

STATE OF CALIFORNIA

**REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION**

MEETING DATE: June 11, 2014

ITEM: **3**

SUBJECT: **MINUTES OF THE MAY 14, 2014 BOARD MEETING**

San Francisco Bay Regional Water Quality Control Board

**May 14, 2014 Board Meeting
Draft Minutes for Board Consideration**

Note: Copies of orders, resolutions, and minutes are posted on the Regional Water Board's website (www.waterboards.ca.gov/sanfranciscobay). Information about obtaining copies of audio recordings of Board meetings may be obtained by calling the Board's file review coordinator at (510) 622-2430. Written transcripts of Board meetings may be obtained by calling California Reporting, LLC, at (415) 457-4417.

Item 1 - Roll Call and Introductions

Meeting called to order at approximately 9:02 am in the Elihu M. Harris Building, First Floor Auditorium.

Board Members Present

Newsha Ajami
Margaret Abe-Koga
John Muller
Chair Terry Young

Board Members Absent

William Kissinger
Vice-Chair James McGrath

Status

QUORUM

Board Section Leader Cheryl Prowell introduced Scientific Aide Asha Turman who is working in the Toxics Cleanup Division. Section Leader Keith Lichten introduced Kate Hewett, a new engineering assistant in the Planning Division working on nutrient issues.

Item 2 - Public Forum

Stephen Knight with Save The Bay addressed the Board and presented over 10,000 signatures on a poster in support of protecting San Francisco Bay in the Newark area and opposing development in Newark's Area 4.

Jana Sokale, representing the Citizens Committee to Complete the Refuge, addressed the Board to bring awareness to land within the Don Edwards San Francisco Bay National Wildlife Refuge expansion boundary that is under threat of development in the City of Newark. Chair Young asked that the Executive Officer keep the Board apprised of this development project.

Item 3 - Minutes of the April 9, 2014 Board Meeting

Board Member Muller moved for adoption of the Minutes; Board Member Ajami seconded the motion.

Ayes: Ajami, Abe-Koga, Muller, Young

Nos: none

ITEM ADOPTED

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

Board Member Ajami discussed a recent meeting on water sustainability at Stanford. Board Member Abe-Koga reported on water conservation and a recent investigative report on groundwater plumes in Silicon Valley. Chair Young summarized last month's Board Chairs' Meeting and reminded Board members to respond to the survey about how much time they spend on Board business. Executive Officer Bruce Wolfe gave an overview of this month's report. He also discussed staff's effort to develop a regional general permit to regulate potable water discharges and the draft statewide general permit regulating the use of recycled water.

Item 5 - Consideration of Uncontested Items

Item 5A – Pacific Ocean at Muir Beach – Delist for Indicator Bacteria from Impaired Water Bodies List – Adoption of Resolution Recommending Delisting

Item 5B – Department of the Army, National Park Service and Presidio Trust, Presidio of San Francisco, City and County of San Francisco – Rescission of Site Cleanup Requirements Order No. R2-2003-0080

Item 5C – Pacific Gas & Electric Company, Shell Pond, Bay Point, Contra Costa County – Rescission of NPDES Permit

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

Board Member Abe-Koga moved for adoption of the items; Board Member Muller seconded the motion.

Ayes: Ajami, Abe-Koga, Muller, Young

Nos: none

ITEMS ADOPTED

NPDES Permit

Item 6 – Sonoma Valley County Sanitation District, Sonoma Valley County Sanitation District Wastewater Treatment Plant and its Wastewater Collection System, Sonoma, Sonoma County – Reissuance of NPDES Permit and Rescission of Cease and Desist Order

Board Staff Vince Christian made the presentation. He described the treatment plant, the District's recycled water use, and staff's response to comments. In response to a question by Board Member Muller, Mr. Wolfe noted that staff would make an enforcement determination about spills from the District's collection system. George Lincoln, representing the Sonoma County Water Agency, addressed the Board and indicated that the District supported reissuance of the permit. Ms. Anna Gomez addressed the Board. She expressed concern about spills from the District's and other agencies' collection systems and lack of repairs on 10 miles of the District's system. She recommended that the Board impose a sewer connection system ban on the District.

Board Member Ajami asked about groundwater quality in the area. Mr. Wolfe described efforts underway to develop a salt and nutrient groundwater management plan for Sonoma Valley. Board Division Chief Lila Tang clarified that one of the charts included in the Response to Comments Document only included wet weather overflows. Board Legal Counsel Yuri Won noted that the Board's regulatory mechanism for imposing a connection ban is a cease and desist order, not a permit action.

Mr. Wolfe responded to speaker comments and recommended adoption of Item 6.

Board Member Muller moved for adoption of the item; Board Member Ajami seconded the motion.

Ayes: Ajami, Abe-Koga, Muller, Young

Nos: none

ITEM ADOPTED

Waste Discharge Requirements

Item 7 – Chevron U.S.A., Inc., Alcatel-Lucent USA Inc., B.F. Saul Real Estate Investment Trust, and 6400 Sierra Court Investors, LLC, for the property located at 6400 Sierra Court, Dublin, Alameda County – Adoption of Site Cleanup Requirements

Board Staff Cleet Carlton made the presentation. He described the site, recent site investigations, the basis for naming the dischargers, and cleanup standards for the site.

Greggory Brandt, counsel representing B. F. Saul Real Estate Investment Trust, addressed the Board, requesting that the Trust not be named as a discharger. Amy Gaylord, representing Chevron U.S.A., Inc., addressed the Board. She described Chevron's history at the site and argued that her client should not be named. Kurt Scheidt, representing Terrence Daly-Receiver, addressed the Board and noted that he regularly receives inquiries about developing the site for residential use.

Ms. Won responded to comments made by Ms. Gaylord pertaining to the Wenwest case. In response to Chair Young's questions, Ms. Won responded to questions regarding passive pollutant migration. Board Member Abe-Koga asked about the timeline pertaining to ownership and cleanup responsibilities related to land use. Board Division Chief Stephen Hill and Mr. Wolfe discussed likely future land uses and the Board's approach to establishing cleanup standards. Mr. Carlton described the proposed remediation approach to protecting Alamo Canal adjacent to the site. Board Member Ajami recommended that Alameda County Water District be kept informed on water quality and remediation progress. Mr. Wolfe described the regulatory history of groundwater investigations and cleanups in the region. The Board took a five minute break so that Ms. Won could verify the information presented by Mr. Brandt. After the break, Ms. Won reported that from a legal perspective there was sufficient evidence for naming B.F. Saul Real Estate Investment Trust.

Mr. Wolfe summarized the discussion and recommended adoption of Item 6, with a revision

to page 16 to add Alameda County Water District to the document distribution list.

Board Member Abe-Koga moved for adoption of the item as revised; Board Member Ajami seconded the motion.

Ayes: Ajami, Abe-Koga, Muller, Young

Nos: none

ITEM ADOPTED

Item 10 – CLOSED SESSION - Litigation

The Board members met in closed session to discuss pending litigation: *U.S., People of the State of California ex rel. State Water Resources Control Board and Regional Water Quality Control Board, San Francisco Bay Region v. East Bay Municipal Utility District, U.S. District Court, Northern District of California*, Case No. C 09-00186-R and *U.S., People of the State of California ex rel. State Water Resources Control Board and Regional Water Quality Control Board, San Francisco Bay Region v. Cities of Alameda, Albany, Berkeley, Emeryville, Oakland, and Piedmont and Stege Sanitary District, U.S. District Court, Northern District of California*, Case No. C 09-05684-RS [Authority: Government Code sections 11126(e)(1) and 11126(e)(2)(A)]

Item 11 – CLOSED SESSION - Litigation

The Board members met in closed session to discuss whether or not to initiate litigation. [Authority: Government Code sections 11126(e)(1) and 11126(e)(2)(C)]

Item 13 - Adjournment

Meeting adjourned at 12:29 pm until the next Board Meeting – June 11, 2014