
San Francisco Bay Regional Water Quality Control Board

August 14, 2013 Board Meeting Minutes

Adopted September 11, 2013

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Item 1 - Roll Call and Introductions

Meeting called to order at approximately 9:04 am in the Elihu M. Harris Building, First Floor Auditorium.

<u>Board Members Present</u>	<u>Board Members Absent</u>	<u>Status</u>
William Kissinger Newsha Ajami Margaret Abe-Koga James McGrath Vice-Chair Terry Young Chair John Muller	none	QUORUM

Chair Muller welcomed our newest Board Member, Dr. Newsha Ajami, and gave her an opportunity to discuss her background and interests in being on the Board.

Tam M. Doduc, State Water Board Member and liaison to the San Francisco Bay Region, addressed the Board. She discussed the forthcoming hearing on the statewide industrial stormwater permit and the schedule for release of the Toxicity Plan.

Item 2 - Public Forum

No parties requested to speak.

Item 3 - Minutes of Board Meetings

Minutes of the July 10, 2013, April 11, 2012, May 9, 2012, June 13, 2012 Board Meetings.

Dr. Young moved for adoption of Items 3A, 3B, 3C, and 3D;
Board Member Abe-Koga seconded the motion.

Ayes : McGrath, Abe-Koga, Ajami, Kissinger, Vice-Chair Young, Chair Muller
Nos: None
ITEMS ADOPTED

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

Chair Muller discussed the agenda of the WQCC scheduled for October. Vice-Chair Young reported on a recent meeting that included Chair Muller, Board staff, and stakeholders interested in development of a vineyard regulatory program for the Sonoma Creek Watershed. She also reported about a meeting with Meredith Williams (SFEI) and Amy Chastain (SFPUC) to discuss monitoring programs and approaches and a meeting with Save the Bay staff regarding trash monitoring programs. Board Member McGrath reported on a recent science meeting on the South Bay salt ponds.

Executive Officer Bruce Wolfe gave an overview of this month's Executive Officer's Report.

Item 5 - Consideration of Uncontested Items

Item 5A – Sanitary District No. 5 of Marin County, Sanitary District No. 5 Wastewater Treatment Plant and Wastewater Collection System, Tiburon, Marin County - Reissuance of NPDES Permit

Item 5B – Pick Your Part Auto Wrecking, for the property located at 2885 West Winton Avenue, Hayward, Alameda County – Rescission of Site Cleanup Requirements

Mr. Wolfe recommended adoption of the Uncontested Items.

Board Member McGrath moved for adoption of items 5A and 5B;
Board Member Abe-Koga seconded the motion.

Ayes: McGrath, Abe-Koga, Ajami, Kissinger, Vice-Chair Young, Chair Muller

Nos: None

ITEMS ADOPTED

Item 5C – Cleanup Programs – Status Report including Case Closures

This item was for discussion purposes only and no action was taken.

Item 5D – TMDL Program Update – Status Report

This item was for discussion purposes only and no action was taken.

Item 5E – San Francisco Bay PCBs TMDL – Implementation Status Report

This item was for discussion purposes only and no action was taken.

NPDES Permit

Item 6 - City and County of San Francisco; Southeast Water Pollution Control Plant, North Point Wet Weather Facility, Bayside Wet Weather Facilities, and Wastewater Collection System; San Francisco – Reissuance of NPDES Permit

Board staff Bill Johnson made a presentation to the Board and gave an overview of the proposed permit. Michael Carlin, Deputy Director of the SFPUC, addressed the Board. He discussed future plans for the SFPUC's sewer system, low impact development, and other efforts underway. Vice-Chair Young raised concern about the schedule for informing recreational water users about spills. Mr. Carlin responded that they are working on improving that and intend to go beyond the permit requirements. David Williams, Executive Director of BACWA, expressed support for the Order.

Mr. Wolfe recommended adoption of Item 6 as supplemented.

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

Ayes: Kissinger, Ajami, Abe-Koga, McGrath, Vice-Chair Young, Chair Muller

Nos: None

ITEM ADOPTED

BREAK taken at 10:10am; meeting resumed at 10:19am

Enforcement

Item 7 - E-D Coat, Inc., 715 4th Street, Oakland, Alameda County – Imposition of Administrative Civil Liability

Mr. Wolfe noted that we have separated staff functions on this item and that he heads the Advisory Team for this item.

Prosecution Staff Lead Assistant Executive Officer Dr. Tom Mumley introduced the prosecution team and background information for this item.

Prosecution Staff David Williams made a presentation to the Board. He gave an overview of the facility and its compliance history. Board Member Kissinger asked if staff know why the discharger has not been responsive. Board Member Abe-Koga asked about why staff proposed the minimum amount and staff costs incurred since the complaint was issued. Board Member Ajami asked about zinc concentrations in runoff and whether these are violations as well. Mr. Wolfe gave some background on the evolution of the statewide industrial stormwater permit.

Lisa Rossi, representing E-D Coat, addressed the Board. She confirmed that the company is non-operational and stated that the violations associated with EBMUD are only alleged. She confirmed that she has been running the facility for 12 years. She noted that she does not have anyone available to work on the required annual industrial stormwater report and no funds available to pay someone to write the report. She stated that drainage from the facility's roof drains into its waste treatment system when the company is operational. Board Member McGrath asked about the treatment system.

Ms. Rossi confirmed that the property is owned by the family and that they have owned the property for 75 years. She also stated that when it rains they store the water and pay to have it hauled off.

Ms. Rossi stated that they have been treated unfairly by EBMUD. Chair Muller described the Board's responsibility to ensure there are no illegal discharges and protect water quality. Board Member McGrath asked about allegations that they had by-passed their treatment system and work done to verify whether the system has been checked.

Vice-Chair Young asked about steps going forward. Dr. Mumley responded. Board Member Ajami asked about the amount of time and effort typically required of dischargers to comply with the industrial stormwater permit. Prosecution staff discussed the range. Ms. Rossi described financial troubles since 2008 and stated a willingness to work with staff in filling

out forms and stated that there is no on-going discharge. Board Member McGrath expressed concern regarding potential water quality problems. Ms. Rossi explained practices at the facility.

Mr. Wolfe reiterated that the focus of this item is on the alleged violation: failure by the discharger to submit its annual report. He proposed an increase in the penalty amount and explained the rationale in context of the State Board's penalty methodology. Ms. Won, legal counsel for the Advisory Team, distributed a revised order and described recommended revisions. She also suggested additional wording in Finding 11 regarding ability to pay. She also advised the Board that it could also increase staff costs to account for staff costs incurred since the complaint was issued.

Mr. Wolfe recommended adoption of the Order as supplemented in writing and verbally.

Board Member McGrath moved for adoption of the Order as supplemented by the Advisory Team with the additional language recommended by Ms. Won; Board Member Kissinger seconded the motion.

Ayes: Kissinger, Ajami, Abe-Koga, McGrath, Vice-Chair Young, Chair Muller

Nos: None

ITEM ADOPTED

Other Business

Item 8 Land Disposal Program Update – Status Report

Board staff Keith Roberson made the presentation. He gave an overview of the Board's land disposal program and future challenges.

This item was for discussion purposes only and no action was taken.

Item 9 Aramburu Island Restoration Project – Status Report

Board staff Dyan Whyte made the presentation. She gave an overview of the restoration project and showed photos of the Island before and after restoration.

This item was for discussion purposes only and no action was taken.

Item 14 - Adjournment

Meeting adjourned at 12:51pm until the next Board Meeting – August 23, 2013