

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

MEETING DATE: July 14, 2021

**Item: 4**

**Executive Officer's Report**

## Executive Officer's Report July 7, 2021

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## State and Regional Drought Preparedness and Response

On May 10, California Governor Gavin Newsom [expanded his emergency drought proclamation](#) to include 41 total counties in the state, including Alameda and Contra Costa. Among the [actions taken by the administration](#) to prepare for the drought was the formation of a Drought Resilience Task Force, which the State Water Board (SWB) is a part of. For its part, the SWB has been active since March, when it sent out [early warning notices](#) to water rights holders urging them to begin conservation efforts. Considerable efforts have also taken place in regards to the formation of the [Water Unavailability Methodology for the Delta Watershed](#), including a public workshop and summary report.

Our office has worked to amplify the SWB's messaging, both through our social media platforms and in communication directly with dischargers, as some of the most heavily impacted areas are in our northern counties. In April, [we published a series of posts](#) in the lead up to Earth Day focusing on conservation tips. Our NPDES division, through the Nutrients Watershed Permit, has been asking dischargers to look at the feasibility of expanding their water recycling programs. In one specific case, they are working with the Santa Clara Valley Water District and the Palo Alto Regional Water Quality Control Plant to authorize Reverse Osmosis concentrate from a water recycling project to be discharged with Palo Alto's wastewater. This is a strategic effort with a long-term perspective on drought preparedness, and we expect other agencies to propose similar projects in the future.

Our Watershed and Planning divisions have been in contact with Marin Municipal Water District (MMWD) on two fronts. One is a cross-divisional effort with our Planning Division related to water quality and flows, where we hope to see flows maintained to protect endangered and threatened salmonid species. The second one relates to recycled water, as we authorized the use of disinfected secondary effluent produced at the Tiburon Wastewater Treatment Plant for sanitary sewer cleaning without a standalone recycled water permit. They hope to soon expand this to all sanitation districts in the county. MMWD is also setting up a fill station program for recycled non-potable water to offset demand. We had an initial conversation with their management team on June 30 and our staff will continue to work with them on specifics.

**Completion of Drinking Water Treatment Systems for PFAS South of Travis AFB, Solano County (Adriana Constantinescu)**

At the end of June 2021, the Air Force completed the installation of drinking water treatment systems at three rural residences south of Travis Air Force Base, in Solano County. The treatment systems were installed to remove Per- and polyfluoroalkyl substances (PFASs) detected in the groundwater, used as a source of drinking water.

In 2017, the Air Force initiated voluntary source area investigations to assess the presence/absence of PFASs throughout the Base. PFAS are a family of man-made and mostly unregulated chemicals that have been produced since the mid-1900s. The two PFAS that have received the majority of regulatory attention are perfluorooctanoate (PFOA) and perfluorooctane sulfonate (PFOS) due to concerns with exposure over certain levels potentially causing adverse health effects including developmental effects to fetuses during pregnancy, testicular and kidney cancer, liver effects, immune effects, thyroid effects, and other harmful effects.

Based on the results of the 2017 PFAS investigation, the Air Force sampled offsite groundwater south of Travis AFB during June 2020. The Air Force notified our agency in July 2020, that the preliminary results for the off-base sampling showed exceedances of the U.S. EPA lifetime health advisory (LHA) for drinking water for PFOS and PFOA in three of the six water wells sampled. Based on the findings, the Air Force immediately provided bottled water to the rural residences. Along with providing bottled drinking water, the Air Force launched the design of point-of-entry treatment systems (POETS) for the three water wells. POETS evaluation, selection, and commissioning procedures were developed to consider site-specific water chemistry. The POETS are based on ion-exchange technology and are installed between the well and the house to treat water prior to consumption.

During May and June 2021, the Air Force made progress with the installation of the new sheds (view photos below) which house the POETS, pressure tanks and ancillary piping/connections at the three agricultural properties.



View of a new shed parallel with the well-head shed



New Ion Exchange Filtration System

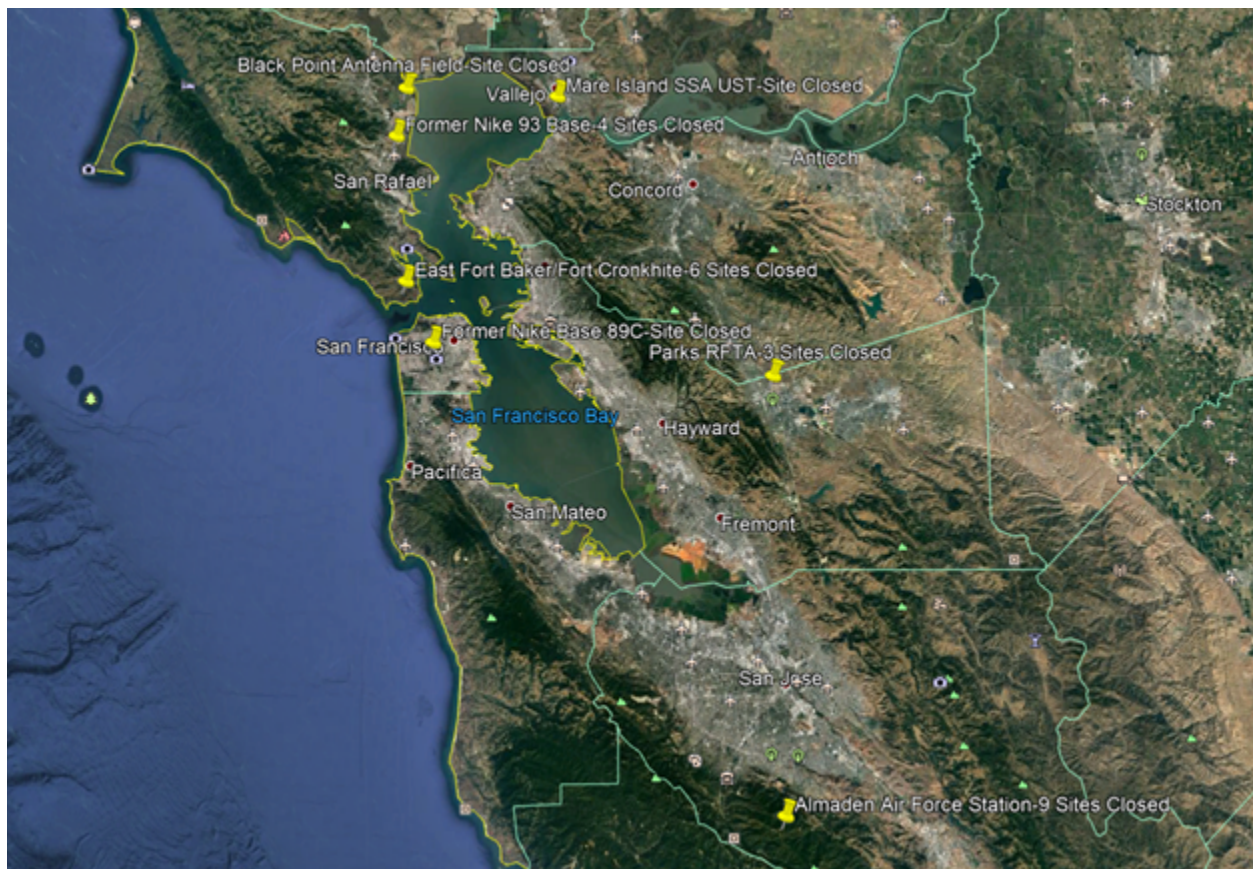
The performance monitoring schedule for the POETS includes the initial performance verification sampling at system startup, which took place on June 18, 2021, followed by 1-month, 3-month, and ongoing quarterly performance monitoring. Modification of the performance monitoring program will be considered if analytical results indicate deviation from anticipated system performance.

Residents will remain on bottled drinking water until the analytical results from the 1-month performance monitoring event have been completed and found to demonstrate successful removal of PFAS from the drinking water.

## USEPA Funds State-Wide Military Underground Storage Tank Closure Effort (Jacob Henry)

During the last year, the State Water Board Division of Water Quality has been working on a USEPA-funded Military Underground Storage Tank (MUST) closure project. The MUST closure project has two main goals; the first is to move these MUST cases forward towards additional investigation or remediation and the second is to close the MUST case, if appropriate. State Water Board staff reviewed all open MUST cases meeting the MUST closure project criteria, and provided recommendations to our Department of Defense (DoD) program staff who oversee the MUST cases.

Additionally, the State Water Board staff drafted summary reports to give to the DoD entities (Army, Navy, etc.) to “shine a light” on these low priority, stalled MUST cases. In our Region, many of the MUST cases are located at Formerly Used Defense Sites (FUDS) managed by the Army Corps of Engineers. With the USEPA funding, our DoD program staff were able to work on these military sites that we had not received DoD funding to work on. As of July 2021, as shown on the map below, 25 MUST cases have been closed by our staff at various FUDS facilities. Additionally, another six MUST cases are likely to be closed by the end of August 2021. Lastly, our staff will continue to review numerous MUST cases, leading to additional closures by the end of the calendar year.



**Lehigh Southwest Cement Company and Hanson Permanente Cement, Inc.,  
Permanente Plant Compliance (Bill Johnson)**

Lehigh Southwest Cement Company (Lehigh) and Hanson Permanente Cement, Inc. (Hanson) operate a limestone quarry and cement production facility in Cupertino. Over the past decade, the facility has experienced some serious compliance challenges. For the most part, however, compliance has improved over the last 2 years.

The Board has issued two permits for the Permanente Plant. Order R2-2018-0028 (waste discharge requirements) governs activities that generate waste with the potential to affect groundwater, including disposal activities, quarrying operations, and reclamation of disposal units. Order R2-2019-0024 (NPDES permit) governs discharges of treated wastewater from quarry operations and stormwater to Permanente Creek.

Since the beginning of 2020, Lehigh and Hanson have substantially complied with both permits. The most recent NPDES permit effluent limitation violation dates back to December 2019. (The facility hasn't discharged treated wastewater since April 2020.) In 2019, we issued a notice of violation regarding erosion and seepage at the Yeager Yard that raised concerns about a potential landslide. Lehigh and Hanson regraded the slopes and improved stormwater conveyances. Regular monitoring indicates these corrective actions were effective.

Unrelated to the two permits, Lehigh recently discharged chlorinated potable water to Permanente Creek without authorization:

1. From March 18 through 23, 2020, Lehigh discharged about 5 million gallons of potable water from an onsite water storage tank when a valve malfunctioned. For about five days in all, chlorinated water passed through a vegetated open area before entering Permanente Creek. The leak was not detected quickly due to its remote location and recent rains.
2. On January 26, 2021, Lehigh discharged about 30,000 gallons of potable water from a water supply pipeline when another valve failed. The failure most likely resulted from a manufacturing defect since the valve was not yet three years old. Lehigh detected this discharge within five minutes. The water traveled overland and into a pond adjacent to Permanente Creek. A small amount entered the creek downstream of the pond.

For these two discharges, Lehigh agreed to pay a fine of \$60,000, the maximum penalty the Water Code allows based on the number of days of violation. We received public comments urging a higher penalty. However, we concluded that a higher penalty based on the volumes discharged would be inappropriate because no harm was observed in Permanente Creek. When Santa Clara County staff inspected Permanente Creek after the larger discharge, the creek was running clear, no chlorine or suspended solids were detected, and the pH was neutral. Lehigh replaced the valves and installed an electronic level detection system in the remote water tank. Lehigh also re-trained its water operation and maintenance crews.

In addition to paying the fine, Lehigh agreed to study selenium in fish from the Guadalupe River and another yet-to-be-determined Santa Clara Valley creek. The study



will focus on areas not downstream of the Permanente Plant; the NPDES permit requires a similar study for Permanente Creek. Together, these studies will help us determine whether selenium threatens Santa Clara Valley aquatic life.



## **Racial Equity at the Water Boards**

In April of 2020 we initiated efforts to advance Racial Equity. To date, we have provided formal training on the history of racism, government's role in perpetuating systemic and institutional racism, disproportionate pollution and health burden on communities of color in the Bay Area and in California. The training provided tools to integrate approaches to advance racial equity in all our programs, policies and decisions (such as community engagement models, data analysis and mapping tools to reprioritize cleanup cases and industrial facility discharges relative to environmental and health conditions in communities). We have also created informal learning and discussion opportunities, and begun to consider how our current program implementation, hiring practices, and resource distribution needs to change to advance racial equity.

Also, in Spring of 2020, the State Water Board initiated a Racial Equity Steering Committee and Working Group. These groups were charged with the mid-term goal of bringing a resolution to the Board for consideration and adoption. The Working Group initiated Statewide activities to engage both the public and employees in the development of the resolution. In total, over 80 members of the public provided feedback to the Water Board over the course of 4 listening sessions. Distrust of the government, exclusion from decision-making processes and lack of proper communication channels to reach all sectors of California's population were among the list of themes discussed. Internally, nearly 400 employees took part in 9 listening sessions held during Spring 2021. Feedback suggested the Water Boards has generally fostered an inclusive space that allows for training and engagement opportunities under the umbrella of equity and diversity. Areas that were marked for improvement include diversity within the workforce and communication with external partners, particularly in disadvantaged communities and communities of color.

The Steering Committee and Working Group completed a [Draft State Water Board Resolution](#) in June and it was released for public comment on June 24, 2021. The State Water Board is also holding [a public workshop](#) this week (July 7). We distributed the link to our environmental justice stakeholders and new partners on advancing racial equity. The State Water Board will consider adoption of the resolution on August 17. We thank Lindsay Whalin, from our Planning Division, who did a great job of representing us on the Working Group.

The resolution acknowledges, in part, the existence of systemic racism across American institutions, race as a predictor of access, disproportionate distribution of adverse environmental impacts based on race and disproportionate allocations of funding and services based on race. There are three primary goals the resolution aims to reach. First, to condemn race-based violence and crimes and the factors that lead to them. Second, to eliminate inequality within the Water Boards as well as inequitable distribution of resources externally. Third, to strengthen the Water Boards' commitment to identify and rectify current practices that lead to inequities.

Last Fall we summarized the activities we completed between April and November of 2020 in the Overview of our Regional Water Board Proposed Strategic Priorities. We

also described activities planned for 2021. Our completed, in-progress and planned actions are all consistent with the actions anticipated in the State Water Board Draft Resolution. We will provide a status report of these efforts and next steps in the August Executive Officer's Report.

### **July 2021 Enforcement Actions (Brian Thompson and Jessica Watkins)**

The following tables show the proposed and settled enforcement actions since June's report. As the proposed settlements are pending and could come before the Regional Water Board, ex parte communications are not allowed. Please refer to the [Pending Enforcement Liabilities and Penalties](#) webpage for more information on the details of the alleged violations and proposed settlements.

#### **Proposed Settlement**

The following is noticed for a 30-day public comment period. If no significant comment is received by the deadline, the Executive Officer will sign an order implementing the settlement.

| <b>Discharger</b>              | <b>Violation(s)</b>         | <b>Proposed Penalty</b> | <b>Comment Deadline</b> |
|--------------------------------|-----------------------------|-------------------------|-------------------------|
| Castro Valley Marketplace, LLC | Discharge limit violations. | \$18,000                | July 26, 2021           |

#### **Settled Actions**

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

| <b>Discharger</b>                       | <b>Violation(s)</b>                        | <b>Imposed Penalty</b> | <b>Supplemental Environmental Project</b> |
|---|--|------------------------|---|
| California Department of Transportation | Discharge limit violations.                | \$9,000                | None.                                     |
| Hibiscus Properties LLC                 | Discharge limit violations.                | \$24,000               | None.                                     |
| Lennar Homes of California, Inc.        | Discharge limit violations.                | \$6,000                | \$6,000 <sup>1</sup>                      |
| SUMCO Phoenix Corporation               | Discharge limit violations.                | \$12,000               | None.                                     |
| Raytheon Company                        | Discharge limit violations.                | \$3,000                | None.                                     |
| Lehigh Southwest Cement Company         | Unauthorized chlorinated water discharges. | \$60,000               | Selenium Study <sup>2</sup>               |

<sup>1</sup> The penalty includes \$6,000 to supplement 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.

<sup>2</sup> The Discharger is responsible for funding and implementing a Selenium Fish Tissue Monitoring Study in addition to the \$60,000 penalty.

**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 May 17 through June 14, 2021. A check mark in the right-hand column indicates a project with work that may be in BCDC jurisdiction.

| <b>Project Name</b>  | <b>City/Location</b> | <b>County</b> | <b>May have BCDC Jurisdiction</b> |
|--|----------------------|---------------|-----------------------------------|
| Bay Farm Island Force Main Pipe Access   | Alameda              | Alameda       | ✓                                 |
| Lauterwasser Creek Sediment Removal  | Orinda               | Contra Costa  |                                   |
| USS POSCO State-of-the-Art Fish Screen Replacement                                     | Pittsburg            | Contra Costa  | ✓                                 |
| Middle Cascade Fire Road Drainage Improvement  | Fairfax              | Marin         |                                   |
| Greenbrae Boardwalk Structure Elevation  | Greenbrae            | Marin         | ✓                                 |
| Griffith Street Combined Sewer Discharge Rehabilitation & Backflow Prevention          | San Francisco        | San Francisco | ✓                                 |
| Pier 39 Pile Repair  | San Francisco        | San Francisco | ✓                                 |
| Hwy 92 San Mateo Bridge Verizon Utility Installation                                   | Foster City          | San Mateo     | ✓                                 |
| Sacramento San Joaquin Long Term Monitoring Network Pile Driving Upgrade and Expansion | Suisun Bay           | Solano        | ✓                                 |
| Vallejo Self-Storage Building Construction   | Vallejo              | Solano        |                                   |
| Elgaria Ranch Culvert Replacement  | Petaluma             | Sonoma        |                                   |