

San Francisco Bay Regional Water Quality Control Board

June 13, 2012 Board Meeting Minutes

adopted August 14, 2013

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Item 1 - Roll Call and Introductions

Meeting called to order at approximately 9:00 am in the Elihu M. Harris Building, First Floor Auditorium.

<u>Board Members Present</u>	<u>Board Members Absent</u>	<u>Status</u>
Shalom Eliahu James McGrath Rameshwar Singh Vice-Chair Terry Young Chair John Muller	none	QUORUM

The Board Members congratulated Steve Moore on his appointment to the State Water Board.

Item 2 - Public Forum

No parties requested to speak.

Item 3 - Minutes of Board Meetings

Minutes of the June 8, 2011 Board Meeting

Board Member McGrath moved for adoption of the minutes, Board Member Eliahu seconded the motion.

Ayes: Eliahu, McGrath, Muller

Nos: None

Abstain: Young, Singh

ITEM ADOPTED

Item 4 - Chairman's, Board Members', and Executive Officer's Reports

Board Member McGrath noted that he had recently toured the Valero Refinery. He also reported that he had met with the BACWA Board and Rainer Hoenicke at SFEI to discuss Water Board priorities. Board Member Eliahu also mentioned that he had toured the Valero Refinery and that he was impressed with their treatment systems. Vice-Chair Young brought to the Board's attention a resolution recently adopted by ABAG expressing interest and concern that the health of the San Francisco Bay Delta system be adequately considered as part of the Bay-Delta planning process. She also requested that the Board discuss at a future meeting the Municipal Regional Stormwater Permit and trash baseline calculation methodologies. Executive Officer Bruce Wolfe summarized the Executive Officer's Report.

Item 5 - Consideration of Uncontested Items**5.A. General Waste Discharge Requirements for Discharges from Dry Dock Operations – Issuance of New General NPDES Permit**

Mr. Wolfe recommended adoption of the uncontested item.

Board Member Singh moved for adoption of Item 5, Vice-Chair Young seconded the motion.

Ayes: Eliahu, Singh, McGrath, Muller, Young

Nos: None

ITEMS ADOPTED

Item 6 - Central Marin Sanitation Agency, Wastewater Treatment Plant and Collection System, San Rafael, Marin County – Reissuance of NPDES Permit

Board Staff Vince Christian made the staff presentation. He described the treatment plant, collection system, proposed permit requirements, and comments received. Board Member McGrath asked a number of questions about the plant, blending practices, and monitoring. Vice-Chair Young asked for clarification on dry weather monitoring requirements and collection system WDRs. Board Staff Lila Tang responded to questions.

Jason Dow, Central Marin Sanitation Agency (CMSA) General Manager, addressed the Board. Mr. Dow described CMSA's wet weather improvement program and associated capital investments. He also described CMSA's collaborative relationship with their collection agencies, pollution prevention efforts, and facility improvements and expansions. Jason Flanders, Program Director, San Francisco BayKeeper addressed the Board. He urged the Board to do more to reduce blending and require more timely and robust feasibility analyses and direct involvement with satellite agencies.

The Board deliberated on the pros and cons of regulating collection systems using WDRs and NPDES permits. Mr. Wolfe noted that blending by the discharger has not resulted in any effluent limit violations and that the Board has been taking enforcement to address sanitary sewer overflows. Board legal counsels Yuri Won and Tamarin Austin responded to questions regarding legal precedents and regulatory permitting options. Board Member McGrath requested that staff in the future engage in a more rigorous debate on feasibility. Vice-Chair Young requested that during this permit cycle staff come up with more specific goals for collection systems to use as targets. Chair Muller summarized the Board's discussion. Mr. Wolfe recommended adoption of the Revised Tentative Order.

Board Member McGrath moved for adoption of Item 6, Board Member Eliahu seconded the motion.

Ayes: Eliahu, Singh, McGrath, Muller, Young

Nos: None

ITEMS ADOPTED

Item 7 - Shell Oil Products US and Equilon Enterprises LLC, Shell Martinez Refinery, Martinez, Contra Costa County – Reissuance of NPDES Permit

Board staff Robert Schlipf made the staff presentation. He described the facility, treatment processes, and BayKeeper comments regarding the proposed background monitoring station and reasonable potential analysis for stormwater. Steve Leshner, Manager of Sustainable Development and Public Affairs for the Shell Refinery, addressed the Board. He requested that the Board adopt the permit. Abigail Blodgett, Legal Fellow at San Francisco BayKeeper, addressed the Board. She described BayKeeper's concern regarding the use of ambient background data from a RMP station to calculate effluent limitations and limited monitoring requirements for stormwater discharges. Craig Johns, Program Manager, Partnership for Sound Science, addressed the Board and urged the Board to approve the permit.

Board Member McGrath noted his support for use of the Yerba Buena station as a reference monitoring station for this permit. Vice-Chair Young noted her support for the mass limit on selenium and the need to pay more attention to the geometry of multiple mixing zones and rare and endangered species issues. Mr. Wolfe recommended adoption of the Revised Tentative Order.

Board Member Eliahu moved for adoption of Item 7, Board Member Singh seconded the motion.

Ayes: Eliahu, Singh, McGrath, Muller, Young

Nos: None

ITEMS ADOPTED

Item 8 - Hyung Sun and Yeo Nam Sun, Art Cleaners at 400 East Santa Clara Street, San Jose, Santa Clara County – Hearing to Consider Resolution Authorizing Referral to Attorney General for Non-Compliance with Water Board Orders

Mr. Wolfe explained to the Board that because this is an enforcement action, staff have separated functions. He introduced Yuri Won as legal counsel for the advisory team and asked her to comment. Ms. Won reminded the Board that they were not being asked to comment on the merits of the case, only as to whether it should be referred to the Attorney General's Office for appropriate action. Dyan Whyte, Assistant Executive Officer, introduced the Prosecution Team. She asked Prosecution Staff Brian Thompson to give the Staff Presentation. Mr. Thompson reviewed the site history and the need for the referral. Ms. Won described the Advisory Team's suggested revisions, distributed as a supplemental, to the resolution. Board Members Eliahu and McGrath asked about the current and past property owners. Board Member McGrath noted that the dischargers are still operating as dry cleaners and receiving economic benefit in doing so. Mr. Wolfe recommended adoption of the resolution as supplemented.

Board Member McGrath moved for adoption of Item 8 as supplemented, Board Member Eliahu seconded the motion.

Ayes: Eliahu, Singh, McGrath, Muller, Young

Nos: None

ITEMS ADOPTED

Item 9- The San Francisco Bay Restoration Authority – What It Is and Where It’s Headed –
Presentation by Samuel Schuchat, Authority Governing Board Chair and Executive Officer of the California State Coastal Conservancy

Sam Schuchat, Executive Officer of the State Coastal Conservancy, presented to the Board. He described the San Francisco Bay Restoration Authority and its efforts to determine the public’s willingness to pay for restoration of the Bay. He also discussed the fundraising and campaign plan being developed in collaboration with Save the Bay.

Item 14 - Adjournment

Meeting adjourned at 12:29 pm until the next Board Meeting – July 11, 2012