

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

MEETING DATE: April 10, 2024

ITEM: 4

Executive Officer's Report

Executive Officer’s Report April 5, 2024

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Long-Term Flood Protection Plans for Bayfront Landfills (Alyx Karpowicz, Vic Pal, and Fangli Yin)

During the October 2022 Board meeting, the Board adopted a [general amendment to waste discharge requirements](#) (Order R2-2022-0031) requiring 16 Bayfront landfills to submit Long-Term Flood Protection Plans by July 2023. The locations of these landfills are shown in Figure 1 below. In the November 2023 Executive Officer's Report, we reported that we had received 15 of the 16 plans, reviewed 11 plans, and approved 4 plans. We have now received and responded to all submitted plans and have approved 9 plans and rejected 7. We generally rejected plans where there was insufficient evaluation of how groundwater rise is expected to impact the site or how vulnerable site infrastructure would be protected in the future. We expect to have received the revised plans by March 29, 2024.

The Order required that Long-Term Flood Protection Plans include a vulnerability assessment and adaptation plan, to be updated every five years, considering specific sea level rise scenarios in the years 2050 and 2100, shallow groundwater rise, and extreme weather events. Two Long-Term Flood Protection Plans stood out as good examples and are shown in Figures 2 and 3 below:

- 1. Republic Services, Solano Garbage Company Landfill.** The former Solano Garbage Company Landfill (landfill 11 in Figure 1) is owned by Republic Services. The plan identifies five potential vulnerabilities and respective adaptation plans, each including recommended strategies, implementation timelines relative to projected sea level rise, and next steps. The plan includes potential challenges, required plans and permits, and necessary stakeholder outreach. The plan outlines tasks to be completed before the next plan update is due in 2028, which includes installing survey monuments to monitor landfill settlement and improving drainage maintenance to prevent drainage structure overtopping. Figure 2 on page 4 below, shows model results presented in the plan.
- 2. City of San Leandro, Tony Lema Landfill.** The former Tony Lema Landfill (landfill 13 in Figure 1) is owned by the City of San Leandro and is operated as a golf course and banquet hall. Options under consideration include raising the landfill's perimeter levee system, developing wetlands in low-lying areas, placing additional fill at specific areas within the landfill, building seawalls and bulkheads, reinforcing the liner system, and stabilizing side slopes. High-priority and near-term activities recommended in the plan include installing and sampling additional groundwater wells to further assess groundwater rise and impacts on water quality (from the mixing of groundwater and leachate). Other recommended immediate activities include reducing irrigation at the landfill in a rising groundwater environment. Figure 3 on page 5 below, shows a map of potential adaptation measures from the plan.

During the February 2024 Board meeting, the Board adopted a similar [general amendment to waste discharge requirements](#) (Order R2-2024-0002) for 27 oceanfront and Bayfront landfills and industrial facilities. These plans are due November 30, 2024. We plan to update the Board about these plans in 2025.

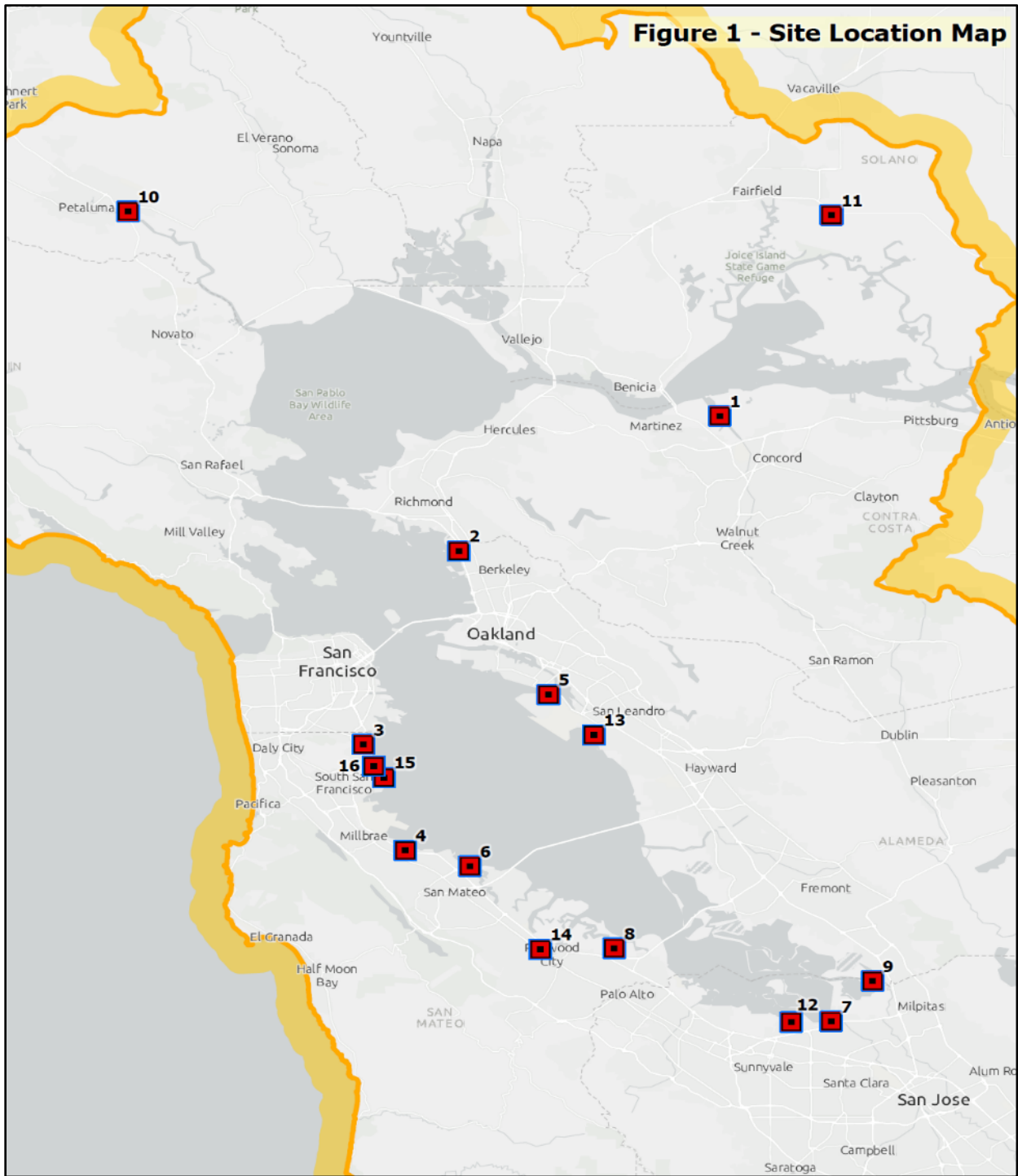


Figure 1. Bayfront Landfills subject to Order R2-2022-0031

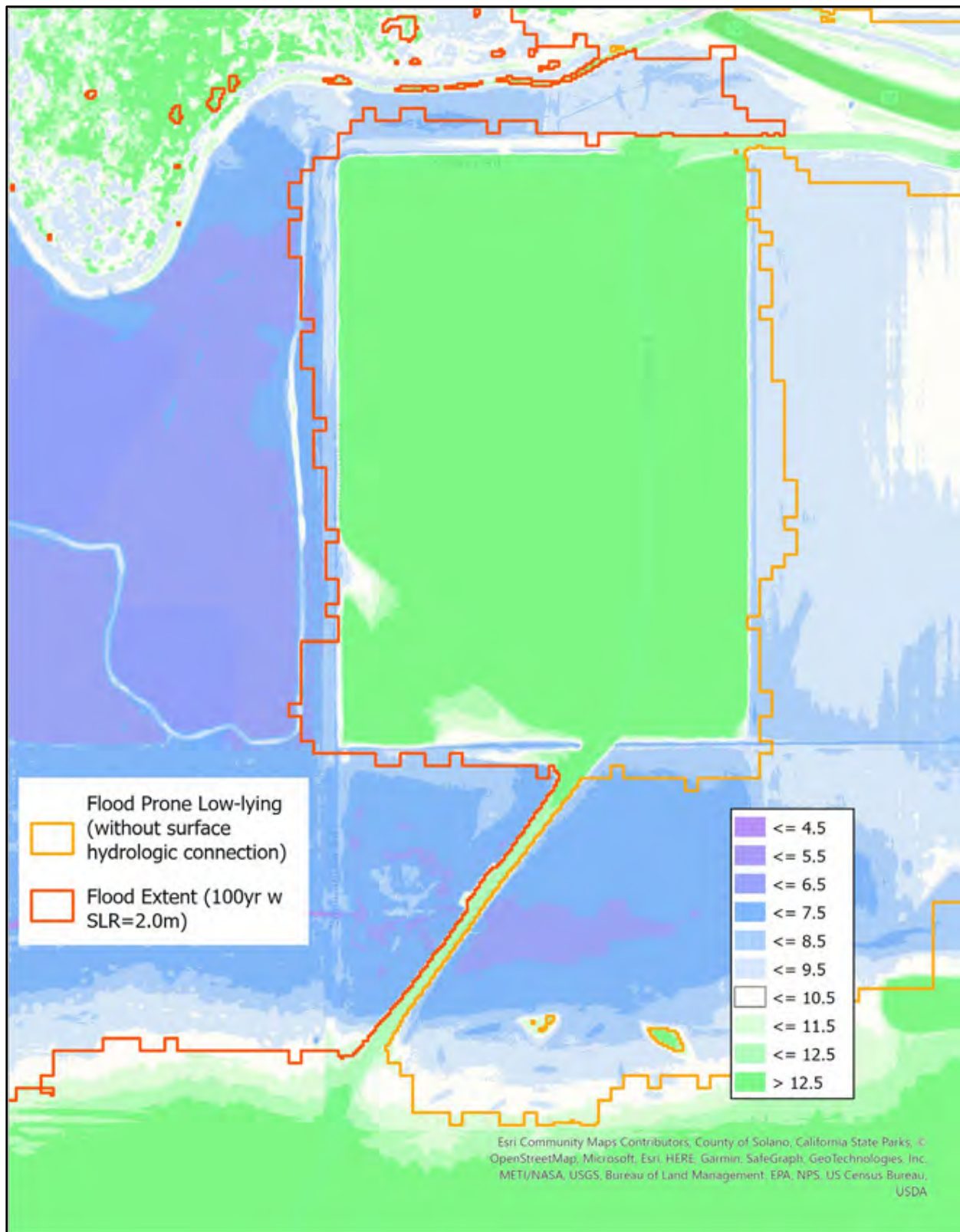


Figure 2. Republic Services, Solano Garbage Company Landfill, Model Results

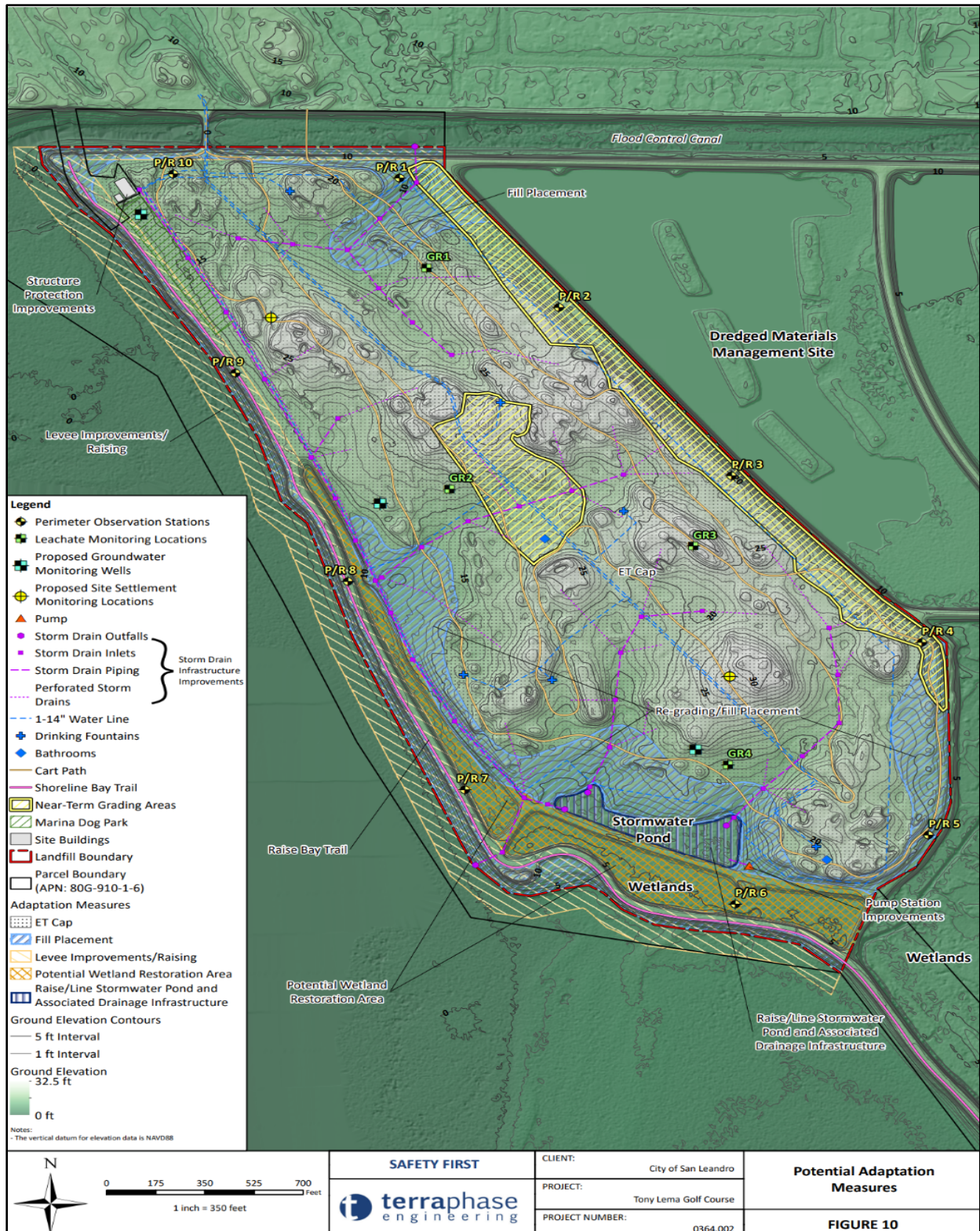


Figure 3. City of San Leandro, Tony Lema Landfill, Potential Adaptation Measures

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

During the [February 2024 Board meeting](#), as part of the Department of Defense Program Update, we reported that the Navy submitted the [Draft Fifth Five-Year Review](#) for the former Hunters Point Naval Shipyard in November 2023. Regional Water Board staff is evaluating the report and preparing comments in coordination with our counterparts at the Department of Toxic Substances Control and the United States Environmental Protection Agency. The Navy has requested that the regulatory agencies submit their comments on April 30, 2024. We plan to provide another update to the Board after comments have been submitted.

The objective of a five-year review is to determine if the selected remedies at a site are/remain protective of human health and the environment, and to evaluate the implementation and performance of the remedies. During the February Board meeting, we pointed out the significance of the Draft Fifth Five-Year Review due to the inclusion of a climate resilience assessment that evaluates potential impacts and vulnerabilities of select remedies for individual cleanup sites, including impacts of sea level rise, groundwater rise, extreme weather events, drought, wildfires, and energy/power instability. The Navy reports that this is the first of its kind in the nation, and it is the first full “stand alone” climate resilience assessment that we have received for any military facility in our Region.

This Draft Five-Year Review is also significant due to public interest. The community is particularly concerned about sea level rise, groundwater rise, and [soil capping cleanup remedies](#). Highlighting the extent of public concern, in June 2022 a City and County of San Francisco Civil Grand Jury published its investigation findings related to climate change and cleanup at the former shipyard: [Buried Problems and a Buried Process: The Hunters Point Naval Shipyard in a Time of Climate Change](#). There has also been extensive media coverage. For example, KQED recently published articles about [the five-year review](#) and [radioactive objects found at the former Hunters Point Naval Shipyard](#).

Due to elevated community interest, the Navy formally released the draft document for a public comment period from January 23 through March 31, 2024. The Navy does not typically provide copies of draft five-year reviews to the public for review or comment. Since the document was released, the Navy has been conducting community outreach. The Navy has prepared fact sheets and delivered a presentation at the Hunters Point Citizens Advisory Committee Meeting on March 25. In addition, the Navy is conducting a workshop and poster session on April 22, 2024. Regional Water Board staff participate in these public meetings.

CalEPA Vapor Intrusion Guidance (Ross Steenson and Nicole Fry)

Ross Steenson (Assistant Executive Officer) and Nicole Fry (Toxics Cleanup Division), as members of the CalEPA vapor intrusion workgroup, developed and presented training videos that were recently posted to the State Water Board and Department of Toxic Substances Control (DTSC) vapor intrusion websites. The trainings covered content from the [Final Draft Supplemental Guidance: Screening and Evaluating Vapor Intrusion \(Supplemental Guidance\)](#). Subsequently, staff participated in two remote question and answer sessions for the public, on March 7 and 12, regarding the training videos. Roughly 60 people participated in the first meeting and 100 people in the second. Many of the questions came from the California Manufacturers & Technology Association, which believes that the Supplemental Guidance is too conservative and therefore interferes with development and infrastructure projects. Generally, they were concerned that the vapor intrusion-based screening levels recommended in the Supplemental Guidance are derived using overly conservative attenuation factors, that regulatory agencies are not considering alternative screening approaches, and that redevelopment project costs are increasing due to implementation of the Supplemental Guidance. Staff explained why use of the recommended attenuation factors is warranted for initial vapor intrusion screening based on current science and gave examples where the Water Board has allowed for alternative screening approaches based on site-specific information. Workgroup members from the Office of Health Hazard Assessment and DTSC also explained that the Supplemental Guidance is appropriately ensuring that sites are sufficiently investigated and cleaned up to ensure vapor intrusion does not impact future occupants of redevelopment on contaminated properties. This is an example of our collaboration with other CalEPA agencies on an issue of Statewide importance.

Association for Environmental Health and Sciences (AEHS) Conference (Ross Steenson)

In March 2024, Ross Steenson (Assistant Executive Officer) presented during the 33rd Annual International Conference on Soil, Water, Energy, and Air by the Association for Environmental Health and Sciences (AEHS) Foundation. This conference is one of the few important “regulatory” venues for site cleanup topics. There were over 100 presentations on technical and policy issues related to the investigation, environmental fate, risk assessment, and cleanup of chlorinated solvents, petroleum hydrocarbons, metals, and chemicals of emerging concern.

On the evening of March 19, 2024, five members of the CalEPA Vapor Intrusion Workgroup held a hybrid in-person and virtual workshop entitled “Regulatory Perspectives on Vapor Intrusion.” Tina Ures of the State Water Board provided a description of the GeoTracker vapor intrusion database. Jessica Law of the Santa Ana Regional Water Board and Jerry Aarons of the Department of Toxic Substances Control (DTSC) walked the audience through case studies on the use of the CalEPA February 2023, Supplemental Guidance: Screening and Evaluating Vapor Intrusion. Ross and Perry Myers (DTSC) co-presented on vapor intrusion mitigation. Ross provided a description of mitigation methods and how to best monitor method performance. Perry described key elements of design plans and his team’s observations of construction quality assurance. One of the key messages for the latter is that the practice of third-party oversight is not meeting expectations. Hence, monitoring is needed to verify that a mitigation measure is operating properly and successfully controlling vapor intrusion exposure.

Enforcement Actions (Brian Thompson and James Parrish)

On behalf of the Board, the Executive Officer approved the following enforcement actions since last month's report:

Discharger	Violation(s)	Imposed Penalty	Supplemental Environmental Project ¹
PK II Creekside Center LLP	Discharge limit violations	\$3,000	-
TI LOT 8 LLC	Discharge limit violations	\$3,000	\$3,000
Lehigh Southwest Cement Company and Hanson Permanente Cement, Inc	Discharge limit violations	\$3,000	\$1,500
City and County of San Francisco	Discharge limit violations	\$6,000	\$6,000
Schlumberger Technology Corporation	Discharge limit violations	\$9,000	\$9,000
IQHQ-Spur Ph1 LLC	Discharge limit violations	\$6,000	-
Mission Valley Rock Co., LLC	Discharge limit violations	\$6,000	\$6,000
Chevron Environmental Management Company	Discharge limit violations	\$3,000	-
Sewerage Agency of Southern Marin	Discharge limit violations	\$48,000	\$31,500

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 February 15 through March 13, 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
Safe Harbor Ballena Isle Marina Maintenance Dredging	Alameda	Alameda	✓
R23483 Crow Canyon Road Culvert Replacements at Mile Markers 5.83 and 5.91 and 6.10	Castro Valley	Alameda	
UPRR Niles Subdivision Mile Post 14.3 Bridge Replacement	San Leandro	Alameda	
Data Collection for Potential Military Ocean Terminal Concord Beneficial Use Pilot	Unincorporated	Contra Costa and Solano	✓
270 Beach Road Float Improvements	Belvedere	Marin	✓
91 West Shore Mooring	Belvedere	Marin	✓
Manzanita Tide Gates Replacement	Mill Valley	Marin	✓
The Sea Lion Re-Install	Sausalito	Marin	✓
Geotechnical Investigation for Port of San Francisco Pier 50	San Francisco	San Francisco	✓
Laguna Howard & Mission Creek Combined Sewer Discharge Improvements	San Francisco	San Francisco	✓
Ocean Beach Climate Change Adaptation	San Francisco	San Francisco	
Port of SFO General Maintenance & Repair	San Francisco	San Francisco	✓
Pescadero Marsh Habitat Restoration and Resiliency at North Marsh and North Pond	Pescadero	San Mateo	✓
Lobitos Creek Emergency Debris Removal	Unincorporated	San Mateo	
Communications Hill Phases 3 & 4 and Industrial	San Jose	Santa Clara	
Chippis Island Tidal Habitat Restoration	Unincorporated	Solano	✓