

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

STAFF SUMMARY REPORT: Alyx Karpowicz
MEETING DATE: October 12, 2022

ITEM: 7

Amendment to Waste Discharge Requirements (WDRs) for Long-Term Flood Protection Considerations at Closed and Operating Municipal Solid Waste Landfills- Amendment to WDRs

DISCUSSION:

This Tentative Order (Appendix A) would amend the individual Waste Discharge Requirements for 16 Bayfront landfills to address the potential effects of sea level rise and other related site-specific vulnerabilities, such as groundwater rise, due to their Bayfront locations. The Tentative Order would require the landfills to prepare and submit Long-Term Flood Protection Plans to perform an initial assessment for flood protection and subsequently update the assessment every five years. It also would require a climate change vulnerability assessment and adaptation plan, which must identify strategies for the long-term protection of the landfill from flooding and inundation due to sea level rise, groundwater rise, and extreme climate/weather events.

The Long-Term Flood Protection Plan for each landfill must describe how vulnerable features and infrastructure will be protected, and how building uses and public access will be protected prior to the projected timing of sea level and groundwater rise, and extreme storm event impacts. Two different planning horizons and flooding scenarios must be considered to provide protection of the site from the estimated 100-year storm event, on top of the 2050 “medium-high” (0.5% probability of exceedance) or “extreme” risk aversion sea level rise scenarios as described in the most recent official state of California sea level rise guidance.

We received comments (Appendix B) from Friends of Five Creeks, Dr. Kristina Hill, San Francisco Bay Shoreline Contamination Cleanup Coalition, Brisbane Baylands Community Advisory Group, Dana Dillworth, Sierra Club Loma Prieta Chapter, City of Sunnyvale, and Libby Lucas on the Tentative Order circulated for public review. The Response to Comments (Appendix C) addresses all comments received. Most significantly, some commenters question why we are not imposing similar requirements on other fill sites adjacent to the Bay. As explained in the Response to Comments, the Tentative Order focuses on municipal solid waste landfills that the Regional Water Board regulates under existing waste discharge requirements. We do not have existing regulatory orders that can be amended in a similar manner for the types of fill sites that the commenters identified. However, the Regional Water Board has issued regulatory directives to require vulnerability assessments and plans from other types of sites (e.g., wastewater treatment plants, military facilities, and contaminated sites from industrial sources) and is continuing to evaluate appropriate regulatory mechanisms to require similar assessments at other sites, and staff is continuing to evaluate and prioritize which sites and areas are most vulnerable to advance similar requirements.

Several municipalities also commented that the 180-day deadline to submit a Long-Term Flood Protection Plan is not enough time to prepare this type of report. We revised the Tentative Order to require submittal of a Plan within 270 days from the adoption of the Tentative Order. We also made minor editorial and formatting changes.

We expect the Tentative Order to be uncontested.

APPENDICES:

- A. Revised Tentative Order
- B. Comments Received
- C. Response to Comments

Appendix A
Revised Tentative Order

Appendix B

Comment Letters Received

Comment Letters Received In accordance with Section 11546.7 of the California Government Code. For an electronic copy of the comments, please contact Alyx Karpowicz via email to alyx.karpowicz@waterboards.ca.gov or at (510) 622-2427.

Appendix C
Response to Comments