

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

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Executive Officer's Report

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Bay Restoration Regulatory Integration Team (BRRIT) Annual Report to San Francisco Bay Restoration Authority (Agnes Farres)

On October 20, Agnes Farres from our staff and Craig Weightman of the California Department of Fish and Wildlife presented the BRRIT's [third annual report](#) to the San Francisco Bay Restoration Authority Governing Board. The BRRIT's primary role is to review and authorize Bay shoreline restoration and climate change adaptation projects funded by Measure AA, the voter-approved parcel tax (in 2016) that will raise \$500 million over 20 years for those projects.

The BRRIT has reviewed a total of 28 projects and authorized eight, including the [Lower Walnut Creek Restoration Project](#) in Contra Costa County, the [Heron's Head Shoreline Park Restoration Project](#) in San Francisco, and the [Terminal 4 Wharf, Warehouse, and Pilings Removal Project](#) in Richmond. Four are currently in the application stage, and the remaining 16 are in the pre-application stage.



BRRIT staff (from left to right): Frances Malamud-Roam (U.S. Army Corps of Engineers); Alison Weber-Stover (NOAA National Marine Fisheries Service); Agnes Farres (Water Board); Valary Bloom (U.S. Fish and Wildlife Service); Tami Schane (California Department of Fish and Wildlife); and Schuyler Olsson (San Francisco Bay Conservation and Development Commission). Dina Bowlin (U.S. Army Corps of Engineers) and Jennifer Siu (U.S. EPA) not shown in photo.

The BRRIT is comprised of staff from six permitting agencies and the U.S. EPA—the Water Board, U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, National Marine Fisheries Service, State Department of Fish and Wildlife, and Bay Conservation and Development Commission. The staff coordinates on project reviews, conducts outreach, develops guidance, identifies and helps address challenges in the project design and authorization process.

The BRRIT coordinates with the BRRIT's Policy and Management Committee, which serves as a forum to address potential regulatory conflicts that the BRRIT does not resolve, and which works to identify and resolve policy issues to facilitate Bay shoreline restoration projects. Current Policy and Management Committee work includes coordination to address the lack of a State Department of Fish and Wildlife policy on artificial reefs, like oyster shell reefs, that are a potentially significant restoration design tool, but which has challenged the Department's ability to review and authorize those elements as part of project designs. The Policy and Management Committee is also coordinating with the Wetlands Regional Monitoring Program to support efficient use of project monitoring funds to evaluate both the success of individual projects and their contribution to regional wetland restoration goals.

The Governing Board indicated its continuing support of the BRRIT as a model regulatory approach and asked how it might be used in other areas. Agnes Farres noted ongoing collaborative work in the Suisun Marsh in the North Bay and coordinated work with the Coastal Conservancy to develop a programmatic approach to developing and authorizing Bay living shoreline projects. Restoration Authority Executive Director Amy Hutzel noted the BRRIT's outreach work to the Resources Agency's [Cutting the Green Tape initiative](#) as an exemplary approach that the Resources Agency could consider implementing elsewhere.

The 2024 303(d) List of Impaired Waters (Richard Looker and Rebecca Nordenholt)

Our staff are working collaboratively with State Water Board staff to prepare the 2024 Clean Water Act section 303(d) List. This list is commonly referred to as the “303(d) List” or the “List of Impaired Waters.” Waterbodies placed on the 303(d) List must be addressed either through the development of Total Maximum Daily Loads (TMDLs) or an existing regulatory program that is reasonably expected to result in the attainment of the water quality standard within a specified timeframe.

For the 2024 303(d) List, we have completed evaluation of all readily available water quality data from surface waters in the Region. We assessed data from a total of 369 waterbodies, containing 5,032 waterbody-pollutant combinations. Based on these assessments, 133 waterbody-pollutant combinations are recommended to be added to the 303(d) List for our Region. The table below provides a summary of the recommended waterbody-pollutant combination listings by pollutant category.

Pollutant Category	Number of New Listings Recommendations
Metals	6
Nutrients	8
Dissolved Oxygen	13
Other Cause	5
Pathogens/Bacteria	46
Pesticides	30
Salinity/Total Dissolved Solids/Chlorides	1
Sediment	1
Total Toxics	18
Toxic Organics	5

After the data assessment and decision making were complete, we assisted State Water Board staff with implementation of the State Water Board’s public process for the 2024 303(d) List. This process has changed from previous 303(d) Lists in that the Regional Water Boards will not conduct a separate comment process and hearing. The current public process consists of: preparation of a statewide draft Staff Report that includes water body “fact sheets” (listing/delisting decisions and associated lines of evidence); a public comment period managed at the State Water Board; a State Water Board hearing; preparation of a revised staff report and responses to public comments;

a State Water Board adoption hearing; and, finally, submission of the 2024 303(d) List to U.S. EPA. We informed interested Bay Area parties via Listservs about the updated public process and when draft documentation was available for review and comment. The draft Staff Report was released on February 16, 2023, and the public comment period closed on April 3, 2023. The first State Water Board hearing was held on March 21, 2023.

The next step is a scheduled release on December 21, 2023, of a revised Staff Report and responses to comments. The State Water Board adoption hearing is scheduled for February 6, 2024. The 2024 303(d) List must be submitted to U.S. EPA before April 1, 2024. All of the documents prepared for the 2024 303(d) List will be available on the State Water Board's 2024 [California Integrated Report webpage](#).

Cleanup Program Case Intake (Helen Hild, Ciroos Liaghat, and Ross Steenson)

Each year we take in 30 to 40 new cleanup cases to our Site Cleanup Program. New cases are reviewed by our Case Intake Team, which includes staff from the Groundwater Protection and Toxics Cleanup Divisions. The primary intake process involves submittal of an application to us by a property owner, developer, or other party requesting regulatory oversight under the State's 2005 "Brownfields" Memorandum of Agreement between the California Department of Toxic Substances Control (DTSC) and the Water Boards. In most cases, the reason for the environmental testing and application submittal is to secure regulatory clearance for redevelopment and other property transactions. We review each application, and the associated environmental reports then make a recommendation to the Division Managers regarding which agency (DTSC or Water Board) should take the case. The Division Managers assign each case considering staff availability, overlap with existing cases, and other factors.

In some instances, we determine that the information provided does not warrant opening a new case and/or that there has been no significant discharge to the environment and that the threats to human health and beneficial uses are low. In these instances, we may issue a "not a case" letter. Whether a new case is opened or not, the information is uploaded to the State Water Board's GeoTracker database and made publicly available, either as a new case or as "non-case information".

We also track new cases that come to us through other mechanisms, such as agency referrals (typically from local agencies when responsible parties stop cooperating), new spills, or reopened cases, such as when additional cleanup is needed to support a more sensitive land use. During fiscal year 2022/23, we processed 28 Memorandum of Agreement (MOA) and 23 non-MOA items. This work generated 31 new cases, 17 "non-cases" and 3 requests for more information.

In 2022 and 2023, the Cleanup Program Case Intake Team also collaborated with the cities of Pittsburg and Alameda and a nonprofit (Habitat for Humanity) to write letters of support for their applications to obtain Equitable Community Revitalization Grants. The Equitable Community Revitalization Grant program was created in 2021 and is administered by the California Department of Toxic Substances Control (DTSC) as part of legislation referred to as the Cleanup in Vulnerable Communities Initiative. Equitable Community Revitalization Grants prioritize vulnerable and underserved communities by providing funding to local governments, nonprofits, and tribes for the environmental investigation and cleanup needed to beneficially reuse contaminated properties within their jurisdictional areas. The Case Intake Team is well-suited for this review work because Equitable Community Revitalization Grant applications follow the same process established under the Brownfields Memorandum of Agreement applications for requesting regulatory agency oversight.

During the first round of funding in 2022, the City of Pittsburg received an Equitable Community Revitalization Grant for a site to be overseen by the Water Board. Pittsburg is seeking to complete investigation and cleanup to promote future public use, including a community center and recreational facilities. During the second round of funding in 2023, we supported applications for two sites, one submitted by the City of Alameda and one by Habitat for Humanity for an Oakland property. The Alameda site is proposed

for affordable housing for low-income families and the Oakland site is proposed for affordable apartments. DTSC expects to award a second round of Equitable Community Revitalization Grants in early 2024.

Staff Introductions (Eileen White)



Please welcome Matthew Moulton to the Water Board. Matthew is joining the Central Bay Section of the Toxics Cleanup Division as a Scientific Aid. He obtained his BEng (Bachelor of Engineering) degree in chemical engineering at The Cooper Union in New York and is currently working towards a Master's degree in environmental engineering at UC Berkeley. After graduating in May, he will continue his studies in a PhD program researching water resource management. In his free time he likes to practice classical guitar and play volleyball.

This month we have the pleasure of re-introducing you to two retired staff who are returning as Retired Annuitants: Elizabeth Wells and Michael Napolitano. The retired annuitant program allows us to hire uniquely qualified staff to return to work part time on special projects that we would not otherwise have the resources or expertise to complete. This type of assistance is critically needed because a significant percentage of staff are new to the Water Board and State service, and many of these new staff are early career professionals.



Elizabeth Wells is joining the Groundwater Protection and Waste Containment Division as a Senior Water Resource Control Engineer Specialist (Retired Annuitant). She has over three decades of experience in groundwater cleanup as both a regulator and consultant, with over 15 years at the Water Board and over 18 years at GeoMatrix Consultants, Inc. She received her bachelor's degree in civil engineering from Stanford University and her master's degree in civil engineering from the University of California, Berkeley. In her spare time, Elizabeth enjoys baking and playing ultimate frisbee.



Michael Napolitano is joining the Planning Division as an Engineering Geologist (Retired Annuitant). He has over three decades of experience in fluvial geomorphology and developed three sediment Total Maximum Daily Loads while working at the Water Board, including, most recently, the Lagunitas Creek Sediment TMDL. He also developed the vineyard program to implement the Napa River and Sonoma Creek Sediment TMDLs. He received a bachelor's degree in geological sciences from U.C. Santa Barbara and a master's degree in geology from Humboldt State University. In his spare time, Mike is a yoga instructor, avid bicyclist, and raises funds for Oakland schools.

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 October 12 through November 15, 2023. A check mark in the right-hand column indicates a project with work that may be in Bay Conservation and Development Commission (BCDC) jurisdiction.

Project Name	City/Location	County	May have BCDC Jurisdiction
Emergency Creek Bank Slide Winterization	Castro Valley	Alameda	
Upper San Leandro Reservoir Emergency Drain Valve Structure Sediment Removal	Castro Valley	Alameda	
CTL Release Calaveras Road MM8.86	Unincorporated	Alameda	
City of Martinez Municipal Fishing Pier Renovation	Martinez	Contra Costa	✓
Murchio Road In-Stream Repair - Mitchell Canyon Fire Road Culvert Repair	Unincorporated	Contra Costa	
39 Rock Ridge Road Culvert Maintenance	Fairfax	Marin	
Meadow Way Bridge 200 ft South of Cascade Drive Intersection	Fairfax	Marin	
Ignacio-Alto-Sausalito Tower 013/094 Replacement Project	Mill Valley	Marin	
Manzanita Tide Gates Replacement	Mill Valley	Marin	✓
Sir Francis Drake Blvd. Milepost Marker 20.28 Slip Out Repair	Unincorporated	Marin	
2023 Outside East Harbor Sediment Sampling	San Francisco	San Francisco	✓
Cherry Canyon Creek Stream Bank Repair	Hillsborough	San Mateo	
Ravenswood-San Mateo Mudline Work 115 kilovolt 002-015	Redwood City	San Mateo	✓

Project Name	City/Location	County	May have BCDC Jurisdiction
San Mateo Creek Channel Repair at Four Locations	San Mateo	San Mateo	
SM 84 PM 17.9 Storm Damage Slip Out - Culvert Repair	Unincorporated	San Mateo	
Weiler Culvert Channel Excavation	Unincorporated	San Mateo	
Foothills Park	Palo Alto	Santa Clara	
Palo Alto Baylands Boardwalk Repair	Palo Alto	Santa Clara	✓
SOL37 PM7.39 Emergency Bridge Fender Repair	Vallejo	Solano	✓