

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

MEETING DATE: June 12, 2024

ITEM: 4

Executive Officer's Report

Executive Officer’s Report June 7, 2024
Table of Contents

Kicking-off the 2024 Triennial Review of the Basin Plan (Sami Harper)2

U.S. Army Corps of Engineers Maintenance Dredging Environmental Analysis (Jazzy Graham-Davis)3

Former Hunters Point Naval Shipyard, San Francisco – Fifth Five-Year Review Update (Mary Snow)5

Radioactivity Investigations at Albany and Berkeley Landfills (Fangli Yin)7

Wastewater Mercury and Polychlorinated Biphenyls Loads Update (Debbie Phan and D’Andre Alejandro)9

Enforcement Action (Brian Thompson and James Parrish)11

401 Water Quality Certification Applications Received (Abigail Smith)12

Kicking-off the 2024 Triennial Review of the Basin Plan (Sami Harper)

San Francisco Bay Regional Water Quality Control Board (Water Board) staff are initiating the Triennial Review process for the Water Quality Control Plan for the San Francisco Bay Basin (Basin Plan). The Basin Plan is the master policy document that contains descriptions of the legal, technical, and programmatic bases of water quality regulation in the San Francisco Bay Region, including water quality standards. The purpose of the Triennial Review is to examine and update the focus of Water Board planning efforts, including Total Maximum Daily Load projects. Section 13240 of the Porter-Cologne Water Quality Control Act and section 303(c)(1) of the federal Clean Water Act require a review of the Basin Plan at least once each three-year period to keep pace with changes in regulation, new technologies, policies, and physical changes within the region.

The Water Board is responsible for reviewing the Basin Plan to identify necessary additions or those portions requiring modification and to adopt standards as appropriate. The review includes an online survey of responses to candidate projects and a Water Board hearing later this year to allow the public an opportunity to identify Basin Planning topics for the Water Board to consider. The Triennial Review itself does not alter or update the Basin Plan. Basin Plan changes occur when a prioritized project is taken to the Board for adoption.

Water Board staff prepared an initial list of candidate Basin Planning topics for inclusion in the Water Board's Triennial Review workplan. These candidate topics include updates to beneficial uses, water quality objectives, implementation plans, and policies. The document containing brief descriptions of currently identified triennial review topics is available for download at:

https://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/basin_plan/docs/Triennial_Review/2024_Candidate_Projects.pdf

Submission of the first round of initial public comment was due May 24, 2024. Water Board staff will incorporate these comments into the next draft of the project descriptions. A prioritized list will be made by Water Board staff and the formal public comment period on this document will begin in Fall 2024.

In late 2024, the Board will be asked to adopt, by resolution, the priority list of Basin Planning projects to be pursued from 2025 through 2027.

U.S. Army Corps of Engineers Maintenance Dredging Environmental Analysis (Jazzy Graham-Davis)

In conjunction with the U.S. Army Corps of Engineers (Corps), Water Board staff are preparing a joint environmental document under the California Environmental Quality Act (CEQA) and National Environmental Policy Act (NEPA) for the continued maintenance dredging of 11 federally authorized navigation channels in the San Francisco Bay and tributary rivers, and the Main Ship Channel just outside the Golden Gate (see Figure 1: Map of Dredging Study Area, below). The current Water Quality Certification and Waste Discharge Requirements (Permit) for 2020 through 2024 authorizes the Corps to dredge a total of 12.9 million cubic yards from within the Bay, and 2.25 million cubic yards from the Main Ship Channel. This sediment is typically beneficially reused at a tidal wetland restoration site or disposed at an authorized in-Bay disposal site or the San Francisco Deep Ocean Disposal Site approximately 50 miles off the coast. The Permit includes requirements for dredge methods and sediment characterization to avoid, minimize and compensate for impacts to water quality and sensitive fish species. Sediment testing results for characterization are jointly reviewed by the [Long Term Management Strategy](#) for the Placement of Dredged Material in the San Francisco Bay Region Dredged Materials Management Office. The CEQA/NEPA environmental document will analyze impacts from the Corps' Maintenance Dredging Program over the next 10 years (2025 through 2034).

The Water Board and the Corps released a Notice of Preparation for the CEQA/NEPA document on February 13, 2024, and held a public scoping meeting on March 5, 2024. Water Board staff received 11 comment letters during the scoping comment period. Staff also sent letters to 27 tribes to inform them of the CEQA/NEPA document and offered to consult with them on the Corps' Maintenance Dredging Program. Thus far, staff have begun consulting with one tribe as requested. Throughout this process, staff have been coordinating with Long Term Management Strategy agencies, including the Corps, U.S. Environmental Protection Agency, and Bay Conservation and Development Commission, and natural resource agencies, including U.S. Fish and Wildlife Service, National Oceanic and Atmospheric Administration National Marine Fisheries Service, and California Department of Fish and Wildlife, through program manager and management level meetings, and individual meetings as necessary. We anticipate a draft CEQA/NEPA document will be released this July for public comment, with the final document being released in early winter of 2024/2025. We are planning to bring the CEQA/NEPA document and Permit to the Water Board for consideration in late spring of 2025.

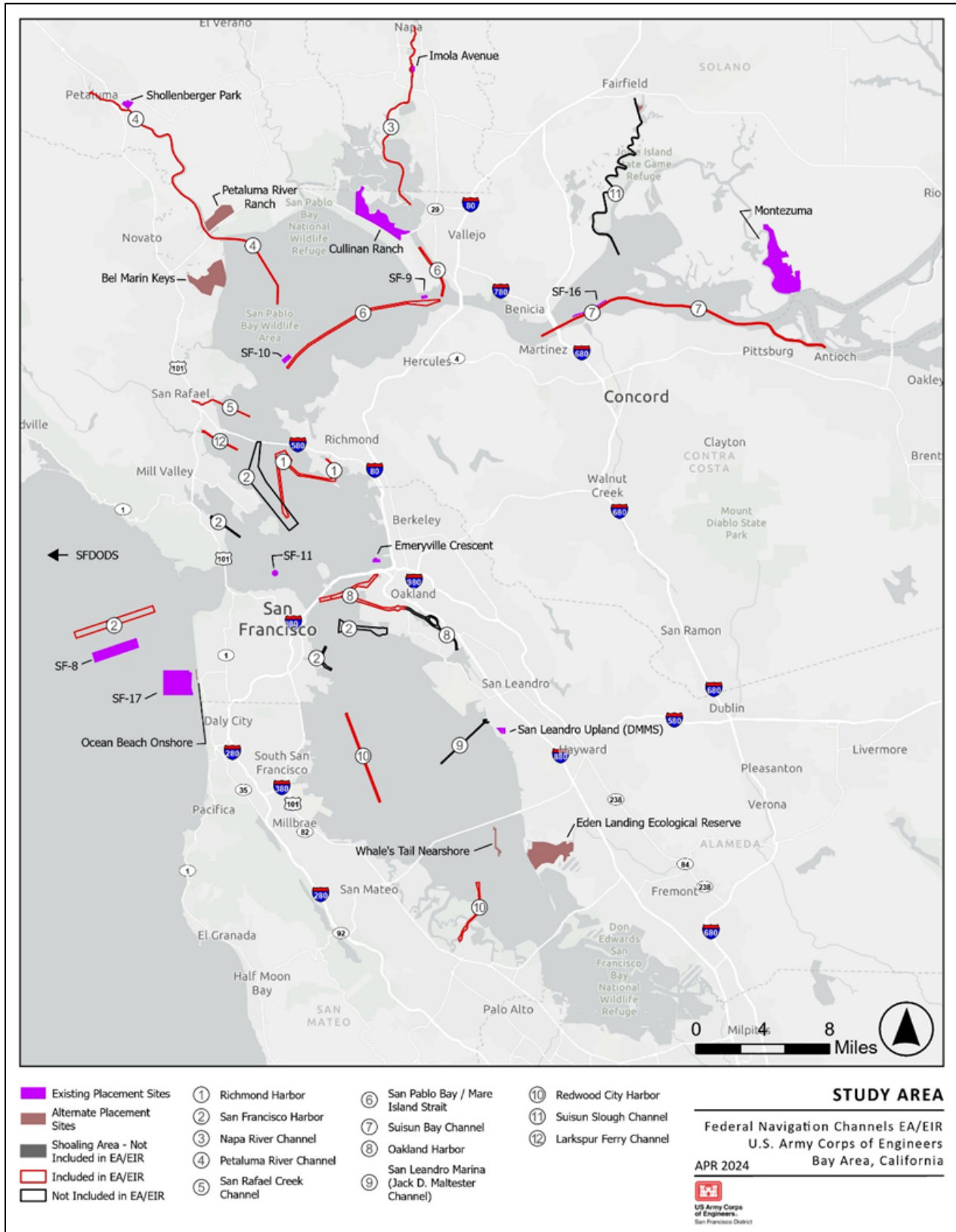


Figure 1: Map of Dredging Study Area

Former Hunters Point Naval Shipyard, San Francisco – Fifth Five-Year Review Update (Mary Snow)

In the April 2024 Executive Officer’s Report, we reported that the Navy submitted the Draft Fifth Five-Year Review for the former Hunters Point Naval Shipyard in November 2023 and requested the regulatory agencies submit their comments on, and not before, April 30, 2024.

On April 30, 2024, the Water Board, Department of Toxic Substances Control (DTSC), and United States Environmental Protection Agency (U.S. EPA) each submitted comments on the Navy’s Draft Fifth Five-Year Review. Water Board staff prepared [our comments](#) in coordination with our counterparts at the DTSC and U.S. EPA, and also our counterparts at the Navy.

The objective of the five-year review is to determine if the selected remedies are/remain protective of human health and the environment, and to evaluate the implementation and performance of the remedies. In our comments, we disagreed with the Navy’s protectiveness statements for Parcel C, Parcel E-2, and a portion of Parcel B-2 known as site IR 26:

Parcel	Navy’s Protectiveness Determination	Regional Water Board’s Preliminary Protectiveness Determination
Parcel B-2	Short-Term Protective	Not Protective
Parcel C	Short-Term Protective	Protectiveness Deferred
Parcel E-2	Will Be Protective	Protectiveness Deferred

Regarding all parcels, we commented that more information is needed about the expected impacts of climate change and per- and polyfluoroalkyl substances (PFAS) to be able to make a determination about whether remedies in place are or will be protective. Specifically, there is an urgency to conduct parcel-specific climate vulnerability assessments at all parcels as soon as practical, with a prioritization of Parcel D-1, Parcel E, and Parcel E-2. We have communicated to the Navy that we would like to see a commitment to a schedule of concrete actions to conduct site-specific studies over the next five years regarding sea level rise and groundwater rise impacts. Further investigations are also needed for PFAS. Unless the Navy can demonstrate in the Draft-Final Fifth Five-Year Review how existing remedies are protective of human health and the environment, even though they were not specifically designed to address climate change or PFAS, a “Protectiveness Deferred” determination is appropriate with respect to climate change and PFAS at all parcels until these investigations are complete.

Our comments submitted are in alignment with those submitted by DTSC, and despite some differences in protectiveness determinations with U.S. EPA, all three regulatory agencies are generally aligned on the path forward for cleanup at Hunters Point Naval Shipyard. We support U.S. EPA and DTSC comments regarding radiological concerns that are outside the scope of the Water Board’s comments.

Water Board staff continue to meet frequently with the Navy, U.S. EPA, and DTSC, and request that the Navy commit to specific milestones and timeframes to address data gaps related to

remedy effectiveness and climate vulnerabilities. Follow-on meetings with the Navy have shown a willingness to concur with a "Protectiveness Deferred" determination for Parcel C; as a result, we expect the Draft-Final Fifth Five-Year Review will reflect this change.

Due to significant stakeholder interest in this five-year review process, we continue to participate in myriad public meetings. Since our last report, Water Board staff attended a public workshop and poster session on April 22 and the Hunters Point Citizens Advisory Committee Meeting on May 20. On May 9, Water Board staff, including Executive Officer Eileen White and Assistant Executive Officer Ross Steenson, attended a meeting with representatives from Save The Bay, U.S. EPA, DTSC, Navy, and several community groups such as the Marie Harrison Community Foundation and Climate Reality Bay Area. During a public meeting planned on June 24, the Navy plans to summarize and respond to comments received during the public comment period on the Draft Fifth Five-Year Review.

Radioactivity Investigations at Albany and Berkeley Landfills (Fangli Yin)

In May 2023, Department of Toxic Substances Control (DTSC) staff reached out to Water Board staff to request assistance in preparing for cleanup of a DTSC-lead hazardous waste landfill known as the Blair Southern Pacific Landfill in Richmond. The Blair Landfill received waste from the adjacent former Stauffer Chemical Company (later known as Zeneca and AstraZeneca) cleanup site. The Blair Landfill is known to contain "alum mud," a waste material left after processing aluminum ore that is known to contain "TENORM" (Technologically Enhanced Naturally Occurring Radiological Materials).

As part of this collaboration, on May 23, 2023, DTSC staff shared with Water Board staff a 1980 letter from the Stauffer Chemical Company that summarized where its industrial process wastes were disposed. The letter revealed that industrial wastes from the former Stauffer Chemical Company were also disposed at the Albany and Berkeley landfills, in addition to the Blair Landfill and the Panoche Landfill in Benicia (another DTSC-lead hazardous waste landfill). The nature of the waste was not specified in the 1980 letter, but it is possible that the Albany and Berkeley landfills accepted alum mud. Based on what we know, we do not expect the investigations to reveal the landfills pose a risk to water quality or human health; however, we required investigations to verify this, as described below.

The Albany and Berkeley landfills opened in the 1960s and stopped receiving waste in 1983. The Berkeley Landfill was formally closed under a soil cover in the mid-1980s and shortly thereafter began being used as a public park, Cesar Chavez Park. The Albany Landfill was never capped with a soil cover because of financial concerns and because water quality monitoring indicated the landfill waste did not pose a threat to water quality. The former Albany Landfill has long been utilized as a public park known as the Albany Bulb.

In January 2024, the Water Board sent letters to the cities of Albany and Berkeley requiring them to submit work plans by April 1, 2024, to conduct one-time, representative sampling of soil and water from within the landfills to assess the presence of suspected contaminants (radionuclides at both landfills and pesticides at the Berkeley Landfill) and to assess any immediate threats to water quality, human health, and the environment. The letters also require the cities to submit a Completion Report summarizing the results of the investigations within 90 days of implementation of the approved work plans.

Both cities complied with the requirement to submit a work plan by April 1, 2024. During our review of the work plans, we consulted with a health physicist at the California Department of Public Health (CDPH) regarding the proposed field surface scans for gamma radiation. The Water Board accepted the City of Albany's work plan on May 14, 2024, and on May 16, 2024, responded to the City of Berkeley's by requesting that the City submit an acceptable work plan addressing two deficiencies by July 1, 2024. One challenge at the Berkeley Landfill is that the landfill was capped with 3 to 30 feet of soil that is expected to prevent gamma radiation from reaching the surface. This means the surface gamma radiation survey may not be effective at identifying any radiological sources in the waste mass.

On May 23, 2024, we met with City of Berkeley representatives to discuss a new proposed investigation approach, and we reached out to CDPH for assistance in reviewing the conceptual

plan. We are working closely with City of Berkeley representatives to expedite the development and approval of an acceptable work plan.

Depending on the results of the investigations, the Water Board may require additional work at the landfills. We plan to provide another update to the Board once we receive the results of the preliminary investigations.

Wastewater Mercury and Polychlorinated Biphenyls Loads Update (Debbie Phan and D'Andre Alejandro)

San Francisco Bay is impaired by mercury and polychlorinated biphenyls (PCBs). Mercury and PCBs are toxic and environmentally persistent, and they accumulate in fish, wildlife, and people. Consequently, the Board adopted total maximum daily loads (TMDLs) for mercury in 2006 and PCBs in 2008. These TMDLs include wasteload allocations that define how much mercury and PCBs wastewater facilities can discharge to San Francisco Bay. The wasteload allocations are implemented through a regionwide watershed permit the Board reissued most recently in 2022. In 2023, mercury and PCBs loads in wastewater discharges continued to be well below the TMDL wasteload allocations.

As shown in Figures 1 and 2, the municipal and industrial mercury loads were just 19 and 11 percent of the TMDL wasteload allocations. The 2023 municipal discharge load slightly increased, and the industrial discharge load decreased, from the 2022 loads. Mercury loads remain consistent with discharges over the last decade.

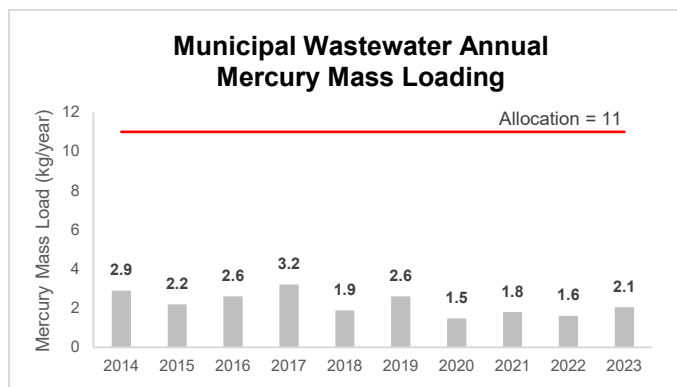


Figure 1: Municipal Mercury Mass Loads

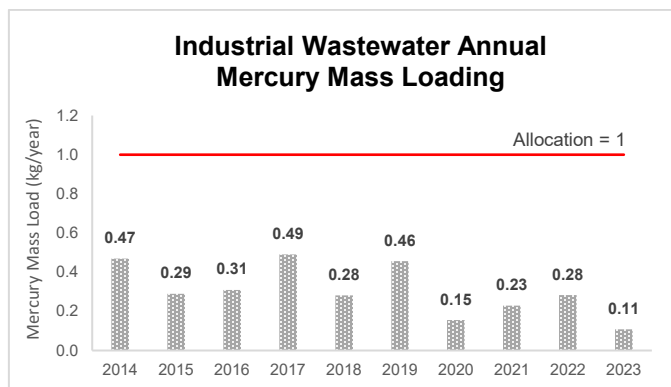


Figure 2: Industrial Mercury Mass Loads

As shown in Figures 3 and 4, the municipal and industrial PCBs loads were 13 and 60 percent of the TMDL wasteload allocations. Compared to 2022 loads, the 2023 municipal discharge load decreased, and the industrial discharge load increased. PCBs loads remain consistent with discharges over the last decade.

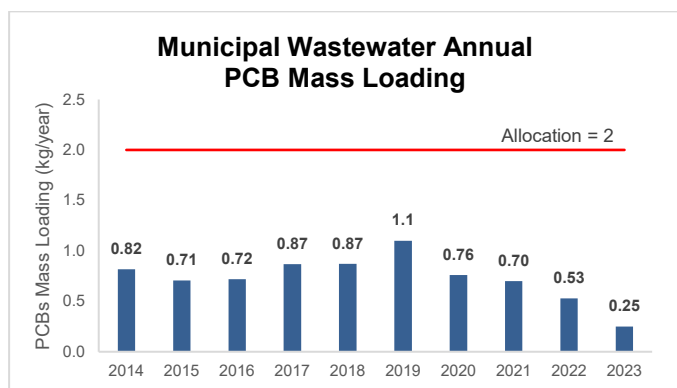


Figure 3: Municipal PCBs Mass Loads

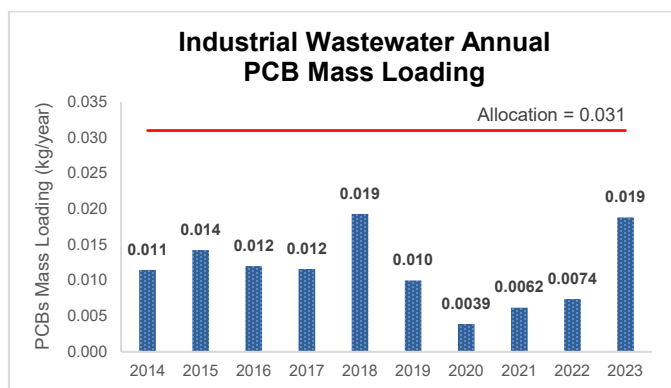


Figure 4: Industrial PCBs Mass Loads

We expect some mercury and PCBs load variation between years because load calculations are based on samples collected at random times throughout the year. Thus, load fluctuations could be due to sample timing and frequency, analytical variability, or weather. For example, wet weather can increase loads by mobilizing solids in municipal sanitary sewer systems or discharging contaminated runoff into industrial treatment ponds, and corresponding analytical results may be disproportionately skewed based on the sample timing during a storm and sample frequency throughout the year. Last year, the increase in industrial PCBs loads can be largely traced to the Richmond Refinery in Richmond and the Joint Use Phillip F. Meads Water Treatment Plant in Crockett. These plants were sampled for PCBs in January during a record-breaking rain period that significantly increased discharge flows that month. By contrast, the industrial mercury loads were the lowest recorded in the past decade, likely due to more frequent mercury sampling that captured lower sample concentrations and/or lower flows during the dryer months. Despite external factors that can affect load estimates, municipal and industrial wastewater facilities continue to engage in treatment, pretreatment, and pollution prevention efforts to control mercury and PCBs loads to the Bay, resulting in loads well below the TMDL wasteload allocations.

Enforcement Action (Brian Thompson and James Parrish)

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

Discharger	Violation(s)	Imposed Penalty	Supplemental Environmental Project
City of Burlingame and North Bayside System Unit	Discharge limit violations	\$15,000	\$15,000 ¹

- 1 This amount of the penalty supplements 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 11 through May 15, 2024. A check mark in the right-hand column indicates a project with work that may be in the San Francisco Bay Conservation and Development Commission (BCDC) jurisdiction.

Project Name	City/Location	County	May have BCDC Jurisdiction
Berkeley Marina Docks D and E Replacement	Berkeley	Alameda	✓
Palomares Road MM 1.65 Storm Damage Repair	Castro Valley	Alameda	
Iron Horse Nature Park and Open Space Phase 1 Project in Dublin	Dublin	Alameda	
San Lorenzo Creek Emergency Bank Repair	Hayward	Alameda	
918 Raintree PI Top of Bank Retaining Wall	Lafayette	Contra Costa	
SFPP LS-72 Site 10750 and 10890 Pipeline Inspection	Martinez	Contra Costa	
Corteva Wharf Concrete Repairs	Pittsburg	Contra Costa	✓
PGE North Dublin Substation Erosion Control	Unincorporated	Contra Costa	
Bernheim Pile Replacement and Like Kind Dock Replacement	Belvedere	Marin	✓
Central Marin Sanitation Agency - Marine Outfall Cleaning	In the Bay	Marin	✓
Lagunitas Creek Bank Erosion Protection	Point Reyes Station	Marin	
170 Redwood Dr. Emergency Slide Repair	Woodacre, Unincorporated	Marin	
680 Fairway Circle Terrace Creek Bank Stabilization	Hillsborough	San Mateo	
Routine Maintenance On Bayside Creeks	Multiple	San Mateo	✓
San Mateo-Bair Twr 8_57 Insulator Replacement	Redwood City	San Mateo	✓

Project Name	City/Location	County	May have BCDC Jurisdiction
57 Otay Avenue Slide Repair at 57, 61 and 65 Otay Avenue	San Mateo	San Mateo	
Surfers Beach Pilot Restoration Project at Pillar Point Harbor	Unincorporated	San Mateo	
Lawler Ranch Culvert Replacement	Woodside	San Mateo	
Los Gatos Creek Trail Repair	San Jose	Santa Clara	
716 West H Street Residential Pier Piling Repair	Benicia	Solano	✓
Lateral 56D over Green Valley Creek Emergency Repair	Fairfield	Solano	
Sonoma Valley County Sanitation District System Protection Plan at Kohler & Sonoma Creek Crossings	Glen Ellen	Sonoma	
5634 Lakeville Highway Unpermitted Fill	Petaluma	Sonoma	✓
Pepper Road Post Mile 15.66 Culvert Replacement	Petaluma	Sonoma	