

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

MEETING DATE: July 8, 2020

ITEM: **4**

SUBJECT: **Executive Officer's Report**

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Executive Officer’s Report July 8, 2020

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Staff Presentation

On June 5, Maggie Monahan of the Watershed Management Division presented to SPUR, the San Francisco Bay Area Planning and Urban Research Association, on recycled water. The presentation provided an overview of recycled water regulations in California, the California Recycled Water Policy, and permitting pathways for recycled water projects specific to the San Francisco Bay Region. The presentation also included examples of recycled water projects happening now in our region, including on-site recycled water projects at Microsoft, Google, and Facebook campuses, San Francisco Public Utilities Commission's Westside Enhanced Water Recycling Project, and the Silicon Valley Advanced Water Purification Center. SPUR's website is <https://www.spur.org/>

Timber Harvest Plan Review and Implementation (Kevin Brown)

Did you know that logging takes place in the Santa Cruz Mountains of southern San Mateo County near La Honda and Pescadero? As a member of the Department of Forestry and Fire Protection (*CAL FIRE*) Review Team, Water Board staff participate in California's [Timber Harvesting Plan](#) (THP) review process to help prevent water quality impacts.

Following the devastating Atlas, Tubbs, and Nuns Fires in October 2017 and the November 2018 Camp Fire, Governor Newsom signed an [Emergency Order](#) and [State of Emergency Proclamation](#) requiring the State and Regional Water Boards to draft a list of measures to expedite high priority fuel reduction projects to safeguard vulnerable communities. These measures include vegetation protection buffers along watercourses to protect shade-producing canopies and reduce ground disturbance to avoid sediment discharge to waterbodies. Another measure called a "shaded fuel break" is a wide strip of land where vegetation has been modified, rather than removed. Its general purpose is to reduce the amount of combustible materials, so that when a fire hits the break it will decrease in intensity, cool down, and drop from the canopy to the ground. It also leaves some vegetation intact to protect from erosion.

Four shaded fuel break projects were identified in our region, compared to thirty-five statewide. These include the 467-acre Kings Mountain Road and 250-acre El Granada Quarry Park sites in San Mateo County; the 1,760-acre North Orinda site in Contra Costa County; and, the 454-acre State Highway 17 site in Santa Clara County.



Typical fuel break above State Highway 17 south of Los Gatos (Santa Clara County).

Working closely with *CAL FIRE* foresters and the Department of Fish and Wildlife, Region 2 staff conducted pre-project site visits during the active vegetation removal work and at the end of the completed projects. To create community defensible spaces and safer ingress and egress corridors for residents and emergency equipment, fire crews mainly focused on the removal of hazardous dead trees, ladder fuels (those combustible

materials, both living and dead, that provide a path for a surface fire to climb up into the crowns of shrubs or trees) and understory (a layer of vegetation in a forest or wooded area, especially the trees and shrubs growing between the forest canopy and the forest floor). [California Forest Practice Rules](#) were also followed, including limiting heavy equipment operations on steep slopes, avoiding work near watercourses, avoiding known sites of rare, threatened, or endangered plants and animals, and placing erosion control improvements.

An unanticipated benefit from vegetation removal along roadways, most notably for the State Highway 17 project, was the collection and disposal of over 25 tons of trash and debris that could impact waterbodies, including Lexington Reservoir in Santa Clara County near Los Gatos, which is a major source of drinking water for the South Bay.

The four projects were completed in less than one year. Our staff will continue with post-vegetation removal monitoring to help evaluate the effectiveness of the completed work.

Cleanup Project Status for 411 High Street, Oakland (Jeff White)

In January, I updated you regarding the ongoing petroleum cleanup activities at the 411 High Street Site near the Oakland Estuary. At that time, I reported on the activities required by our May 8, 2019, directive letter to Atlantic Richfield Company (ARCO)¹. The May letter required 1) additions to the Offsite Investigation Work Plan, 2) an effectiveness evaluation of the current remediation system's ability to achieve cleanup standards in a reasonable timeframe and 3) a work plan to assess the soil vapor intrusion (VI) threat to future occupants of the building at 441/445 High Street. The status of those activities follows.

Additional Offsite Investigation: The investigation to delineate the extent of offsite contamination is scheduled to resume in July 2020 due to a combination of additional work being needed and delays due to COVID19. Submittal of results in an Offsite Investigation Report is anticipated in September 2020.

Remediation Effectiveness: Staff reviewed the August 2019 Remediation System Effectiveness Evaluation report and concluded that the remedy is ineffective and is unlikely to attain the Section 13304 Order-required cleanup standards in most Site areas in a reasonable timeframe. On December 20, 2019, I sent a letter to ARCO stating that the current remedy is ineffective and required the submittal of a Feasibility Study (FS) report due April 30, 2020, proposing new remedial alternatives to successfully and quickly attain the cleanup standards required by the Order.

Representatives of ARCO and the Koch brothers requested a new date of October 31, 2020, for FS report submission, which will allow them to incorporate the results of the offsite investigation. The offsite investigation data will be used to address offsite cleanup. In our April 29, 2020, letter, we agreed to an FS report submittal by October 31, 2020.

Vapor Intrusion Threats: In December 2019, ARCO completed the first of two indoor air sampling events to assess VI threats at 441/445 High Street. A first VI Assessment Report was submitted to us in February 2020. Based on the report findings, VI does not appear to pose an unacceptable risk to future building occupants. A second indoor air sampling event is scheduled to occur in August 2020, to confirm that there is no unacceptable risk. Submittal of a second VI Assessment Report is scheduled for September 2020.

¹ ARCO, a BP-affiliated company, is the discharger; Koch is property owner; and Arcadis (consultant) has environmental liability.

In-house Training- Emergency Response (Carrie Austin)

In May, we held our first-ever remote In-house Training via Zoom on Emergency Response Preparedness. We reviewed our Region's spill response (led by Enforcement Unit Supervisor Brian Thompson). We learned about the State Water Board's new Emergency Management Program from the staff and managers that support the State Water Board and the Regional Water Boards. These folks also led us through small group exercises in how to respond to water quality and facility impacts from disasters such as earthquakes. Our speakers also included Staff Engineering Geologist Demir as emcee and actor in a film he wrote and produced together with NPDES staff(!) to humorously show how people react during emergencies. We all departed with new knowledge and a PDF of valuable information to load onto our personal cell phones for use in the event of an emergency. We put considerable effort into planning for smooth hand-offs between presentations and videos with much audience participation. Our work paid off with rave reviews for interaction (and phew! our few technical glitches were not apparent to the participants). Demir Worthington and Brian Thompson in our NPDES Division organized this training. This topic is timely as we are adjusting our plans due to shelter-in-place orders.

July 2020 Enforcement Actions (Brian Thompson and Jessica Watkins)

The following tables show the proposed and settled enforcement actions since June's report. In addition, enforcement actions are available on our website at http://www.waterboards.ca.gov/sanfranciscobay/public_notices/pending_enforcement.shtml

Proposed Settlement

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	Violation(s)	Proposed Penalty ¹	Comment Deadline
West County Agency	Discharge limit violations.	\$84,000	July 6, 2020

¹ Includes \$36,000 towards a Supplemental Environmental Project (SEP) for KIDS for the BAY to implement watershed stewardship and trash cleanup projects with schools in disadvantaged and environmental justice communities.

Settled Action

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

Discharger	Violation(s)	Imposed Penalty ¹	Supplemental Environmental Project
CalAtlantic Group, Inc.	Discharge of polluted stormwater and failure to implement appropriate erosion, sediment, and perimeter control BMPs during construction between November 2018 and January 2019.	\$549,600	\$264,000

¹ Includes \$264,000 to supplement Regional Monitoring Program studies. The Regional Monitoring Program is managed by the San Francisco Estuary Institute to collect water quality information in support of management decisions to restore and protect beneficial uses of the Region's waters.

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 May 19 through June 10, 2020. A check mark in the right-hand column indicates a project with work that may be in BCDC jurisdiction.

Project Name	City/Location	County	May have BCDC Jurisdiction
2020 (20) High Tide Refuge Islands for the SF Estuary Invasive Spartina	Hayward	Alameda	✓
OLSD Digested Sludge Pipeline Emergency Repair	San Lorenzo	Alameda	✓
SFPP LS16 Pipeline Exposure Repair at Alameda Creek	Sunol	Alameda	
Dock at Craneway Wharf	Richmond	Contra Costa	✓
Point Molate Beach Park Shoreline Restoration	Richmond	Contra Costa	✓
Ball Estates Subdivision	Alamo	Contra Costa	
Pinehurst Road Sinkhole And Culvert Repair	Orinda	Contra Costa	
San Anselmo Flood Risk Reduction	Fairfax	Marin	
Frank Valley Rd MP 3.21	Mill Valley	Marin	
Arroyo San Jose Site 2b Tributary Restoration and Bank Stabilization	Novato	Marin	
Arroyo San Jose Site 4b Cart Path and Bank Stabilization	Novato	Marin	
66 Fawn Drive San Anselmo Sleepy Hollow Creek Bank Stabilization	San Anselmo	Marin	

Project Name	City/Location	County	May have BCDC Jurisdiction
Creek Bank Toe Erosion Protection and Habitat Enhancement	San Anselmo	Marin	
San Geronimo Creek Fish Passage and Bridge Stabilization	San Geronimo	Marin	
San Quentin Pump Station Replacement	San Rafael	Marin	✓
Bloodlines Waters Crossings Improvements	Yountville	Napa	
Vista Grande Drainage Basin Improvement	San Francisco	San Francisco	
Sandra Hayne Storm Drain Replacement and Creek Daylighting	Hillsborough	San Mateo	
Redwood Shores Bridge Parkway over Marine World Lagoon	Redwood City	San Mateo	✓
Woodruff Creek And Tributaries Crossings Rehabilitation	Redwood City	San Mateo	
Bradmoor Island And Arnold Slough Restoration Projects	Suisun City	Solano	
Riparian Restoration of Creek at the Sonoma Developmental Center	Eldridge	Sonoma	