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

MEETING DATE: June 9, 2021

Item: 4

Executive Officer's Report

Executive Officer's Report June 2, 2021

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In-house Training: Effective Communication with Stakeholders (Carrie Austin)

In May, Prof. Michael Allan kicked off our training on communicating with stakeholders by asking us, "Are people hearing what you are saying?" He opened with a Peanuts film clip to illustrate miscommunications between teachers and students as a metaphor for our situation where we are the authority communicating with laypeople. Dr. Allan explained and answered questions to encourage us to "de-center" ourselves in conversations—reframe our role of authority and regulator to translator of regulations and science. He counseled that this will help stakeholders feel heard, and help us hear and understand them.

We then had a panel discussion on community-conscious communication and outreach. This focused on effective communication with the general community as a stakeholder and getting involvement from non-technical audiences, especially underserved communities. Planning Division Chief Xavier Fernandez moderated the panel. Our panelists shared stories about best practices for community engagement. A.L. Riley, who advises our staff on watershed and river restoration, shared a story and advice about community engagement related to Wildcat Creek. Mark Johnson, staff in our Toxics Cleanup Division, talked about one-on-one engagement to build trust and exchange information with community members in Hunter's Point and East Palo Alto regarding extensive groundwater cleanup projects. Gary Riley, who previously worked in our Groundwater Protection Division and is currently the Acting Chief of the National Park Service's Operations/Environmental Programs Branch in the western U.S., talked about letting rural community members for a project site know they could find him "by the tree" to enhance engagement. Josh Bradt, a Senior Environmental Planner with the San Francisco Estuary Partnership, reminded us that, as a government agency, Water Board staff will likely be met with distrust, disenfranchisement, and even anger. For example, he offered an indication of the high level of distrust many very low- and low-income community members have for government agencies: they drink bottled, not tap, water.

The panelists urged us to:

- listen to the good troublemakers (credit to Civil Rights icon John Lewis)
- turn obstructionists into helpful contributors;
- be honest and forthright
- say, "I do not know," if we do not know (and realize there may be someone in the room who does know)
- develop and maintain relationships aside from the instance where we may need stakeholder input
- remember we are public servants with an important mission

They also spoke about ideas we can implement to enhance our community engagement. For example, they suggested assigning staff to be community liaisons, like watershed coordinators that existed formerly. They also instructed that the consequences of not engaging with the community is lack of buy-in and the potential to derail the project.

Lastly, expert presenters discussed Tribal communication. I introduced this topic by reflecting on my experience with Tribal communication at the U.S. EPA, including negotiations over the role of Tribes in the U.S./Mexico Border Program. Amanda Ford and Moisés Rivera-Moreno of the State Water Board's Tribal Affairs program joined us to guide us on both best practices and required projects and approaches to communication with Tribes. Tribes are a prime example of stakeholders with whom government agencies are challenged to communicate with effectively; this is because they sometimes hold unknown and/or misunderstood points of interest and history. Therefore, communication with Tribes, as with many stakeholders should be approached without making assumptions, and with open curiosity and an appropriate tone. Highlights of effective communication with Tribes include: gaining a full understanding of their cultural history, points of interest, historic integrations with government, and the issue at hand, and building a productive, long-term working relationship.

Many thanks to Nicole Fairley and her Watershed Division colleagues Keith Lichten, Maggie Monahan, Tahsa Sturgis, Melissa Gunter, and Joseph Martinez for organizing this training. We are taking a summer break and will resume our training in the fall.

India Basin Cleanup, Bayview-Hunters Point, San Francisco (Mark Johnson)

India Basin cleanup has reached a significant milestone; remedial activities will begin in June and be completed by the end of this year. Water Board staff are invited to a ribbon-cutting to celebrate initiation of remediation.

Water Board staff has been working with the San Francisco Department of Parks and Recreation (City) since 2014, to investigate and cleanup a former boatbuilding and repair facility along the Bayview-Hunters Point Shoreline at India Basin. The Water Board prioritized this case as an environmental justice cleanup case because it is located in a disadvantaged community whose residents are primarily Black and Asian and have suffered from a long history of disproportionate exposure to pollution from institutional and systemic racism that co-located industrial activity in their neighborhood.

The Site is approximately 2.5 acres and includes the former Boat facility property at 900 Innes Avenue and adjacent Bay sediments (Figure 1). The boat building and repair facility operated for over 120 years, ceasing operations in the 1990s. These former operations left the facility and adjacent Bay sediments significantly contaminated. The City acquired the property in 2014 with plans to remediate environmental impacts and redevelop it into shoreline parkland, thereby providing one of San Francisco's disadvantage/underserved communities a significant community enhancement. This new parkland will connect to the existing India Basin Shoreline Park (to the north), and fill a gap in the Bay Trail.

Investigations funded primarily by U.S. Environmental Protection Agency (U.S. EPA) grants determined that the Site's onshore soil and adjacent Bay sediments were impacted with heavy metals, petroleum hydrocarbons, polycyclic aromatic hydrocarbons (PAHs), and polychlorinated biphenyls (PCBs) from former boat yard operations. Because Bay sediments were impacted and remediation would be required, Toxic Cleanup Division staff coordinated early on with our Watershed Management Division and reached out to U.S. EPA, the National Marine Fisheries Service, and the California Department of Fish and Wildlife to assist in the assessment of the Site and development of an appropriate remedy. Later in the process, permitting agencies, including BCDC and the U.S. Army Corps of Engineers, were also engaged.

While the Site was being assessed and a remedial approach being developed, Water Board staff and the City engaged the public. The City held public meetings to discuss the new park, during which Water Board staff were introduced to community members and were able to engage with them directly to provide investigation and cleanup updates and answer questions.

Water Board staff presented a draft remedial action plan/remedial design report (Cleanup Plan), developed by the City in consultation with the agencies cited above, to the public for comment in March/April 2019 . Fact sheets in English, Spanish, and Chinese were distributed to the community and other interested parties. A community meeting was also held to present the draft Cleanup Plan, take public comments, and answer questions. Translators were present at the community meeting.

The Cleanup Plan was finalized and approved in December 2019. The Cleanup Plan is summarized below and depicted on Figure 2:

- Remove all accessible onshore soil from a minimum of 2 feet and up to approximately 5 feet below ground surface.
- Remove soil on the onshore portion,then place geotextile (bright colored plastic net fabric), followed by a clean cover of 2 to 5 feet of fill soil to restore final surface grade. The geotextile will act as a marker between the clean cover soil and native site soil.
- Remove near-shore sediment to a depth of 4 feet below surface, then place clean sediment.
- Cap the two localized areas of sediment impacted further offshore with clean sand to prevent exposure.
- Once remediation has been completed, apply a Land Use Control (e.g., deed restriction) and Site Management Plan (SMP)to the property. The Land Use Control requires that the Site uses protect the clean-up actions taken. The SMP sets forth procedures for soil handling to be used both during and following park construction to protect human health, the environment and make sure the clean cover is protected.

The Cleanup Plan as described above will protect human health and environment through a combination of pollutant removal and placement of a clean cover. The clean cover will effectively eliminate the pathway to exposure of onshore soil and nearshore sediment, thereby eliminating any excess residual risk.

Following completion of remedial activities, the City will monitor sediment over a three-year period to ensure the clean sediment cover remains and natural sedimentation is occurring. Additionally, Water Board staff will monitor activities during park construction to confirm the SMP is being followed and the clean cover remains in place.

I am pleased to report that our staff's oversight of the India Basin cleanup contributed to this remedial action in coordination with the City for several years. The remedial activities will begin this month, be completed in a year, and pave the way for the new park and public access along the Bayview-Hunters Point Shoreline.

Figures on the next 2 pages

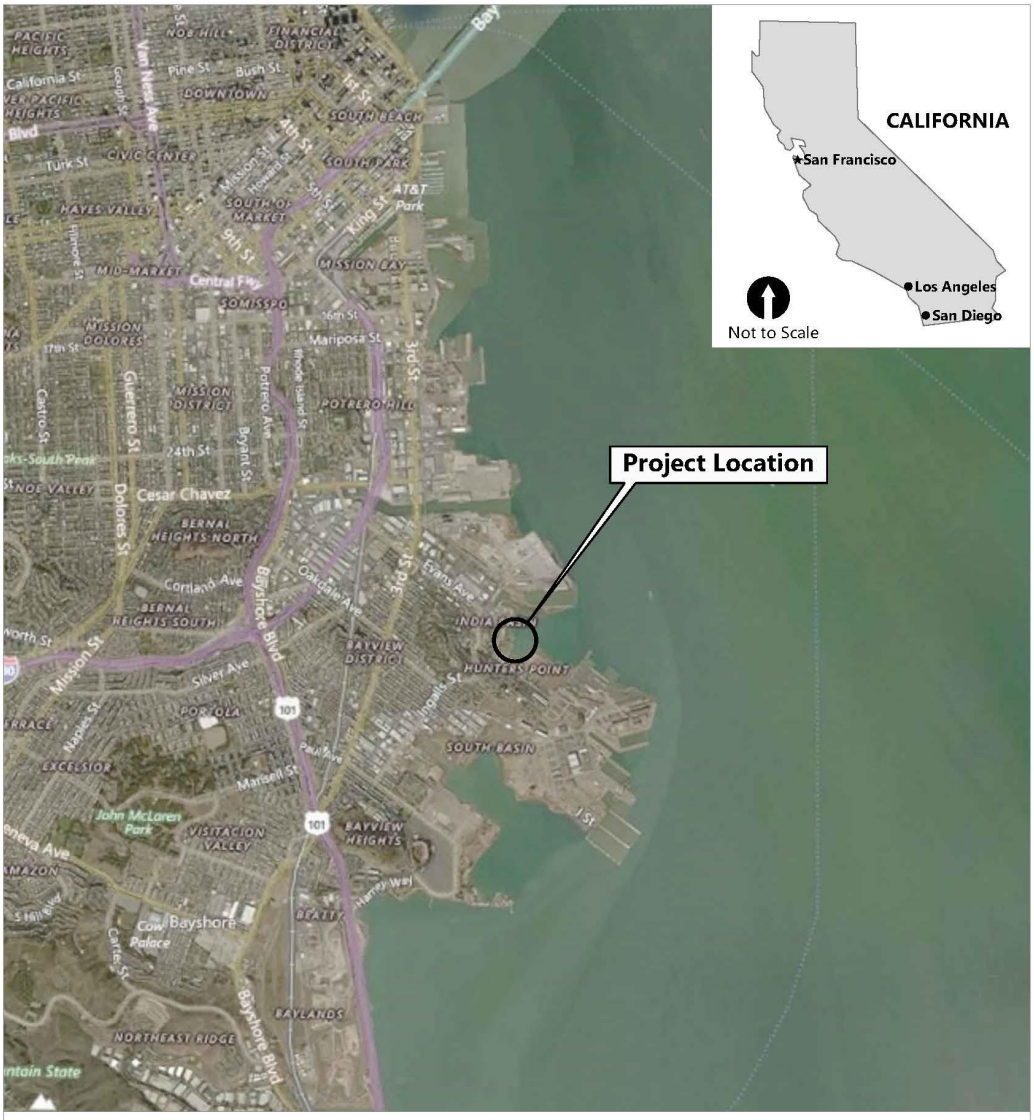

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Figure 1
Vicinity Map

India Basin - 900 Innes Avenue
San Francisco Recreation and Parks Department

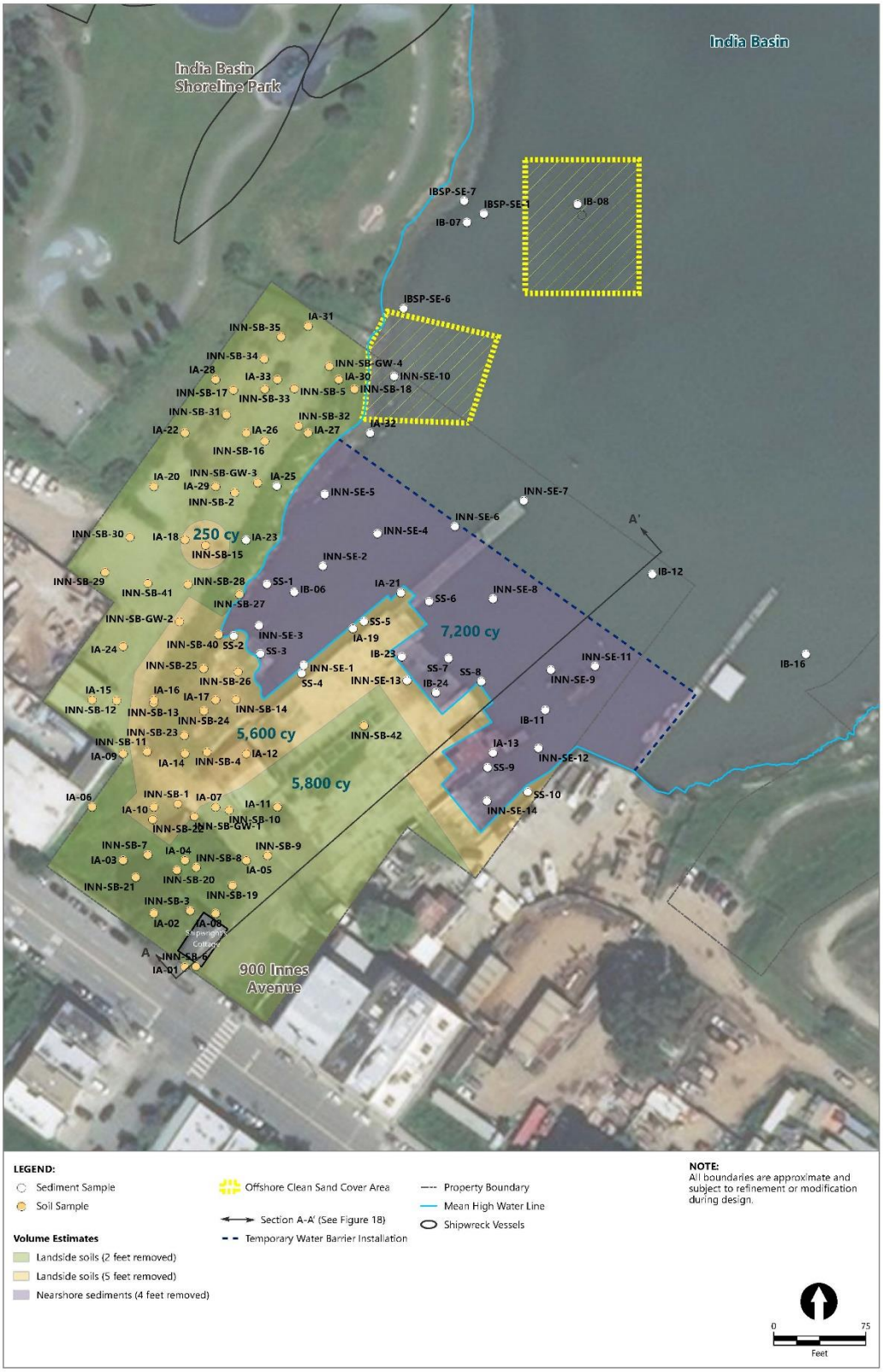

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Figure 2
Remedial Areas
India Basin – 900 Innes Avenue
San Francisco Recreation and Parks Department

Statewide General Waste Discharge Requirements for Winery Process Water (Melissa Gunter and Maggie Monahan)

The State Water Resources Control Board adopted statewide General Waste Discharge Requirements for Winery Process Water (Winery Order) on January 20, 2021. The Winery Order is intended to streamline and improve permitting consistency for winery process water discharges to land for reuse or disposal, and we anticipate the Order to be applicable for the majority of wineries in our region. We estimate on the order of 800 wineries in our region will enroll.

The Winery Order's development was a multi-year effort that included extensive stakeholder engagement and several iterations. One of our staff engineers, Melissa Gunter, served on the State Water Board's winery team as the regional water board representative, assisting with research, data analysis, stakeholder engagement, and drafting of permit language. Melissa championed region-specific interests, most notably the inclusion of a Local Agency Oversight Program that allows local agencies, such as a county, to apply for oversight of wineries located within the agency's jurisdiction.

The Napa County Environmental Health Division (County) has expressed interest in applying for the Local Agency Oversight Program. The County has had a winery regulatory program in place for several decades under a Memorandum of Understanding between the County and the Regional Water Board. Continuation of the County's program, consistent with the Winery Order, can streamline Regional Water Board resources for Winery Order implementation. We have worked with County staff throughout the Winery Order development, and we anticipate that the County will apply for the Local Agency Oversight program this year. Wineries in Napa County (estimated around 450) will still be required to enroll in the Winery Order, and the Local Agency Oversight Program will oversee implementation. We are currently working with County staff on the details and will update or replace the Memorandum of Understanding with the County to clearly lay out the roles and responsibilities of each agency.

Winery Process Water Overview

Process water at wineries is generated primarily from crushing and pressing operations, distilling, tank and equipment washing and cleaning, and bottling. Winery process water treatment and disposal occurs by different methods. The Winery Order covers winery process water disposal to ponds or basins, to land for irrigation, or to subsurface dispersal areas such as a leach field. Requirements and limitations are included to protect water quality for the three waste constituents of primary concern in winery process water: nitrogen, biochemical oxygen demand, and salinity.

1. Nitrogen: Excessive application of nitrogen to land can result in nitrate groundwater degradation and may affect water quality of drinking water sources relied upon by communities. Nitrate can pose significant health risks if ingested at concentrations greater than the drinking water standard of 10 milligrams per liter nitrate as nitrogen.
2. Biochemical oxygen demand (BOD): Excessive BOD loading of ponds or to land may result in nuisance odors or anaerobic conditions, which are not favorable biological treatment conditions necessary to treat the process water.

3. Salinity: Salinity exists in grape juice and facility source water, but the majority originates in sanitation chemicals used in cleaning activities. Excessive salinity can affect the beneficial uses of water. Groundwater salinity can be affected by the discharge of winery process water with elevated concentrations of total dissolved solids.

Tiered Approach

Wineries that enroll under the Winery Order are classified into regulatory tiers (Table 1) based on the annual facility process water flow, up to the design flow, which is the total volume of process water that may be discharged from the winery. The Winery Order covers wineries with process water flows from 10,000 to 15 million gallons per year. Wineries with process water design flows less than 10,000 gallons per year are unlikely to degrade water quality and are conditionally exempt from the Winery Order. The application requirements, fees, and monitoring and reporting requirements are connected to the complexity of the discharge regulated under each tier. Wineries discharging greater than 15 million gallons per year need site-specific waste discharge requirements to account for their increased complexity and potential for groundwater impacts.

Table 1. Tier Determination

Tier	Facility process water flow (gallons/year)
Exempt	<10,000
Tier 1	10,000 – 30,000
Tier 2	30,001 – 300,000
Tier 3	300,001 – 1,000,000
Tier 4	1,000,001 – 15,000,000

Staff will continue to be engaged with the Winery Order as we enroll wineries under it. In addition, the Winery Order includes a number of instances where Regional Water Board review and approval may be expected, such as for groundwater monitoring exemptions, comingled discharge of domestic wastewater and winery process water (if treated separately), compliance schedules, setback distances, pond sizing standards, Local Agency Oversight Program authorization, and modification of the Monitoring and Reporting Program.

Additionally, wineries enrolled in an approved sustainability program that have provisions to manage salt and nutrients will receive a reduced annual fee and can use the applicable practices in the sustainability program for compliance instead of some of the facility-specific plans required by the Winery Order.

Additional permit requirements for wineries, where applicable, include stormwater permit coverage through the industrial stormwater general permit and, in our Region, vineyard permit coverage through the General Waste Discharge Requirements for vineyard properties in the Napa River and Sonoma Creek watersheds.

Implementation Timeline

The Winery Order requires that existing wineries without waste discharge requirements enroll within three years of the adoption date and come into compliance within five years. New wineries shall enroll at least 180 days prior to opening. The fee structure for the Winery Order is under development and is targeted to bring to the State Water Board for adoption in the summer of 2021. Enrollments will begin after the fee structure is in place.

We are currently working on our region-specific implementation plan, and we will continue to provide updates to our Board as appropriate.

The Winery Order and additional information are available on the State Water Board's Winery Order website.

June 2020 Enforcement Actions (Brian Thompson and Jessica Watkins)

The following tables show the settled enforcement actions since May's report. As 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 details of the alleged violations and proposed settlements.

Settled Actions

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

Discharger	Violation(s)	Imposed Penalty	Supplemental Environmental Project
City of East Palo Alto	Discharge limit violation.	$3,000	None.
477 Market LLC	Discharge limit violations.	$33,000	$24,000[1]
FMC Corporation	Discharge limit violations.	$6,000	None.
Intuit Inc.	Discharge limit violation.	$3,000	None.

[1] The penalty includes $24,000 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 April 15 through May 14, 2021. 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
Pleasanton Ridge Pond 36 Restoration	Castro Valley	Alameda	
2021 Bay Waters Tesla Ravenswood Boardwalk Maintenance	Newark	Alameda	✓
I680 Southbound Express Lane Construction	Pleasanton	Alameda	
Joaquin Pond Dredging	Walnut Creek	Contra Costa	
Sulfur Pond Desiltation	Walnut Creek	Contra Costa	
6847 Lucas Valley Road Bank Erosion Protection at Wellhouse Site	Nicasio	Marin	
2108 Vineyard Culvert Installation	Novato	Marin	
Habitat for Humanity 8161 Redwood Boulevard Development	Novato	Marin	
25 Catskill Ct Bank Erosion Protection	San Anselmo	Marin	
Pile Replacement at 75 Liberty Ship Way in Sausalito	Sausalito	Marin	✓
Greenwood Bay HOA Fishing Pier and Pedestrian Bridge Repair	Tiburon	Marin	✓
Bridge Preventative Maintenance And Scour Mitigation	Calistoga	Napa	
Sheehy Creek Culvert Rehabilitation	Unincorporated	Napa	
900 Innes Park Redevelopment	San Francisco	San Francisco	✓
Correct San Carlos Trail Deficiencies	Half Moon Bay	San Mateo	
Laguna Sequoia Apartments	Redwood City	San Mateo	✓

Project Name	City/Location	County	May have BCDC Jurisdiction
Calabazas Creek Open Space Preserve Sediment Reduction and Road Repair	Glen Ellen	Sonoma	
Nuns 2 Bouverie Preserve Sediment Reduction	Glen Ellen	Sonoma	
Emergency Bridge Repair at 1435 Adobe Canyon Road in Kenwood	Kenwood	Sonoma	