

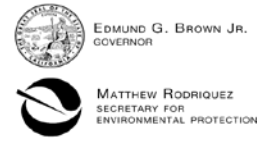
*STATE OF CALIFORNIA*

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

MEETING DATE: September 12, 2018

ITEM: **3**

SUBJECT: **MINUTES OF THE AUGUST 8, 2018 BOARD MEETING**



EDMUND G. BROWN JR.  
GOVERNOR

MATTHEW RODRIGUEZ  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION

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

**August 8, 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](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.

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 9:03 a.m. in the Elihu M. Harris Building, First Floor Auditorium.

<u><b>Board Members Present</b></u>	<u><b>Board Members Absent</b></u>	<u><b>Status</b></u>
Chair Terry Young	Newsha Ajami	QUORUM
Vice-Chair James McGrath		
Cecilia Ogbu		
William Kissinger		
Jayne Battey		
Steve Lefkovits		

Steve Moore, Vice-Chair of the State Board, made a presentation about State Board activities. He said the State Board adopted bacteria provisions for recreational uses of water, implementing a risk-based system. The provisions include updated water quality objectives and implementation approaches for bacteria control, including reference beach and natural source exclusion approaches in the context of total maximum daily loads. He said State Board kept the fecal coliform water quality objective based on epidemiological studies that have supported fecal coliform as reasonable to indicate illness and added a water quality objective for enterococcus in saline waters. The State Board also adopted sediment quality objectives that address direct effects on benthic communities. He mentioned that the State Board’s and Regional Water Boards’ annual accomplishments report was recently completed and noted that it includes the removal of the last of the Suisun Bay’s “Mothball Fleet” of ships. He also said the State Board is busy considering the Bay-Delta Plan update, which will include adoption of Sacramento River flows needed through the Delta to sustain that ecosystem and meet urban and agricultural uses.

Vice-Chair McGrath commented that rising sea level is a concern related to maintaining sediment supply to the Bay and noted that this concern is identified in the environmental

document for California WaterFix. This change in sediment in the Delta means a change in sediment in the Bay, and he wants to make sure State Board is aware of that in setting policy.

Mr. Moore also said that the State Board adopted a climate change resolution in 2017 that encourages climate change-related actions by Regional Water Boards; he is happy to see that this Regional Water Board is taking actions and discussing climate change adaptation. The State Board Executive Director's report in July discussed actions to focus on addressing climate change, including drought, groundwater recharge, and increasing salt water intrusion. The State Board is recommending Regional Water Boards use permit authorities to focus on utility infrastructure and to maximize water supply. The resolution made climate change a part of everything the Water Boards do. The Regional Water Board can share priorities for climate change at the second day of the Water Quality Coordinating Committee meeting, October 24.

Board Member Battey asked if State Board is participating in the Global Climate Action Summit scheduled for September 12 – 14 in San Francisco. Mr. Moore responded that the State Office of Planning and Research is the organizer and has invited the State Board to participate. Board Member Lefkovits asked if there is a designated lead coordinator for all State efforts. Mr. Moore said that Ken Alex in the Office of Planning and Research is lead and Matt Rodriguez, Secretary of CalEPA, is the link to the Governor.

Chair Young said that water quality constituents we are tracking may change if flow through the Delta changes. She said this Regional Water Board may have new needs for monitoring in response to such changes, including the ability to track water quality effects of such changes; she asked that the State Board be kept informed of that. Sediment quality objectives are challenging to implement as we may see a hit on the benthic community but may not know which chemicals are causing the problems. The Regional Water Board will have to invest in responding, and she asked if the State Board will direct how to respond or if that is up to the regions. Mr. Moore said the provisions include a matrix indicating how to assess impacts and what are the cleanup standards for individual sites.

Chair Young thanked Mr. Moore for coming for presenting his update and planning to stay for the Board's climate change workshop. Mr. Moore said it is always an honor to address the Board.

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

**Item 3 – Minutes of the July 11, 2018 Board Meeting**

Executive Officer Bruce Wolfe recommended adoption of the minutes from the July 11, 2018, Board Meeting.

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

ITEM ADOPTED

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

Chair Young announced that Mr. Wolfe will be retiring at the end of this year. She said that this Board has appreciated the very high-quality work that comes out of the staff, and Mr. Wolfe has everything to do with that. This staff has a reputation for using cutting edge science and excels in developing creative solutions in response to Mr. Wolfe’s leadership. She said she has been impressed with staff’s judgement calls and that Mr. Wolfe has created a smooth-running organization with high morale amongst staff and the Board members who work with him. She said, on a personal note, she respects how he deals with staff and members of the public with graciousness. She said the Board appreciates the tone that he sets, and she thanked him. The other Board members echoed the sentiment and offered their own thanks.

Vice-Chair McGrath said he is working on several local projects and water quality problems in the City of Berkeley and on climate change actions and noted their connection. For example, undersized culverts on Cordonices Creek cause flooding that carries PCBs to the estuary. He also noted his former connections with and the contributions of Ron Dellums, former Congressman and Oakland Mayor, who just passed away. Board Member Lefkovits announced that on September 12, the Global Climate Action Summit and Urban Land Institute will discuss real estate impacts of climate change. Board Member Battey noted that the New York Times had a comprehensive article on climate change this past week worth reading. Chair Young said she signed a letter on behalf of this Board supporting the San Francisco Estuary Institute’s next phase of development of the operational landscape unit program.

Mr. Wolfe mentioned followup on trash controls since the enforcement hearings in June for municipalities. He said that Assistant Executive Officer Tom Mumley has met with the Caltrans’ local and statewide representatives about what Caltrans can do to improve trash control and permit compliance. He said staff is continuing to work with Caltrans to set up ways to advance trash control. Chair Young said she hopes staff is sending the message that enforcement actions are being delayed due to outside interventions. Board Member Battey asked that we have Caltrans back to report on their performance.

Mr. Wolfe gave an overview of this month’s Executive Officer’s Report. He mentioned that the report included additional information for Burlingame that shows that many of the spills they reported are either spills less than 1000 gallons or spills that did not reach surface waters. He also said that funding for U.S. EPA contractors will be sun-setting, so Board staff will be challenged to maintain its same level of effort in the pretreatment program as staff relies on these resources for the pretreatment program. Staff has made good progress securing enrollment in the Vineyard General Permit and is continuing outreach to those who have not yet enrolled. He also said the Senate Rules Committee is expected to approve all Regional Water Board members appointed this past year, including Jim McGrath and Newsha Ajami. Their approvals will go to the full Senate who routinely confirms the appointments. Mr. Wolfe also said the State Board is clarifying some of the rules for Board members regarding compensation for activities outside of Board meetings. He also said Board members should let him know if they anticipate conflicts with the proposed 2019 Board meeting schedule.

Board Member Kissinger asked for information about the U.S. EPA announcement that it had reached settlement with several facilities in Oakland for Clean Water Act violations. Mr. Wolfe said these were outcomes of coordinated inspections and investigations with the Regional Water Board as part of an effort to investigate pollution issues in areas identified in terms of environmental justice. Board members expressed interest in these cases sending a strong message that these facilities must comply.

Chair Young administered the oath.

### **Uncontested Items**

#### **Item 5A – Sanitary District No. 5 of Marin County, Sanitary District No. 5 Wastewater Treatment Plant and Collection System, Tiburon, Marin County –**

Reissuance of NPDES Permit

#### **Item 5B – Sewerage Agency of Southern Marin, Sewerage Agency of Southern Marin Wastewater Treatment Plant and Collection System, Mill Valley, Marin County –**

Reissuance of NPDES Permit

#### **Item 5C – Santa Clara Valley Water District, Lower Guadalupe River Flood Protection Project, Cities of San Jose and Santa Clara, Santa Clara County –**

Rescission of Waste Discharge Requirements and Water Quality Certification

#### **Item 5D – Cleanup Programs – Status Report including Case Closures**

Mr. Wolfe said there are four items including three action items and one information item on the Uncontested Item calendar. Mr. Wolfe recommended adoption of items 5A, 5B, and 5C.

Board Member Lefkovits moved adoption of items 5A, 5B, and 5C. Vice-Chair McGrath seconded the motion.

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

Nos: None

ITEM ADOPTED

#### **Item 6 – Re-evaluating Annual Board Priorities –**

Workshop Focusing on Climate Change Activities

The Board went into a closed session and reconvened at 11:30 am in Room 2, Second Floor, 1515 Clay Street, for this workshop.

Assistant Executive Officer Lisa McCann made a presentation on climate change impacts to water quality and aquatic habitat, proposed goals for the Board to respond to these impacts, and described current activities the Board is implementing. Participants, including Board members, Board staff, and representatives from external organizations, discussed goals and activities for the Board in small groups. Representatives participated from the Santa Clara Valley Water District, U.S. EPA, CA Ocean Protection Council, San Francisco Baykeeper, CA Coastal Conservancy, California Resource Strategies, and U.S. Army Corps of Engineers.

Key outcomes and ideas recorded during the workshop included the following:

- Consider proposed Goal #5 as the most important and actionable:
  - Use Basin Plan policies and permitting authorities to address climate change and sea level rise adaptations, including streamlining permitting and easing mitigation expectations for resiliency projects; allowing broader beneficial reuse of dredge materials and treated wastewater for wetlands; and increasing green infrastructure, water recycling, and groundwater recharge.
- Review the State Board Climate Change Resolution and plan to implement its actions.
- Review site/case prioritization with climate change impacts in mind.
- Assess vulnerabilities and adaptations for all regulated facilities (e.g., wastewater treatment facilities, sanitary sewers, and cleanup sites).
- Incentivize adaptation and resiliency projects, particularly those designed with multi-benefits and nature-based principles.
- Conduct agency and stakeholder coordination and communication; specifically target entities who will implement adaptation projects, e.g., public works departments, wastewater and collection system entities, and stormwater managers.
- Protect watersheds and their functions (e.g., streams, riparian habitat, and shorelines) more holistically for climate resiliency.
- Promote green infrastructure and wastewater recycling.

The Board will determine next steps for affirming goals, identifying important activities to implement, and seeking additional input from external interested parties.

**Item 7 – Correspondence** – There were no correspondence items.

**Item 8 – Closed Session – Personnel**

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

**Item 9 – Closed Session – Litigation**

The Board did not meet in closed session to discuss litigation.

**Item 10 – Closed Session – Deliberation**

The Board did not meet in closed session to deliberate.

**Item 11 - Adjournment**

Meeting adjourned at 1:30 p.m. until the next Board Meeting – September 12, 2018