

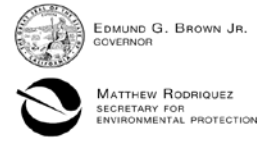
*STATE OF CALIFORNIA*

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

MEETING DATE: December 13, 2017

ITEM: **3**

SUBJECT: **MINUTES OF THE NOVEMBER 8, 2017 BOARD MEETING**



**San Francisco Bay Regional Water Quality Control Board**

**November 8, 2017 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](http://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 9:05a.m. in the Elihu M. Harris Building, First Floor Auditorium.

<u>Board Members Present</u>	<u>Board Members Absent</u>	<u>Status</u>
Chair Terry Young		QUORUM
Vice-Chair James McGrath		
William Kissinger (arrived after roll call)		
Cecilia Ogbu		
Newsha Ajami		
Steve Lefkovits		
Jayne Battey		

Toxics Cleanup Division Section Leader Cheryl Prowell introduced new Water Resource Control Engineer Phyllis Flack.

Executive Officer Bruce Wolfe gave an award to retiring Water Resource Control Engineer Farhad Azimzadah for 25 Years of State Service.

**Item 2 – Public Forum**

No parties requested to speak.

**Item 3 – Minutes of the October 12, 2017 Board Meeting**

Mr. Wolfe recommended adoption of the Minutes from the October 12, 2017, Board Meeting.

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

Ayes: Young, McGrath, Ogbu, Ajami, Lefkovits, Battey

Nos: None

ITEM ADOPTED

#### **Item 4 – Chair’s, Board Members’, and Executive Officer’s Reports**

Mr. Wolfe gave an overview of this month’s Executive Officer’s Report. The overview included a description of Water Board staff’s response to the recent North Bay fires, including water quality monitoring; debris flow hazard assessments as part of the Watershed Emergency Response Team (in coordination with CAL Fire and the California Geologic Survey); assessment of water quality impacts to habitats, groundwater, and drinking water; evaluation of erosion and flooding risks (as a mission task of the California Office of Emergency Services); and assessment of impacts on facilities such as wastewater treatment plants (which were largely unaffected). Staff is coordinating with and using landscape and watershed assessment methods being implemented by the North Coast Water Board, such as EcoAtlas. Staff is using enforcement discretion regarding compliance with permits for industrial stormwater, grazing, vineyards, and dairy facilities; developing a permit for disposal of disaster-related debris at landfills; and coordinating with the US Army Corps of Engineers and local agencies to streamline permitting for emergency work in water bodies that might impact water quality or habitat adversely (e.g., tree removal and culvert replacement). Staff is assisting in selection of locations and best management practices for erosion control, habitat protection, and debris containment. Finally, staff has developed and posted a Fact Sheet on the Board’s website that describes these actions and provides additional information on fire response to the public.

Board members discussed their appreciation for staff’s assessment work and other fire response activities, resources available to assist with longer term water quality response and rebuilding, and developing lessons learned to inform improved response to future fire and other emergency incidents. Mr. Wolfe mentioned that the State and Regional Water Boards’ Management Coordinating Committee will be coordinating and planning best practices for emergency response when it meets later this month.

Board Member Ajami met with Stanford University property management staff to discuss Searsville Dam and San Francisquito Creek with Board Member Battey. They indicated that they want Stanford to be more active and communicative. Board Member Battey commented that the Water Board should take more of a leadership role to set expectations for watershed planning. Chair Young thanked Board members Ajami and Battey for their time on this.

Board Member Battey thanked the organizers of October’s Water Quality Coordinating Committee meeting and found it very informative.

Board Member Ajami also participated in a meeting on potable reuse hosted by US EPA discussing what needs to be done at state level and what funding mechanisms and governance is needed to promote potable reuse.

Board Member Lefkovits commented about improving communication to frame the why of what we do and the long-term benefits for people of the future, e.g., our grandchildren.

Chair Young commented that we would benefit from professional communications assistance.

Chair Young discussed her meeting with Board member Battey and three board members of the Santa Clara Valley Water District on how we can better work together. She also noted that she and Vice Chair McGrath will be point on workshops prior to any Board actions about trash controls related to the Municipal Regional Permit.

Mr. Wolfe noted that one municipality filed an unfunded mandate claim on the Board's 2015 Municipal Regional Permit.

### **Uncontested Items**

**Item 5A – Sewer Authority Mid-Coastside, Wastewater Treatment Plant and Intertie Pipeline System, Half Moon Bay, San Mateo County – Reissuance of NPDES Permit**

**Item 5B – Waste Discharge Requirements for Mercury and PCBs from Municipal and Industrial Wastewater Discharges to San Francisco Bay – Reissuance of NPDES Permit**

**Item 5C – Amendment of Waste Discharge Requirements for Municipal and Industrial Wastewater Dischargers – Amendment of Standard Provisions for NPDES Permits**

**Item 5D – Conditional Waiver of Waste Discharge Requirements for Grazing Operations in the Napa River and Sonoma Creek Watersheds – Renewal of Conditional Waiver**

Chair Young noted that she had comment cards for items 5A and 5B.

Mr. Wolfe recommended adoption of items 5C and 5D first to allow comments and questions on items 5A and 5B.

Board Member Ajami moved to approve the recommendation and Board Member Ogbu seconded.

Regarding Item 5D, Chair Young said she appreciated approval of Conditional Waiver for Grazing Operations, especially as an Uncontested Item, and the clarity of the requirements. She suggested staff think about regulatory off-ramps in this and the Vineyard Permit to make regulation of these two different types of agriculture more similar.

Mr. Wolfe revised his adoption recommendation to note that the order of the Uncontested Items was set in anticipation that the Water Board would adopt Item 5A prior to or at the same time it adopted Item 5C. Mr. Wolfe thus recommended a vote only on Item 5D now.

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

Nos: None

ITEM ADOPTED

Regarding Item 5A, Chair Young invited comments. Beverli Marshall, introduced herself, saying she is fairly new to the Sewer Authority. She stated that there has been a huge turnover in staff at the Sewer Authority, and she wanted to let the Board know that the Sewer Authority takes this process very

seriously and wanted to thank Board staff that they worked with, since so many of her staff are new to the process.

Board Member Battey asked for details about the history and magnitude of sanitary sewer overflows for the Sewer Authority Mid-Coastside Wastewater Treatment Plant and commented that it seems like the Sewer Authority has excessive collection system overflows. She also expressed concern about the age of the Plant. Mr. Wolfe commented that enforcement proceedings about the Sewer Authority's overflows are in progress but are separate from this action. NPDES Division Chief Bill Johnson described approach to prioritize, inspect, and use our legal authorities to address sanitary sewer overflows. Board Member Battey further commented that this facility's discharge is important because it discharges to Pacific Ocean in the Monterey Bay Marine Sanctuary. Chair Young asked for clarification about the Water Board's approach to following up on overflows and if it can include requesting workplans and studies to improve collection systems, and asked whether this is part of enforcement. Mr. Wolfe said such tools can be used outside of permit or in an enforcement proceeding. Mr. Wolfe did not recommend upholding reissuance of the permit. Mr. Johnson clarified that collection system plans are already required by the permit.

Mr. Wolfe recommended adoption of Item 5A. Vice Chair McGrath moved to approve the recommendation and Board member Kissinger seconded.

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

Nos: None

ITEM ADOPTED

Regarding Item 5B, Chair Young invited comments. Lorien Fono, Regulatory Program Manager for the Bay Area Clean Water Agencies (BACWA), thanked staff for working with BACWA even though staff did not accept all of its recommendations. Ms. Fono stated that BACWA member agencies have reduced mercury loads to the San Francisco Bay and made progress with load reduction programs and monitoring since the last permit reissuance. She noted that BACWA has accomplished many activities to comply with risk reduction requirements, including developing its own grant program, and hopes that the State will contribute resources if risk reduction continues to be a permit requirement.

Vice Chair McGrath clarified that the commenter was not contesting the permit.

Mr. Wolfe recommended adoption of Item 5B and noted this order implements the PCB and Mercury TMDLs. Board Member Battey moved to approve the recommendation and Vice Chair McGrath seconded.

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

Nos: None

ITEM ADOPTED

Mr. Wolfe recommended adoption of Item 5C. Vice Chair McGrath moved adoption, Board member Ogbu seconded.

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

Nos: None

ITEM ADOPTED

### **Other Business**

#### **Item 6 – Overview of Regional Water Board Priorities – Workshop on the Board’s Programs and Their Priorities for the 2017-2018 Fiscal Year**

On behalf of Division Chief Keith Lichten, Stormwater Program Supervisor Dale Bowyer and Wetland Program Supervisor Xavier Hernandez described the programs and priorities of the **Watershed Management Division**.

Board Member Lefkovits asked about staff involvement in encouraging green infrastructure, and Board Member Ajami asked if any portion of gas tax funds can be used for this purpose. Assistant Executive Officer Thomas Mumley discussed the need for infrastructure improvement and possible funding, including use of SB1 for stormwater controls for transportation projects, and stated that agencies like CalTrans are using asset management to address trash reduction and other municipalities are pursuing green infrastructure. Vice Chair McGrath commented on CalTrans’ inadequate investment in stormwater management and expects improved coordination with municipalities and more action. Chair Young suggested increasing the priority of working with CalTrans on implementation of its stormwater permit. She noted 1) the effort to target construction stormwater facilities in spite of limited resources relative to workload, 2) the cross-region effort to increase reliance on modern tools and technology for improved effectiveness, and 3) that the Stream and Wetland Protection Program is also underfunded. In commenting on limitations on staff funding for wetland activities, Mr. Wolfe noted that there are other fund sources we hope to help target for important work and streamline permitting, such as Measure AA. Vice Chair McGrath suggested that staff get involved in the Resilient By Design Initiative, specifically to participate in selection of sites to match with our priorities, to identify where streams are known to have problems, and to translate ideas into actionable plans and engineering so projects are technically sound. Chair Young commented that she appreciates seeing regulation of wineries as a priority.

#### **Division Chief Bill Johnson described the programs and priorities of the NPDES (National Pollutant Discharge Elimination System) Division.**

Board Member Battey wanted to know if we have an inventory of infrastructure at risk from sea level rise and timeframes for when they might be impacted. Mr. Wolfe said that inventories exist but they are not refined and do not indicate timeframes. He also said our permits require facilities to evaluate upgrades that can be made to increase resiliency and protection. Board Member Battey also requested that staff engage with ocean-side facilities regarding responses to coastal erosion. Vice Chair McGrath commented that staff can learn from current researchers who have identified erosion hotspots. Chair Young noted that it would be helpful for Board members to know what we are putting into NPDES

permits now that anticipates climate change. She also acknowledged that the ongoing evaluations of wastewater treatment upgrade and optimization for nutrient management is extremely significant and that the nutrient management strategy will define the next 20-25 years of work in wastewater control. She also flagged work on sanitary sewer overflows as important and noted staff's productivity.

Mr. Wolfe presented and described regionwide budget and position allocations, including indicating where there was some flexibility with resource use coupled with expectations to provide levels of service and maintain program activities and achieve priorities. Vice Chair McGrath asked for clarification about flexibility within certain categories, like federal funding. Mr. Wolfe explained that the federal funds are actually allocated for specified programs, such as the Clean Water Act Section 319 Nonpoint Source Pollution projects and Total Maximum Daily Load development.

Mr. Wolfe went on to explain our approaches to cross-division/program efforts to maximize efficient and effective use of resources. He said they fall in three types:

- 1) Leveraging dedicated program resources and expertise, e.g., if groundwater cleanup staff are looking at facilities with industrial stormwater permits or wetland fill, they will look on behalf of other programs
- 2) Close coordination between permitting and the Planning Divisions on broad issues, such as the Nutrient Management Strategy and the Regional Monitoring Program, optimizing wetland restoration, and beneficial reuse of dredge material
- 3) Cross-division activities like addressing climate change, the impacts of homelessness, infrastructure resiliency, and sustainable groundwater management that are largely unfunded and fall outside of established programs

Chair Young wanted to flag issues and activities that do not fall easily into one division or program, e.g., climate change. Board members would like to be able to track activities and strategies and recommend better explanations and communication about these activities. Mr. Wolfe expressed understanding and offered to bring presentations to the Board on these items throughout the year. He said the plan for the upcoming year is to start with Sustainable Groundwater Management and Prioritization of Total Maximum Daily Loads, and follow with other issues that Board staff is challenged to address because the issues, such as shoreline resiliency, are not directly part of a funded program. He further proposed to bring forward these types of issues as part of the upcoming Triennial Review of the Basin Plan and hold discussions with the Board throughout the year prior to developing the draft list of items to consider as part of the Triennial Review.

Chair Young said that, while Board staff "information item" presentations are informative, she would like to have more concisely written descriptions of strategies. She said, taking a step back, our jobs are changing as water quality issues are becoming more complicated, we are regulating more things and climate is changing, but no new resources are emerging. Board Member Battey also emphasized climate change influence on changing jobs of Water Boards and wants to know how we identify what we are going to stop doing, recognize advanced technology tools to improve our efficiency, and seek additional public-private partnerships. Chair Young asked us to contemplate what the Water Board could do if it was able to leverage private money, e.g., fund SFEI. Board Member Lefkovits pointed out that our identification of priorities from year-to-year shows increased workload even though we maintain the same level of resources and have a growing list of unfunded important tasks. If we identified these unfunded priority tasks, we might be able to shop it around. Vice Chair McGrath asked what is our strategic direction and how do we propose to manage change. He listed cross-cutting

and integrated issues such as water supply, groundwater management, nutrient management, sea level rise, and aging-infrastructure. Chair Young said we have discussed this in past but have not developed a strategic path forward. She recommends staff bring a list of unfunded priority tasks for the Board members to review. She recommended additional workshops be designed that are more targeted and possibly held offsite. Chair Young asked if new Assistant Executive Officer Lisa Horowitz McCann can help design a strategic planning process with fresh eyes and the knowledge of Water Board programs and help identify projects that are important and unfunded and in need of funding, sources of private funding and/or messages to help garner funding, and staff's capacity to take on new integrated issues. Board members, Mr. Wolfe, and Ms. Horowitz McCann discussed doing a simple strategic planning effort over the coming year. Board members selected Board members Battey and Ogbu as a subcommittee that could work closely with Ms. Horowitz McCann on this effort and determine other Board briefing opportunities or workshops in the future.

**Item 7 – Correspondence**

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

**Item 9 – Closed Session – Litigation**

The Board met in closed session to discuss litigation.  
[Authority: Government Code section 11126(e)(1)]

*CLOSED SESSION at 12:26p.m.; RECONVENED at 2:55p.m.*

**Item 11 - Adjournment**

Meeting adjourned at 4:24p.m. until the next Board Meeting – December 13, 2017