

Meeting Summary of Triennial Basin Plan Workshop

Date: June 21, 2021, 10 am – 11:25 am on Zoom

This is a summary of the questions and comments received from the public both expressed orally and written in the chat. These are not verbatim quotes, but these notes should reflect what was said during the meeting.

Questions and Answers

1. **Jim Haussener (California Marine Affairs and Navigation Conference – CMANC):** When will the "final" listing be available for public comment? Will this be before or after the July 8th comment deadline?
 - a. **Kevin Lunde (Water Board):** Unranked list [available online](#). The public has an opportunity to propose new candidate projects, comment on the scope of the projects on that list, and help rank the list by expressing support during this meeting. We will release the final list before the board hearing.
2. **Tom Hall (EOA) and Chris Sommers (Santa Clara Valley Urban Runoff Pollution Prevention Program – SCVURPPP):** Which project ranking criteria will be used for this Triennial Review?
 - a. **Richard Looker (Water Board):** The criteria will be similar to criteria used for the 2018 Triennial Review. There are new categories, such as whether the project has a climate change nexus. The reconfigured point total eliminated two 2018 categories: low technical complexity and low controversy.
 - b. The ranking criteria can be found on our website under the 2021 Triennial Review: https://www.waterboards.ca.gov/sanfranciscobay/basin_planning.html
 - c. **Kevin Lunde:** The criteria shouldn't change your input. This workshop is the chance to give your input. We want to see your support or opposition for different projects.
3. **Andria Ventura (Clean Water Action):** Can you clarify why it only lists documenting tribal uses as opposed to documenting non-tribal sub fishing, tribal sub fishing, and tribal cultural uses?
 - a. **Kevin Lunde:** We are looking at all three beneficial uses in the project description, not just the tribal uses.
4. **Anna Fedman (San Francisco Public Utilities Commission – SFPUC):** Can you please show the slide of "Updated Plans and Policies" again? Can you give more context to the projects that appear here? Are these already completed?
 - a. **Richard Looker:** That slide references the TMDL list of projects we are currently working on. This is an opportunity to weigh in on those as well.
5. **Mary Cousins (Bay Area Clean Water Agencies – BACWA):** Does the description in the first part of the proposed Basin Plan amendment (BPA) on climate change cover the BPA that is expected by early 2022? Is that BPA going to capture everything or is there going to be more than one BPA?
 - a. **Sami Harper (Water Board):** There will be more than one BPA. The scope of future amendments is less clear.
6. **Chris Sommers:** For the temperature project, is it just a review of existing information or conducting actual study?

- a. **Kevin Lunde:** This project is a repeat of the language from the last triennial review cycle, so not much scope change. This does not include a study as described.
7. **Rachel Mellinger (Alameda County Water District):** Under the Implementation Plans to review the ESLs for groundwater cleanup, will ESLs and an approach for PFAS contamination cleanup/investigation specifically be addressed?
 - a. **Richard Looker:** I don't believe there is anything specific on PFAS pollution control. This project has gone through several triennial review processes, and PFAS was not so much on the radar when this project description was originally drafted. There are pressing ground water issues that would be part of the ESL project.
 - b. **Kevin Lunde:** If you want to include PFAS on the list, please add that to your comments.
 - c. **Andria Ventura:** PFAS is also a surface water issue that we are greatly concerned with.

Public Comments

Andria Ventura:

The beneficial uses and environmental justice is something I've been working on since 2002 in the Bay. I am very pleased to see this project put back into the triennial review. We were warned that this might not make much progress since the last Triennial Review. We were ready to provide the guidance to the Board as to whom they might reach out to. We support the efforts for tribal subsistence fishing use as well as non-tribal subsistence fishing use. We want to see all three beneficial uses on the list and prioritized. It's time to get this project done. We need documentation to clarify to support these beneficial uses. We can get the information you need by gaining community groups and tribes' trust. We are not making full decisions about the Bay without understanding the impacts on those most impacted.

Alexander Tavizon (California Indian Environmental Alliance – CIEA):

CIEA has been working on TMDLs, basin plan amendments, and tribal beneficial uses by providing information to tribes on how to continue to eat traditional fish and avoid those highest in toxins. We helped write two beneficial uses for the tribes. The State Water Board has incorporated them. CIEA is concerned that tribes aren't well informed from the Water Board. outreach to those tribes directly, and we request that the Water Boards be transparent with CIEA so we can share information with the tribes as we have the connection to get faster attention. We have a grant to work with tribes to gather information that the Water Boards needs to designate beneficial uses for water bodies. We can offer to help coordinate the effort.

San Gregorio Creek is a tribal creek that has tribal property on the creek. The tribe is working with San Mateo RCD, and the San Gregorio TMDL has not been brought to their attention.

Chris Sommers:

I am planning to submit, on behalf of SCVURPPP, a new candidate project for REC-1 beneficial uses for water bodies. This would be in the beneficial uses section of the Basin Plan. There has been lots of work going over the past 3 years at the state and region level on bacteria. In 2019, State Water Board adopted bacteria provisions, added other considerations for beneficial use designations. We'd like to see a project that reviews the 2008 decision to designate REC-1 for all water bodies in the San Francisco Bay region without information about the use. The candidate project would start with data evaluation, identify data gaps, assessment of recreational use of the channels, and this work can be done with local partnerships. The

evaluation should include consideration of full body contact, ingestion, high flows, seasonal flows, etc.

The Santa Ana region has done a similar project, and we would like to see a similar process in this region. Include public inputs, come up with the scope, reevaluate and adopt BUs, based on best information to protect public health. Would like to see a pilot version of this in Santa Clara County that could be applied to other parts of the Bay.

Jim Haussener:

- In project 3.1, why do you use the word “should?” Is it required by law? It should be revised.
 - **Richard Looker:** We do not use the word “should” in a sense of compelling someone to do something. We use the word because all the projects on the candidate list are good ideas and should be accomplished. Some projects have been on the candidate list for several cycles. They all “should” be done, but we don’t have the resources to do all of them.
 - **Xavier Fernandez (Water Board):** Staff recommends to the Board what we should do, the Board determines what we shall do.
- Project 3.2, 304(a): agree what you said, but it’s not in the writing. California Toxics Rule 64 pollutants more stringent, but 19 are not. Why should the CTR criteria do not apply to all pollutants in the region? We always pick the highest requirements, does not make sense.
 - **Richard Looker:** There is a requirement that we must consider federal 304(a) criteria in our Triennial Review. They (304(a) criteria) are recommended criteria but not enforceable. The 304(a) criteria do not become enforceable until they are adopted into state or regional plans or policies. It’s a big job to review those criteria so we need to decide if doing so is a priority for us. For example, we need to determine if we are dealing with a particular water quality problem involving one of these pollutants that justify the resources to include the criterion for that pollutant into our Basin Plan.
- Project 3.3 “some” waterbodies: Please identify which water bodies.
- Turbidity objective: need to provide clarity. What are you looking at?
 - **Richard Looker:** The current turbidity objective language in the Basin Plan is unclear to Water Board staff and the regulated community as to what to do when natural turbidity is 50 NTU or less. This project is to eliminate that ambiguity in the objective language.
- Dredge and Fill Policy Update: would like clarity on which procedures you will be incorporating. Will that limit the ability to place sediment/dredged material in mudflats?
 - **Xavier Fernandez:** We are working on a Basin Plan amendment to address climate change and using dredged material for fill in wetlands. The April 2021 procedures from State Board are not recommendations; they are requirements for us to follow. We do not want to impede use of sediment in a way that won’t have unintended consequences.’
- Words matter. Over the next three years, maybe next 6 to 9 years, prioritize the projects.
 - **Richard:** Some of the questions were asking about details of how the candidate projects will be accomplished. At this point we have developed general project descriptions, but the scopes are not fully developed, so it’s difficult to include details on how any one project is going to be accomplished in detail. The

purpose of the Triennial Review is to get input on “Is this kernel of an idea a good one? And does it make sense to work on it more?”

Chris Malan (Institute for Conservation, Advocacy, Research and Education – ICARE Napa):

The Board was interested in flow projects in 2018. Ms. Malan is specifically interested in the Napa River. She notes that we are in a severe drought. The Water Boards need to get far more involved with the Russian River. A recent study required chasing water for water sampling. Streams and rivers are dying from lack of flows due to illegal pumping. There is lots of room for improvements. She asks the Board to take serious consideration to put in priority for Napa River flow projects.

Carol Mahoney (Alameda County): Sediment reuse options to improve basin margin/sea level rise outcomes should include upland/flood channel sediment and not just dredged materials. The quality of this sediment should also be considered since naturally occurring contaminants (i.e., mercury) may preclude use of bay sediment that might be beneficial to assist with beach/marsh creation. This is related to the climate change project.

- **Xavier Fernandez:** suggests that we add this to the riparian project or as part of the climate change project.