

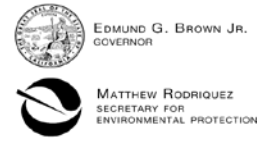
STATE OF CALIFORNIA

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

MEETING DATE: November 14, 2018

ITEM: **4**

SUBJECT: **MINUTES OF THE OCTOBER 10, 2018 BOARD MEETING**



EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

San Francisco Bay Regional Water Quality Control Board

**October 10, 2018 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.

Note: **Bold text** in paragraphs for each item represent topics Board members focused on and were discussed more extensively than others.

Item 1 – Roll Call and Introductions

Meeting called to order at 9:04 a.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	Steve Lefkovits	QUORUM
Vice-Chair James McGrath		
William Kissinger		
Cecilia Ogbu		
Newsha Ajami		
Jayne Battey		

Planning Division Environmental Scientist Rebecca Nordenholt introduced Watershed Stewards Jackie Van Der Hout and Emma Goodwin, who will assist both the Planning and Watershed divisions with water quality sampling and other field work.

Senior Environmental Scientist Jan O’Hara introduced Scientific Aid Demir Worthington who joined the Planning Division.

Senior Engineering Geologist Brian Thompson introduced Scientific Aid Justin Reyes who joined the Enforcement Section in the NPDES Wastewater Division.

Board Member Cecilia Ogbu arrived at the meeting.

Senior Engineering Geologist Alec Naugle introduced Scientific Aid Max Swenson who joined the Department of Defense Section 1 in the Groundwater Protection Division.

Senior Engineer Robert Schlipf introduced Water Resources Control Engineer Gaurav Mittal who joined the NPDES Individual Permits Section in the Watershed Division.

Senior Engineer Dale Bowyer introduced Scientific Aid Liz Heller who joined the South Bay Section in the Watershed Division.

Watershed Division Staff Engineer Melissa Gunter introduced Scientific Aid Nina Gordon-Kirsch who joined the Recycled Water and Waste-to-Land programs.

Watershed Division Chief Keith Lichten introduced Maggie Monahan as the new Senior Engineer of the Industrial and Construction Stormwater, Recycled Water, and Waste Discharge to Land Section. Ms. Monahan is promoting from her role as Staff Engineer in the Enforcement Section in the NPDES Wastewater Division.

Item 2 – Public Forum – No members of the public asked to speak.

Item 3 – 2018 Sustained Superior Achievement Awards – Presentation of Awards to Water Board Staff

Executive Officer Bruce Wolfe introduced this item and said that our office was successful in getting two awards this year. Planning Division Chief Naomi Feger presented the first award to Engineering Geologist Barbara Baginska and reviewed her excellent efforts and project accomplishments. Groundwater Protection Division Supervisor David Elias presented the second award to Engineering Geologist Adriana Constantinescu and reviewed her excellent efforts and project accomplishments.

Item 4 – Minutes of the September 12, and 13, 2018 Board Meetings

Mr. Wolfe recommended adoption of the minutes from the September 12, and 13, 2018, Board meetings.

Attorney Marnie Ajello noted two corrections needed on page 4: Erica “McHarg” should be changed to Erica “Maharg.”

Chair Young asked if all were in favor of adoption of the minutes with the corrections – all Ayes. Chair Young then asked if anyone was opposed - none opposed.

ITEM ADOPTED

Item 5 – Chair’s, Board Members’, and Executive Officer’s Reports

Vice Chair McGrath reported that he encountered trash when windsurfing on the Bay and reminded everyone to take care of our resources.

Board Member Kissinger reported that he spoke to a climate scientist who has been monitoring mine waste that is being released as the climate changes and likely to have implications for water quality. The scientist offered to come talk to staff.

Board Member Ajami arrived at the meeting.

Board Member Battey arrived at the meeting.

Mr. Wolfe presented items from the Executive Officer's report. He mentioned the cleanup progress at Point Richmond and the need to insure effective groundwater cleanup to protect both the Bay and human health as the site is redeveloped. He also mentioned that we have reached a settlement with James Tong and other defendants that resolves violations at Dublin Ranch. The settlement included paying into a mitigation bank for tiger salamander habitat. He mentioned updates to the Hillview Cleanup Order. He also mentioned that October 11 is the Regional Monitoring Program Annual Meeting and October 23 and 24 is the Water Quality Coordinating Committee Meeting. He announced that SFEI received a grant to move the Operational Landscape Units project forward.

Board Member Battey reported that she attended the Global Climate Action Summit in San Francisco in September. She said that the Summit was hopeful but created a sense of urgency. She asked if Board staff were in any discussions about rebuilding after the North Bay fires, specifically about avoiding rebuilding the same way and in the same areas given the climate change predictions of a significant increase in fires. Planning Division Section Leader Kevin Lunde commented that our staff focus was on water quality and work within our regulatory jurisdiction, so staff did not get involved with land use decisions. Assistant Executive Officer Thomas Mumley mentioned that we took permitting decisions seriously considering whether projects were necessary. Mr. Wolfe mentioned that there are challenges for the Board in encouraging retreat from development related to fires and flooding such as cost and local land use control.

State Board Member Tam Doduc reported that the California Waterfix hearings have wrapped up. She also said that State Board staff is working on the Bay/Delta Water Quality Control Plan focusing on San Joaquin flows and salinity to be presented to the Board in November. Staff is also addressing Delta inflows and outflows in the longer term. She reported that the Recycled Water Policy draft is out and is designed to incentivize stormwater capture and to minimize discharges to the ocean.

Chair Young administered the oath.

Uncontested Items

Item 6A – City and County of San Francisco and North Bayside System Unit, San Francisco International Airport, Mel Leong Treatment Plant and Wastewater Collection Systems, San Mateo County – Reissuance of NPDES Permit

Item 6B – Conditional Waiver of Waste Discharge Requirements for Grazing Operations in the Tomales Bay Watershed – Renewal of Conditional Waiver

Mr. Wolfe recommended adoption of items 6A and 6B and noted that Item 6C is not an action item.

Board Member Ajami moved adoption and Board Member Battey seconded the motion.

Board Member Ajami asked if we can document discharge characteristics and types in a format that provides for data management opportunities and to better communicate with the public. She said she is interested in being able to compare facilities and be able to answer questions about the amount of discharge to land, discharge to surface water and/or discharge of recycled water.

Chair Young complemented staff and stakeholders that the Grazing Waiver is on the consent calendar. She said she appreciates that it covers a large area and promotes successful water quality control for ranching. She also complemented the efficiency and simplicity of the provision to let currently-enrolled entities continue enrollment versus requiring re-enrollment in the new waiver. She also recognized the success of getting grant funds into the watershed.

Chair Young called for a vote on items 6A and 6B.

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

Nos: None

ITEMS ADOPTED

Item 6C – Enforcement Actions and Priorities for Fiscal Year 2018/2019 – Summary Report

Mr. Wolfe summarized the report and indicated that we are making progress. We have fewer cases with penalties for discharge violations, and we had fewer industrial stormwater permit reporting violations than in the past.

Board Member Battey asked how we target facilities with aging infrastructure and whether they know we are watching them. Mr. Wolfe said we audit during the life of permits for facilities most at risk and when reviewing the permits for these facilities. **Board Member Battey asked if we can display on a map and in graphical form to see where the penalties occur and if the geography contributes to root causes, such as areas with multiple management agencies versus areas with consolidated management.** Board Member Ajami also commented that considering climate and seasonality of these violations is important. Chair Young said she does not like it that we continue to enforce for failure to submit annual reports by industrial stormwater permittees. Board Member Ajami hopes for future new tools to track violations rather than staff reacting to reports or failure to submit reports.

Other Business

Item 7A – Ocean Protection Council: 2018 Update of the State of California Sea-Level Rise Guidance - Presentation by Council staff

Mr. Wolfe introduced the item. Jenn Phillips, Climate Policy Advisor, from the Ocean Protection Council (OPC) made the presentation. Ms. Phillips explained OPC's role in advising the Governor on oceans and the coast. She said that climate change is the focus of the OPC's work right now; they view their other programs through the lens of future changes to the

ocean and the coast. Ms. Phillips explained the guidance's decision-making framework and the expectations for implementing the guidance.

Vice Chair McGrath asked about adaptation strategies because of the uncertainty of climate change projections. Ms. Phillips estimates that the projections will be more certain in five years. Mr. Wolfe pointed out that we sent a letter to the Metropolitan Transportation Commission and other agencies overseeing reconstruction of Highway 37 that told them how we expected them to apply OPC's projections such that they look at a long-term horizon even if planning for the short term. Similarly, we are specifically instructing landfills to do an assessment every five years using OPC's projections. Board Member Ajami mentioned the Rosenberg Forum, a discussion of water issues, where she learned that groundwater extraction has contributed to sea level rise, indicating land use choices are both causes and risks. Chair Young asked if the plan is to require use of the decision framework in CEQA analysis. Ms. Phillips said not at this time, but she plans to take discussions about using the framework to local governments. Chair Young also suggested that our agency would benefit from having a similar decision framework related to rainfall predictions to replace current predictions based on past rainfall. She asked if Ms. Phillips is aware of any such tool being developed. Ms. Phillips said she is not.

Item 7B – Nutrient Watershed Permit Implementation and Our Strategy for Understanding and Addressing Nutrients in San Francisco Bay – Status Report

Mr. Wolfe introduced the item and Senior Engineer Robert Schlipf made the presentation. Mr. Schlipf introduced David Senn, Senior Scientist from the San Francisco Estuary Institute, who made a presentation about the science studies associated with the Nutrient Strategy.

Board Member Kissinger said he was surprised that the loading from Sacramento River is not greater. Dr. Senn showed a graph indicating that it is a significant load, particularly for Suisun Bay. Dr. Mumley pointed out that our local loads are much higher. Board Member Battey asked for an explanation of why the Bay is so resilient. Dr. Senn said that suspended sediment prevents light from activating nutrients, and Bay tides keep water mixing and prevent stratification that increases phytoplankton biomass. Chair Young acknowledged the importance of learning more about the subembayments so that individual facilities can determine solutions and understand how treating individual conditions relates to the rest of the Bay.

Item 7C – Advances in Investigation Technologies at Sites Contaminated with Volatile Organic Compounds – Status Report

Mr. Wolfe introduced the item and Staff Engineer Roger Papler made the presentation.

Board Member Kissinger asked if the technology is limited in what it can detect. Mr. Papler said it is limited to the detection of volatile organic compounds. Mr. Kissinger asked why we cannot specify use of improved technology if it provides faster and more complete cleanup. Board Counsel Tamarin Austin explained that the Water Code prevents us from specifying the

manner of cleanup, but the Board has authority to specify a compliance date and what level of cleanup is expected. Board Member Ajami asked if we can recommend available technologies. Ms. Austin said yes and State Board Resolution No. 92-49, which guides investigation and cleanup, instructs staff to recommend options. Toxics Division Chief Stephen Hill said that we are likely to require faster cleanup in the future because climate change will put more pressure on local groundwater supplies. Vice Chair McGrath asked about the validity of semi-quantitative data related to the validity of direct sample and lab analysis. Mr. Wolfe said the greatest advantage is that well locations can be targeted directly at the source of contamination so less investment can be spent in identifying the best well locations.

Item 8 – Correspondence – There were no correspondence items.

The Board went into a closed session at 12:50 p.m.

Item 9 – Closed Session – Personnel

The Board met in closed session to discuss personnel matters.
[Authority: Government Code section 11126(a)]

Item 10 – Closed Session – Litigation

The Board met in closed session to discuss litigation.
[Authority: Government Code Section 11126(e)(1) and 1126(e)(2)(A)-(C)]

Item 11 – Closed Session – Deliberation

The Board did not meet in closed session to deliberate.
[Authority: Government Code Section 11126(c)(3)]

Item 12 - Adjournment

Meeting adjourned at 2:45 p.m. until the next Board Meeting – November 14, 2018