

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

MEETING DATE: February 13, 2019

ITEM: **5**

SUBJECT: **EXECUTIVE OFFICER'S REPORT**

EXECUTIVE OFFICER’S REPORT: *February 2019*

A Monthly Report to the Board and Public

NEXT MEETING: February 13, 2019 **WEBSITE:** <http://www.waterboards.ca.gov/sanfranciscobay/>

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San Francisquito Creek Flood Protection Project Dedicated (Bruce Wolfe)

On December 14, Bruce Wolfe participated in the San Francisquito Creek Joint Powers Authority’s (JPA’s) celebration of the construction completion of its Bay-to-Highway 101 flood protection project. The \$76 million project includes a widened creek channel, new flood walls, relocated levees, a marsh plain terrace, and improved access to trails along the creek and adjoining marsh. While the new channel and levees had been seeded and mulched for erosion protection at the time of the celebration, planting of native vegetation on the new structures still remains to be completed. The celebration, hosted by the Santa Clara Valley Water District at the new “Friendship Bridge” between East Palo Alto and Palo Alto (Figure 1), is the culmination of many years of project design, permitting, and construction. Before the project received section 401 water quality certification in April 2015, the Board and staff worked closely with the JPA to ensure that the project design would minimize impacts to the creek and adjoining marsh and would adequately mitigate for those impacts.

The Bay-to-Highway 101 project is the first of three phases of flood protection planned by the JPA. Release of a draft EIR is planned for 2019 for a project to address creek flooding upstream of Highway 101. The JPA has also initiated its “Strategy to Advance Flood protection, Ecosystems, and Recreation along the Bay (SAFER Bay) Project” that aims to provide flood protection for Menlo Park, East Palo Alto, and Palo Alto along the Bay shoreline.

The City of East Palo Alto was able to coordinate construction of its trash rack structure with that of the Bay-to-Highway 101 project such that it now controls trash discharge to the creek from the majority of East Palo Alto, as shown in Figure 1.



Figure 1. Friendship Bridge, new trash rack, and widened channel

Status of Climate Change Activities (Lisa Horowitz McCann)

The Board subcommittee on climate change, Board Members Jayne Battey and Cecilia Ogbu and Assistant Executive Officer Lisa Horowitz McCann, met on December 12, 2018 to discuss status and next steps for Water Board activities related to climate change. They discussed progress on current activities, proposed priority projects, and expanding outreach and coordination with other organizations.

We have several recent and ongoing climate change activities. We continue to identify forums and organizations for which participation and coordination will best leverage Water Board authorities and opportunities to protect water quality and habitat from impacts of climate change. We coordinate on planning and adaptation strategies and projects with the Bay Conservation and Development Commission, San Francisco Estuary Institute, San Francisco Bay Joint Venture, San Francisco Bay Restoration Authority, San Francisco Estuary Partnership, San Francisco Bay Area Planning and Urban Research Association, Bay Area Clean Water

Agencies and others. We are also viewing all permitting and policy development through a lens of climate change adaptation. This includes requiring wastewater and landfill facilities to conduct vulnerability assessments, and conditioning shoreline development projects, so they benefit shoreline resiliency (to address flooding and sea level rise) and protect water quality and habitat. Specific examples include the South Bay Shoreline Levee and the Oro Loma Horizontal Levee.

We have determined that the highest priority climate change activities for staff to pursue include project planning and permitting shoreline resiliency projects, reviewing wetland policies, coordinating with other regional planning efforts, and promoting the beneficial reuse of dredged sediment. We will continue to condition wastewater discharge permits and dredge and fill permits with climate change considerations, focusing on resolving inconsistencies between multi-benefit projects and existing policies (e.g., when a shoreline resiliency project impacts a greater area of wetlands and/or waters using natural infrastructure than traditional hardscape). We will also continue reviewing wetland protection policies in the Basin Plan to facilitate regulatory certainty and efficiency in permitting projects that benefit shoreline resiliency but also impact wetlands and habitat. We will coordinate with other regional climate change planning and adaptation efforts. This includes participation on a new Bay Restoration Regulatory Integration Team, with other agencies, to permit projects approved for Measure AA funding by the San Francisco Bay Restoration Authority. We also have a with the San Francisco Estuary Institute's project to characterize and evaluate Operational Landscape Units associated with Bay margins to inform climate change adaptation strategies. These efforts contribute to regional science and expertise of climate change impacts and adaptation solutions and will identify and inform actions by the Water Board.

For next steps, we will conduct further outreach to organizations involved in regional climate change planning to see how the Water Board can leverage efforts and adjust activities as needed to address climate change impacts to the Bay to protect water quality and habitat. We also plan to present an update on our climate change activities at the April or May Board meeting. The update will cover the status of our climate change and wetland fill policies Triennial Review projects, an explanation of regulatory hurdles and opportunities based on our initial review of wetland protection policies, and results of our outreach to key external stakeholders.

Pesticides Primer for Water Board Staff (René Leclerc)

On December 12, Dr. Kelly Moran provided a 2-hour "Pesticides Primer" for Water Board staff working on pesticide-related impacts to water quality. Dr. Moran is an expert in urban-us pesticide-related water quality impacts and provides technical support to the Water Board and stormwater and wastewater agencies. Her monthly Pesticides Regulatory Action Plan identifies ways for staff and dischargers to comment on key federal pesticide registration actions to help protect water quality from pesticide impacts; this is a key element of our Urban Creeks Pesticide-Related Toxicity TMDL implementation plan.

Staff from Planning, NPDES permitting and enforcement, and Watershed divisions attended, as did a State Water Board staff member who leads the Urban Pesticides Impairment Project of the STORMS (Strategy to Optimize Resource Management of Storm Water) program. In addition to learning the history, scientific, and regulatory aspects of pesticide impairments, the training allowed staff to discuss their current roles in addressing pesticide-related water quality impacts and ways to work together.

Estuaries Conferences (Christina Toms)

Christina Toms attended the 2018 California Estuarine Research Society meeting (Dec. 9) and Restoring America's Estuaries Summit (Dec. 10 – 12) in Long Beach, CA. At the Estuaries Summit, she presented a talk on the natural structure and distribution of high tide refugia in San Francisco Bay tidal marshes, and methods to improve the quality and geographic distribution of these habitats in restoring and down-shifting tidal marshes. These methods including thin-layer placement of sediment, the construction of "marsh mounds", and the placement of large woody debris in marshes to act as a "trellis" for climbing vegetation such as pickleweed (*Sarcocornia pacifica*) and sea-blite (*Suaeda californica*). The talk was well-received. Christina also attended a broad variety of conference sessions that focused on engineering standards for living shorelines, the physical and ecological relationships between subtidal (eelgrass and oyster beds) and intertidal (wetland) communities, and how climate change may impact bar-built estuaries along the Pacific coast.

In-house Training

In January, our training covered key writing skills for Water Board staff. Bruce Wolfe stepped out of retirement to give us tips on targeting an audience. Several managers and attorneys shared their levity, joy, and how-to pointers: keep at it, be concise, and be clear and complete, and Jessica Watkins and James Parrish presented a review of our Writing Style Guide. The writing training was organized by the NPDES Division (Brian Thompson). Our February training topic is inspections.

Staff Presentations

On December 12, Bill Johnson addressed the City of San Mateo Sustainability and Infrastructure Commission as it considered options for a private sewer lateral ordinance. Bill pointed out how infiltration and inflow from unmaintained private sewer laterals contribute to peak collection system flows that can exacerbate sanitary sewer overflows and exceed wet weather storage and treatment capacities. Bill encouraged the Commission to recommend an ordinance that balances costs and benefits in a way that works well for the City. Despite some real estate industry opposition, the Commission voted to recommend development of an ordinance that would require inspections and necessary repairs upon title transfers (i.e., a "point-of-sale" ordinance).

On January 10, I spoke at the California Stormwater Quality Association Quarterly Meeting in San Diego. I provided a regional and statewide perspective on how to simplify our municipal

stormwater permits, make them more consistent statewide, and improve their water-quality based requirements. I emphasized incentives and the benefits of funded, long-term multi-benefit plans that integrate stormwater infrastructure asset management, green infrastructure, and resource management and protection with land-use and transportation planning and management. I also called attention to increasing interests in contaminants of emerging concern and a new three-year study of emerging contaminants in urban runoff in the Bay Area by the San Francisco Bay Regional Monitoring Program.

On January 11, I spoke at the Annual Meeting of the Bay Area Clean Water Agencies (BACWA), which includes most wastewater and sanitary sewer collection system agencies in the Bay Region. I provided an overview of key forthcoming regional and statewide efforts that will affect them. These include: Regional Water Board reissuance of the Bay-wide nutrient NPDES permit; the San Francisco Bay Regional Monitoring Program strategy for monitoring of contaminants of emerging concern in representative treated wastewater discharges; State Water Board consideration of toxicity water quality objectives and their implementation, including likely NPDES permit limits; our climate change activities including review and potentially new near-shore and wetlands policies for treated wastewater discharges that provide environmental benefit; potential new water quality based effluent limitations for residual chlorine that may enable less chemical-usage; and transfer of recycled water projects to the Statewide Order. I emphasized the benefits of our ongoing collaborative efforts with BACWA and its member agencies to advance the science basis of regulatory actions to achieve optimum benefits and avoid unintended consequences.

On January 16, Stephen Hill, Cheryl Prowell, Alec Naugle, and Ross Steenson presented a regulatory update to the Bay Area branch of the Groundwater Resources Association (GRA). GRA is a non-profit organization that promotes the protection and improvement of groundwater supply and quality. Stephen discussed several "news" items: recent direction from Board members regarding site cleanup, our continued emphasis on closing low-threat fuel tank cases, and news about the site cleanup program. Cheryl described recent developments on the vapor intrusion issue, including this region's role in preparing Cal/EPA guidance on vapor intrusion assessment and our office's pending update to our Environmental Screening Levels. Alec discussed the planned update of our low-threat assessment tool for solvent-impacted sites. Ross updated the group on the issue of groundwater contaminant discharges to surface water at bay shoreline sites. The audience of about 140 included environmental cleanup consultants, environmental attorneys, vendors, and dischargers. Our staff has been making this annual presentation for over 20 years. This meeting continues to be the best attended meeting for this GRA branch and provides a useful forum for staff to interact with the regulated community.

Enforcement Actions (Debbie Phan and Brian Thompson)

The following table shows proposed enforcement actions since last month's report. In addition, enforcement actions are available on our website at:

http://www.waterboards.ca.gov/sanfranciscobay/public_notices/pending_enforcement.shtml

Proposed Settlements			
The following are noticed for a 30-day public comment period. If no significant comment is received, the Executive Officer will sign an order implementing the settlement.			
Discharger	Violation(s)	Imposed Penalty	Comment Deadline
GR Block	Failure to submit an annual report for the 2016/17 reporting year by September 1, 2017.	\$1,000	January 12, 2019
Sunpower Corporation	Failure to submit an annual report for the 2016/17 reporting year by September 1, 2017.	\$1,000	February 1, 2019
Settled Actions			
On behalf of the Board, the Executive Officer approved the following:			
Discharger	Violation(s)	Imposed Penalty	Supplemental Environmental Project
Vineburg Wine Co Inc	Failure to submit an annual report for the 2016/2017 reporting year by July 15, 2017.	\$1,000	None
Raging Waters	Failure to submit an annual report for the 2016/2017 reporting year by July 15, 2017.	\$1,000	None
Core Mark International	Failure to submit an annual report for the 2016/2017 reporting year by July 15, 2017.	\$1,000	None
Brian S Salvage	Failure to submit an annual report for the 2016/2017 reporting year by July 15, 2017.	\$1,000	None
Shaw Industries	Failure to submit an annual report for the 2016/2017 reporting year by July 15, 2017.	\$1,000	None
Uni Tile Marble	Failure to submit an annual report for the 2016/2017 reporting year by July 15, 2017.	\$1,000	\$500
Giant Properties LLC- MPK20	Failure to submit an annual report for the 2016/2017 reporting year by September 1, 2017.	\$1,000	None
Stay Cal HMB LLC- Camerons Best Western Inn Half Moon Bay	Failure to submit an annual report for the 2016/2017 reporting year by September 1, 2017.	\$1,000	None

Settled Actions			
On behalf of the Board, the Executive Officer approved the following:			
Discharger	Violation(s)	Imposed Penalty	Supplemental Environmental Project
Shops at Mayacamas LLC- Mayacamas Shops	Failure to submit an annual report for the 2016/2017 reporting year by September 1, 2017.	\$1,000	None
Braddock and Logan Services Inc- Bordoni Waterstone Phase 1C	Failure to submit an annual report for the 2016/2017 reporting year by September 1, 2017.	\$1,000	None

401 Water Quality Certification Applications Received (Abigail Smith)

The table below lists applications received for Clean Water Act section 401 water quality certification from December 13, 2018 through January 4, 2019. A check mark in the right-hand column indicates a project that may be in BCDC jurisdiction.

Project Name	City/Location	County	May have BCDC Jurisdiction
Codornices Creek Stabilization	Berkeley	Alameda	
Sulphur Creek Safety Area Improvement	Hayward		
Interim Trash Capture Device Install in Estudillo Canal At Washington Avenue	San Leandro		
50 Arthur Road Bank Stabilization	Martinez	Contra Costa	
Briones Reservoir Tower Outlet Seismic Retrofit	Orinda		
Lettia Road Storm Drain Desilting	Tara Hills		✓
Napa Junction Elementary School Construction	American Canyon	Napa	✓
Gateway East Winery Construction	Napa		
Southeast Outfall Islais Creek Crossing - Emergency Bypass	San Francisco	San Francisco	✓
Columbia and Vassar Beach Access Improvement	El Granada	San Mateo	
2018 Cloverdale Rd Bridge Emergency Debris Removal	Pescadero		
Emergency Debris Removal at Cloverdale Road	Pescadero		
Stanford University Upper Quarry - Ca. Red-Legged Frog Habitat	Palo Alto	Santa Clara	
Napa Road Self Storage Facility Drainage Swale Relocation	Vineburg	Sonoma	