



San Francisco Bay Regional Water Quality Control Board

April 13, 2016 Board Meeting
Draft Minutes for Board Consideration

ADOPTED May 11, 2016

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Item 1 - Roll Call and Introductions

Meeting called to order at 9:01 a.m. in the Elihu M. Harris Building, First Floor Auditorium.

Table with 3 columns: Board Members Present, Board Members Absent, Status. Includes names like Cecilia Ogbu, Steve Lefkovits, and status QUORUM.

Item 1 – Roll Call and Introductions

Senior Water Resource Control Engineer Mary Boyd introduced new Water Resource Control Engineer Marcos de la Cruz.

Executive Officer Bruce Wolfe presented the 25-Year State Service Award to John Wolfenden.

Item 2 – Public Forum

No parties requested to speak.

Item 3 - Minutes of the March 9, 2016 Board Meetings

Executive Officer Bruce Wolfe recommended adoption of the Minutes from March 9, 2016 Board Meeting.

Vice Chair McGrath moved for adoption of the Minutes; Board Member Ogbu seconded the motion.

Ayes: Ogbu, Lefkovits, Ajami, Kissinger, Muller, McGrath, Young

Nos: none

ITEM ADOPTED

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

Vice Chair McGrath noted the passing of Orville Magoon. Board Member Ajami discussed a recent summit she attended at the White House on innovative green infrastructure projects being implemented around the country. Chair Young discussed the recent meetings she had with staff to discuss the vineyard and winery general WDRs under development. The meeting on winery WDRs also included Region 3's chair and executive officer. She also summarized the March 29 Chairs' meeting in Sacramento. She highlighted the discussion about implementation of the stormwater and irrigated lands programs.

Mr. Wolfe gave an overview of this month's Executive Officer's Report. He noted the recent TMDL approvals and urban runoff diversion projects.

Consideration of Uncontested Item

Item 5A – City of Petaluma, Ellis Creek Water Recycling Facility and Wastewater Collection System, Petaluma, Sonoma County – Reissuance of NPDES Permit

Item 5B – Livermore-Amador Valley Water Management Agency, Export and Storage Facilities, Pleasanton, Alameda County – Reissuance of NPDES Permit

Item 5C – USS-POSCO Industries, 900 Loveridge Road, Pittsburg, Contra Costa County – Rescission of Waste Discharge Requirements Order No. R2-2000-0044

Item 5D – Chevron Environmental Management Company, Former Chevron Chemical Company Plant Site, Richmond, Contra Costa County – Update of Site Cleanup Requirements and Rescission of Order No. R2-2000-0010

Mr. Wolfe recommended adoption of items 5A, 5B, 5C, and 5D.

Board Member Ajami moved for adoption of items 5A, 5B, 5C, and 5D; Vice Chair McGrath seconded the motion.

Ayes: Ogbu, Lefkovits, Ajami, Kissinger, Muller, McGrath, Young

Nos: none

ITEM ADOPTED

NPDES Permit

Item 6 – City of Calistoga, Dunaweal Wastewater Treatment Plant and Wastewater Collection System, Calistoga, Napa County – Reissuance of NPDES Permit

Staff Water Resource Control Engineer John Madigan gave a combined presentation for items 6 and 7. He described the treatment plant, proposed permit changes, and proposed changes to the cease and desist order.

Mike Kirn, City of Calistoga Public Works Director, discussed the need for discharge point three and the benefits of the new pond. He also discussed long term facility plans. Board Member

Muller asked about the City's population and number of visitors.

Mr. Wolfe recommended adoption of Item 6.

Board Member Ajami moved for adoption of Item 6; Vice Chair McGrath seconded the motion.

Ayes: Ogbu, Lefkovits, Ajami, Kissinger, Muller, McGrath, Young

Nos: none

ITEM ADOPTED

Enforcement

Item 7 – City of Calistoga, Dunaweal Wastewater Treatment Plant, Calistoga, Napa County – Amendment of Cease and Desist Order

Mr. Wolfe recommended adoption of Item 7.

Board Member Muller moved for adoption of Item 7; Board Member Kissinger seconded the motion.

Ayes: Ogbu, Lefkovits, Ajami, Kissinger, Muller, McGrath, Young

Nos: none

ITEM ADOPTED

Waste Discharge Requirements

Item 8 – Sonoma County Water Agency, Stream Maintenance Program, Sonoma County – Reissuance of Waste Discharge Requirements and Water Quality Certification and Rescission of Amended Order No. R2-2011-0020

Board Member Ajami recused herself for this item. San Francisco Estuary Partnership Environmental Specialist Ben Livsey gave the presentation. He described stream maintenance programs (SMPs) in the Region, permit elements, and key aspects of the proposed permit.

Board members asked clarifying questions. Board Member Kissinger asked about consistencies amongst various programs. Keenan Foster, Sonoma County Water Agency Environmental Specialist, responded to a question from Vice Chair McGrath about the quantity of dredged sediment the Agency generates. Board Member Muller asked about how storm damage and tree blocks are handled. Board Member Lefkovits asked about public access and recreation. Chair Young asked about resource agency permitting. Mr. Livsey described the multi-agency coordination process. Vice Chair McGrath noted full support for the permit and the growing body of knowledge about sediment transport in the watershed.

Mr. Wolfe recommended adoption of Item 8.

Board Member Kissinger moved for adoption of Item 8; Board Member Ogbu seconded the motion.

Ayes: Ogbu, Lefkovits, Kissinger, Muller, McGrath, Young

Nos: none

Recuse: Ajami

ITEM ADOPTED

Basin Plan

Item 9. Proposed Amendment to the Water Quality Control Plan (Basin Plan) to establish a Total Maximum Daily Load and Implementation Plan for Bacteria at San Francisco Bay Beaches – Hearing to Consider Adoption of Proposed Basin Plan Amendment

Board Member Kissinger recused himself for the item. Vice Chair McGrath noted that he serves on two boards that promote recreational use of the Bay. He noted that he has no financial interest in the item and that he is open to hearing if anyone objects to his participation in the item. No one objected.

Staff Water Resource Control Engineer Jan O’Hara gave the presentation. She identified the beaches addressed in the TMDL and described urban bacteria sources, TMDL targets, and the proposed implementation plan.

Board members asked clarifying questions. Board Member Lefkovits asked about the relative contribution of wildlife. Board Member Ajami asked about implementation actions in San Francisco. Vice Chair McGrath asked about Candlestick Park. Board Member Ogbu asked about the natural source exclusion project. Chair Young asked about how long the beaches have been listed. She asked about requirements for sewer system inspection and repair. She noted that she thinks some of the timelines are too long. She also stated that the TMDL should better explain some of the requirements. Board Member Lefkovits asked about the frequency or severity of human illness.

Mr. Mike Bell, representing the National Park Service, summarized actions taken in Aquatic Park. Vice Chair McGrath asked about the status of investigating sewers. Amy Chastain, representing the San Francisco Public Utilities Commission (SFPUC), summarized SFPUC’s comments. She described SFPUC’s system for assessing their collection system. Sarah Scheidt, Regulatory Compliance Manager for the City of San Mateo, expressed the City’s commitment to implementing the TMDL.

Jan O’Hara discussed some of the early implementation actions. Vice Chair McGrath noted that he thought the staff has recommended something that is reasonable. Chair Young proposed an alternative timeline. Vice Chair McGrath asked about other regulatory mechanisms to shorten timeframes.

Mr. Wolfe recommended adoption of Item 9.

Vice Chair McGrath moved for adoption of Item 9; Board Member Ogbu seconded the motion.

Ayes: Ogbu, Lefkovits, Ajami, Muller, McGrath

Nos: Young

Recuse: Kissinger

ITEM ADOPTED

CLOSED SESSION at 12:35 p.m.; RECONVENE at 1:43 p.m.

Other Business

Item 10 – Prosperity Cleaners, Marinwood Plaza, 187 Marinwood Avenue, San Rafael, Marin County – Status Report on Draft Remedial Action Plan and Proposed Response

Staff Engineering Geologist Ralph Lambert gave the presentation. He described the site history, the proposed remedial action plan (RAP), public comments, and staff's draft response to the RAP.

Board Member Muller asked about depth to groundwater. Vice Chair McGrath asked about cleanup at the eastern hotspot. Board Member Kissinger asked about the timeframe for soil excavation at the hotspot under the building. Board Member Ajami asked about soil gas data.

Marin County Supervisor Damon Connolly thanked staff and community members for their work in trying to get the site cleaned up. He noted support for the excavation proceeding as soon as possible. He stated that monitored natural attenuation for cleanup of groundwater is unacceptable. He stated the importance of holding the responsible party accountable for cleanup with specific enforceable timeframes. He requested clarification that the Board's official response does not implicitly approve other aspects of the RAP. Board Member Muller asked about the local permitting agencies.

Bill McNicolas, a member of the Cleanup Marinwood Plaza Oversight Committee (Committee), recommended that the Board reject the RAP. He presented a Powerpoint highlighting gaps in the RAP. Ray Day, a member of the Committee, presented deficiencies in the RAP. Stephen Nestle, a member of the Committee, stated that there is a history of non-compliance and lax enforcement at the site. He asserted that cleanup should only proceed for excavation as part of interim remedial action and that the RAP should be rejected.

David Trotter, representing Silveira Ranch, noted that the draft RAP response letter is insufficient because it does not direct the site owners' to sufficiently complete the remedial investigation phase. He suggested editorial changes to the draft response letter. Renee Silveira, representing Silveira Ranch, expressed concern about the deficiencies in the ongoing investigation. Board Member Muller asked whether there was access to municipal water supply on the property. Ms. Silveira responded yes. He also asked about the yield of the wells.

Brian Aubrey, principal environmental consultant for Geologica, stated that the site owners' desire is to be responsible to the Board and meet the requirements of the 2014 Board order. He noted that they recognize that additional groundwater characterization and wells will be required. He stated that they are prepared to proceed with excavation onsite and that none of the work is tied to redevelopment.

Board Member Kissinger asked about the timeframe for finishing the groundwater investigation. Chair Young asked staff for clarification about the mechanism of partial approval. Board Member Kissinger noted that he was supportive of moving forward with the excavation and holding the responsible parties to the shortest possible timeframe. Board Member Ogbu noted support for staff's approach. Vice Chair McGrath noted support for the efforts of Supervisor Connolly on bringing the community together. He recognized the complexities of the site and supported further investigation of the groundwater. Board Member Lefkovits noted that he was impressed at the local level of involvement and Supervisor Connolly's leadership. Board Member Muller highlighted the priority of protecting human health and the environment.

Chair Young asked staff to review the letter to clarify what is approved and what is not and make sure timelines are clear. Mr. Wolfe stated that his goal is to make minor modifications to the letter based on today's feedback and sign it by the end of the week.

This item was for informational/discussion purposes, and no action was taken.

Item 13 – CLOSED SESSION - Litigation

The Board met in closed session to discuss some of the following litigation:

- Petition for Review of Order No. R2-2015-0049 (Municipal Regional Stormwater Permit) (City of San Jose; Santa Clara Valley Urban Runoff Pollution Prevention Program & San Mateo Countrywide Water Pollution Prevention Program; and San Francisco Baykeeper)
- Point Buckler Club, LLC v. Bruce H. Wolfe, California Regional Water Quality Control Board, San Francisco Bay Region, et al. (Solano County Superior Court No. FCS046410)
- San Francisco Baykeeper, Inc. v. California Regional Water Quality Control Board, San Francisco Bay Region, et al. (Alameda County Superior Court No. RG15776089)
- United Artists Theatre Circuit, Inc., v. State Water Resources Control Board and San Francisco Bay Regional Water Quality Control Board (Santa Clara County Superior Court; Case No. 16CV291006)

Item 15 - Adjournment

Meeting adjourned at 3:50 p.m. until the next Board Meeting – May 11, 2016