the information they heard and expressed an interest in the following:

- Being able to better track high priority activities and strategies and communicate more easily about them
- Having concise, written descriptions of priorities and strategies
- Identifying ways to “find” resources given increasing complexity of water quality issues facing the Board without new resources, e.g., identifying what we can stop doing, recognizing advanced technology tools to improve our efficiency, seeking additional public-private partnerships and private funding, and identifying how Board members can help
- Addressing cross-cutting and integrated issues such as water supply sustainability, groundwater management, nutrient management, sea level rise, and aging-infrastructure
- Conducting a strategic planning “lite” effort to identify projects that are important and unfunded, identify sources of private (or other) funding, develop messages to help garner funding, and determine staff’s capacity to take on new integrated issues

Board members concluded the discussion by selecting Board members Battey and Ogbu to serve on a subcommittee that will work closely with Lisa on this effort and determine other Board briefing opportunities or workshops in the future.

#### **PURPOSE**

The purpose of this project is to continue to implement and improve the Water Board’s annual prioritization process. This project will build on the existing annual prioritization process, for example, by integrating the feedback offered by the Board members during the 2017-18 prioritization discussions (listed above). This project will identify one to a few priority issues or initiatives and implement specific activities to advance them. This project will target and

implement the specific activities based on opportunities and constraints of annual budgets and staff resources. For 2018-19, activities will most likely be funded only with additional staff resources gained from stopping or delaying existing lower priority tasks and projects, or from doing some tasks and projects more efficiently, as development of new funding sources may take more time. In the future, we will focus needs for additional funding such that Board members and other partners can help develop new funding or resource gains to implement these or future activities.

This project will facilitate the Water Board's ability to adapt to changing conditions in the environment and regulatory arena at a pace and scale aligned with opportunities and constraints. We have demonstrated that we can be nimble about assigning staff to problem solve such as the recent North Bay fire response, and can be nimble about assigning staff to innovate such as permitting the South Bay Shoreline Levee project. On the flip side, we cannot get additional staff resources easily or timely due to the State's established budget process and statewide priorities.

This project will facilitate shared understanding about what staff should do more of, what staff should do that they are not doing, what staff should do less of to make room for other important activities, and what Board members can do to support activities associated with priority issues and initiatives and to seek additional funding or partnerships.

### **Alameda Creek Rubber Dam Fishway Groundbreaking Ceremony (Keith Lichten)**

On April 23, Dale Bowyer and Leslie Perry attended the Alameda County Water District's (ACWD) groundbreaking ceremony for a new fishway that will provide passage past Rubber Dam #3 in Fremont, just downstream of the Union Pacific railroad tracks (Figure 1). This is the first of two planned fish ladders over rubber dams, and the groundbreaking represents a watershed moment in decades of work to address barriers to fish passage in the creek, while maintaining existing infrastructure. Key existing infrastructure includes the BART tracks and the rubber dams, which divert water into adjacent former quarry pits to recharge the Niles Cone groundwater basin, supplying ACWD customers. The second fish ladder will provide passage past the BART weir and Rubber Dam #1. Construction of both ladders is planned to be completed by late 2021. This is part of a larger, long-term effort to restore fish passage to higher reaches of Alameda Creek. ACWD has also improved fish screens on plumbing that diverts water to their quarry pit infiltration basins and reduced the number of diversions.

ACWD's actions are part of additional work on the Alameda Creek. The San Francisco Public Utilities Commission has removed two dams from Alameda Creek further upstream in Niles Canyon to improve fish migration. Fish barriers are being removed on tributaries to Alameda Creek, as well, greatly increasing the potential to restore steelhead trout habitat.



*Figure 1. Alameda Creek fishway groundbreaking*

### **Vineyard General Permit Outreach (Mike Napolitano)**

This item is a followup to the April Executive Officer's Report on roll-out of the 2017 Vineyard General Permit. On April 20, Board staff conducted the first of three watershed-based meetings to facilitate enrollment under the permit, which will be done electronically. The meeting was held in Napa in the Public Meeting Room at the Main Branch of the Napa County Library. The orientation meeting was very well attended (Figure 2). Although the meeting was open to all, our presentation was directed more towards vineyard managers and owners with the goals of helping them understand the requirements of the permit and instructing them on the enrollment process. Representatives from four, recently approved, Third-Party Programs were in attendance to help managers and owners get started in preparing new, or updating existing, farm plans.

The permit fact sheet and instructions for permit enrollment were distributed to stakeholders attending the meeting. Two additional orientation meetings are scheduled for May 3 in Sonoma and May 29 in Napa.



**Figure 2.** Vineyard General Permit outreach meeting in Napa

## Staff Presentations

On April 17, Keith Lichten participated in the Bay Planning Coalition's workshop *Getting Shoreline Restoration and Resiliency Projects Constructed in San Francisco Bay*. The workshop attracted a standing-room-only crowd at the Ferry Building. With \$500 million in Measure AA funding helping to jump-start Bay margin restoration projects over the next 20 years, the workshop focused on opportunities for efficient permitting, adaptive management, and obtaining additional funding sources. Keith spoke on the Regulatory Roundtable panel with Larry Goldzband, BCDC Executive Director; Rick Bottoms, Chief of the U.S. Army Corps of Engineers, San Francisco District's Regulatory Division; and Amy Hutzler, Deputy Executive Officer of the State Coastal Conservancy. He discussed the Planning Division's ongoing policy review efforts and development of technical tools, like the Operational Landscape Units project being completed by the Board and the San Francisco Estuary Institute that will help inform the design of sea level rise adaptation projects. Additionally, he gave examples of ways the Board has been using existing flexibility in our regulations as we permit sea level rise adaptation projects. These include the Board's incorporation of anticipated sea level rise to reduce estimated net fill amounts for the South Bay Shoreline Project's ecotone levees, which are expected to significantly enhance that project's habitat restoration benefits, and approvals of "thin lift" application of sediments to subsided diked marshlands to restore tidal marsh using beneficially reused dredged sediment.

On April 24, I spoke at a townhall meeting hosted by the Castro Valley Sanitary District to describe and hear comments on its proposed private sewer lateral (PSL) ordinance. I emphasized that the Water Board's experience with PSL ordinances has been very positive, in

that they benefit water quality, they benefit the sanitary districts, and they benefit the homeowners and rate-payers. Not all in the audience agreed with the benefit to homeowners, but I reiterated that such ordinances can help sanitary districts keep rates down and, by having an established PSL inspection and certificate of repair program in place, homeowners add value to their house. The District's board will consider voting to implement the proposed program in the next few weeks.

### **In-house Training**

In April, we took a virtual "Trek with Earth and Water." The In-House Training Committee delivered a session on the geology, hydrogeology, and hydrology of our Region. Elizabeth Wells from the Groundwater Protection Division and Laurent Meillier from the Toxics Cleanup Division jointly organized this training. Dr. John Karachewski, a geologist at the Department of Toxic Substances Control, presented "A Primer on the Geology, Hydrogeology, and Hydrology of the San Francisco Bay Region." He is an accomplished photographer and supported his talk with many of his own beautiful and instructive photos. We welcomed back Robin Grossinger, a historical ecologist and Co-Director of San Francisco Estuary Institute's Resilient Landscapes Program. Mr. Grossinger speaks on different topics every few years at our trainings; this year, he provided an overview and explained some recent findings on "How human activity has impacted our region's geology, hydrogeology, and hydrology." Laurent Meillier and Kevin Brown from the Toxics Cleanup Division introduced us to geo-anomalies and how they impact site regulation. Staff from several divisions provided case studies of geo-anomalies. Bill Cook from the Toxics Cleanup Division described a plume divided by faults. Robert Schlipf from the NPDES Division described problems with salt water intrusion into wastewater conveyance and treatment. Lindsay Whalin from the Groundwater Protection Division explained why creek restoration downstream of mercury mines and site cleanup near industrial sites that used elemental mercury require particular attention. Elizabeth Wells and David Tanouye from the Groundwater Protection Division wrapped up the training by setting the stage for our May training, when we will take this trek outdoors for a hands-on training on the geology, hydrogeology, and hydrology of our Bay Region.

### Enforcement Actions (Mary Boyd and Brian Thompson)

The following table shows a proposed penalty action since last month's report. In addition, proposed and settled 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)

<b>Proposed Settlements</b>			
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.			
<b>Discharger</b>	<b>Violation(s)</b>	<b>Proposed Penalty</b>	<b>Comment Deadline</b>
Granada Community Services District	Unauthorized discharges to surface water of six sanitary sewer overflows	\$33,100	May 21, 2018

<b>Settled Actions</b>			
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>
Marin Municipal Water District	Unauthorized discharge of chlorinated potable water resulting in fish kill.	\$129,250	\$63,000
Super Store Industries (SSI)	Alleged violations of best management practices requirement of the Industrial Stormwater General Permit that allegedly resulted in a prohibited discharge to Jameson Canyon Creek.	\$230,000	\$115,000
Isaias Munoz (Munoz Granite)	Failure to recertify for coverage under Industrial Stormwater General Permit.	\$14,000	

**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 March 14 to April 10, 2018. 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>
Alameda Point Outfall Project	Alameda	Alameda	✓
Drury Court and Alvarado Road - Landslide Repair	Berkeley	Alameda	
Terrace View Estates	Hayward	Alameda	
Turner Dam Spillway Erosion Repair	Sunol	Alameda	
Chevron Richmond Long Wharf - MOTEMS Compliance Work	Richmond	Contra Costa	✓
Tony's Restaurant Repairs	Marshall	Marin	✓
Middle Fire Road Improvement Project	Novato	Marin	
2018 SF Bay Tower Maintenance	Palo Alto	Multiple	✓
1550-1598 Custer Ave Shoreline Bulkhead Protection	San Francisco	San Francisco	✓
Corinda Los Trancos Channel Stabilization – Mid Section	Half Moon Bay	San Mateo	
400 Esplanade Ave	Pacifica	San Mateo	
Lower Penitencia Creek - Improvements Project	Milpitas	Santa Clara	
Wrigley Creek Outfall Project	Milpitas	Santa Clara	
Lower Spring Branch Creek – Suisun Hill Hollow Restoration Project	Suisun City	Solano	✓
Western Drain Installation Project	Suisun City	Solano	✓
Fairview at Northgate	Vallejo	Solano	