

STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

MEETING DATE: February 12, 2020

ITEM:

4

SUBJECT:

MINUTES OF THE DECEMBER 11, 2019 BOARD MEETING

San Francisco Bay Regional Water Quality Control Board

**December 11, 2019 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 (510) 313-0610.

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 9:09 a.m. at Elihu M. Harris Building, First Floor Auditorium.

| Board Members Present | Board Members Absent | Status |
|---|-----------------------------|---------------|
| Chair James McGrath Vice-Chair Jayne Battey William Kissinger Newsha Ajami | | QUORUM |

Toxics Division Supervisor Cheryl Prowell introduced Fei Zhao as a new Scientific Aid. Staff Engineer Tahsa Sturgis introduced Arianna Topbjerg and Ellen Mills as new Watershed Stewards who will assist the Planning and Watershed Management Divisions.

Executive Officer, Michael Montgomery, announced that Dale Bowyer, Senior Water Resource Control Engineer, will be retiring this month after 35 years with the Water Board. Assistant Executive Officer, Thomas Mumley, acknowledged Mr. Bowyer's service noting his involvement in trash control and wetland and creek habitat protection.

Mr. Montgomery introduced Derek Beauduy as a new Senior Water Resource Control Engineer, replacing Dale Bowyer as a supervisor in the Watershed Management Division.

Item 2 – Public Forum

No persons asked to speak during Public Forum.

Item 3 – Annual Award Presentation, 2019 Dr. Teng-Chung Wu Pollution Prevention Award- Presentation of Award to Geoff Brosseau for Leadership in Pollution Prevention

Mr. Montgomery introduced the item. Debbie Phan made the presentation announcing the recipient of this year's award, Geoff Brosseau, Executive Director of the Bay Area Stormwater Management Agencies Association and of the California Stormwater Quality Association.

Mr. Mumley added that Mr. Brosseau has been a key player in stormwater quality for many years, is a problem-solver and focused on pollution prevention and source control. He described Mr. Brosseau as a collaborator who made significant contributions to improved water quality in the Bay Area.

Several members of the public acknowledged Mr. Brosseau's long-time leadership and contributions in stormwater quality control.

Mr. Brosseau expressed gratitude for being awarded the Dr. Teng-chung Wu 2019 Pollution Prevention Award. He thanked many people for working with him and giving him opportunities at the beginning and over the years of his career. He acknowledged other leaders and agencies who were early adopters of source control and stormwater quality improvement.

Item 4 – Minutes of the November 13, 2019 Board Meeting

Mr. Montgomery pointed out a few clarifying changes to the minutes.

Chair James McGrath asked if all were in favor of adoption of the minutes with the changes– all Ayes. Chair McGrath then asked if anyone was opposed - none opposed.
ITEM ADOPTED

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

Board Member Kissinger announced that he was reappointed and very much appreciates the opportunity to continue contributing to water quality protection and in service to the Water Board.

Board Member Ajami said the American Geophysical Union's Annual Meeting is in San Francisco this weekend and is discussing green infrastructure and water resources more than in the past.

Vice-chair Battey said she was asked to speak on the impacts of climate change on redeveloping surplus properties to the Surplus Properties Roundtable.

Chair McGrath said he attended the opening of the new bike path on the Richmond Bridge on November 16 where the new Deputy Director of Caltrans spoke. He said he reached out to her and council members in Berkeley about coordinating to address homeless encampments. He also said he has been involved in several meetings about

bacteria problems at Aquatic Park in Berkeley. He said this is relevant to reissuing the Municipal Regional Stormwater Permit and how to address water quality from homeless encampments.

Mr. Montgomery said he presented on the Board's priorities to the North Bay Watershed Association, attended the Bay Planning Coalition's annual meeting, and participated in the Financing the Future group meeting of the Bay Conservation and Development Commission. He said he wanted to highlight the Shore Terminals (NuStar Energy) report in the Executive Officer's Report. He said the facility is continuing to address the potential water quality impacts post-fire and are meeting with staff today to discuss how to dispose of captured stormwater and remediated soil.

Chair McGrath requested that the Board incorporate lessons learned from fire incidents that have affected water quality into future priorities. Mr. Montgomery said we need to bring a future item on PFAS chemicals and the evolving process of sampling, environmental and health impacts, how to regulate and how to remediate.

Nicole Sasaki, San Francisco Baykeeper, commented that they are tracking the Water Board's response to fire fighting events, such as occurred at the NuStar facility. She said that they are pleased with the Water Board's response and the facility's response but has concerns about PFAS reaching the Bay. She said that if PFAS was discovered, it should be disposed of properly. She asked that staff keep them informed as they learn new information.

Chair McGrath administered the Oath.

Item 6 – Consideration of Uncontested Items

6A. Waste Management of Alameda County and East Bay Regional Park District, Oyster Bay Regional Park, San Leandro, Alameda County – Update of Waste Discharge Requirements and Rescission of Order No. 94-187

6B. City of Benicia, Wastewater Treatment Plant and Wastewater Collection System, Benicia, Solano County – Reissuance of NPDES Permit

6C. Delta Diablo, Delta Diablo Wastewater Treatment Plant and Wastewater Collection System, Antioch, Contra Costa County – Reissuance of NPDES Permit

Mr. Montgomery recommended approval of the items. Board Member Kissinger moved adoption of the items. Board Member Ajami seconded the motion.

Ayes: McGrath, Battey, Ajami, Kissinger

Nos: None

ITEM ADOPTED

Board Member Ajami commented that wastewater treatment systems around the Bay are variable. She highlighted that the Delta Diablo facility is an interesting case related

to the challenge of recycled water and that there are challenges with desalination. Chair McGrath said he is concerned with brine discharge associated with desalination facilities. Board Member Ajami said she wants to see more collaboration between wastewater and water supply entities.

Waste Discharge Requirements

Item 7 – U.S. Army Corps of Engineers, San Francisco District, San Francisco Bay Federal Channel Maintenance Dredging Program 2020 through 2024 – Adoption of Reissued Waste Discharge Requirements and Water Quality Certification

This Item was pulled from the agenda.

Item 8 – Informational Item, Municipal Regional Stormwater NPDES Permit, Permittee Compliance with the 80 Percent Trash Load Reduction Requirement

Mr. Montgomery introduced Watershed Management Division Chief Keith Lichten to introduce the item. Mr. Lichten said he wanted to remind Board members that we are discussing trash because it impacts the beneficial uses of the Bay. He said the Municipal Regional Permit for stormwater contains requirements to control trash. Water Resource Control Engineer Imtiaz-Ali Kalyan made the presentation.

Chris Sommers, EOA, Inc., presented an overview of trash load reduction in municipalities. Representatives from several municipalities described their efforts to control trash, including full trash capture devices, direct discharge control programs, other cleanup efforts, and costs. They asked the Board to understand the high costs and funding challenges and to provide flexibility in regulating trash control. Some representatives raised the additional challenges for disadvantaged communities. Some representatives asked the Board to retain the credits and offsets, as in the existing permit, in the next permit.

The following representatives commented:

Napp Fukuda, City of San Jose
Kyle Brotten, Vallejo Wastewater Agency
Kristen Hathaway, City of Oakland
Erik Pearson, City of Hayward
Amanda Booth, City of San Pablo
Frank Kennedy, City of Pinole
Michele Mancuso, Unincorporated Contra Costa County
Kristen Struve, Santa Clara Valley Water District

Peter Schultze-Allen, EOA, Inc., described the importance of trash source controls, such as plastic bag bans, because they provide overlapping strategies with other controls, are critical reduction strategies, and can provide incentives for dedicating funds to trash control.

Richard James, resident of Inverness, said he has been picking up trash and documenting trash accumulation. He said he has collected multiple hypodermic needles and finds these the most troubling. He asked the Board to make the providers of needles collect the used needles in exchange for new ones. He also asked for additional services for homeless people. He asked for bans on single-use products and plastics.

Nicole Sasaki, Baykeeper, commented that they are concerned about tracking trash reduction. She said the data presented by staff implied that trash loading has been reduced by 80% since 2009 but documentation at hot spots shows this is not the case. She said she points this out to illustrate how much work there is to do to reach the trash control targets for 2022.

Alison Chan, Save the Bay, commented that she appreciates the permittees efforts but still sees a need for significant progress. She said data shows many waterways are still impacted by trash and that it is being transported mostly via stormwater. She said that permittees may not achieve the targets for 2022. She asked that the Board implement their own trash monitoring program and validate the trash reduction levels related to control actions as claimed by the permittees. She asked the Board to require Caltrans to fund and expedite collaborative projects with cities to control trash.

Chair McGrath said he is interested in the range of maintenance costs for these facilities and programs. Vice-chair Battey said she would like to know how we can stem the waste.

Board Member Ajami thinks there needs to be more effort to raise awareness about trash problems and control. She said this improves community support for expenditures and fee generation to implement controls. She said that there may need to be some sort of cooperative governance to support disadvantaged communities achieve more control. She suggested documentation of best management practices of all permittees so other entities can consider what worked in one city as a strategy to use in another city.

Board Member Kissinger said he has evolved over time to understanding why the Board has become involved in issues of trash and homeless issues. He said he sees that it is because the Board is the last line of defense on trash control related to water quality. He said the efforts made in the past ten years are significant in terms of investment to control trash and successful even though the amount of trash is immense and increasing. He said this shows that the problem is huge and needs continued attention. He encouraged the local representatives to work with elected officials, state officers and Board staff to figure out how to get funding and to implement more programs.

Board Member Kissinger left the meeting which resulted in a loss of a quorum. Chair McGrath appointed a subcommittee of the remaining three Board members to continue discussing trash control.

Vice-chair Battey thanked the speakers and said it is sad to see the photos and understand the environmental and human toll that trash is creating. She said she is interested in how we shift away from the cultural condition of being a throw-away society. She said she was struck by the magnitude of the costs and wondered if there are other ways to save on costs, achieve economies of scale through more collaboration. She wondered if the Board can participate in discussions with the companies who are making the products that make up the bulk of the trash.

Chair McGrath thanked staff and the presenters for their efforts but has no illusion that we have achieved 80% reduction in trash load. He said we must address the increase in homeless population which was not anticipated when trash control requirements were initiated. He said that waiting longer for more sustainable, long-term solutions are worthwhile and is concerned about installing and maintaining many small devices. He said his biggest concern is the maintenance documentation, and that it needs to be specific and include costs. He said he thinks source control is valuable. He wants waterway monitoring results to be shared online. He would like to understand the transport mechanisms and the contributions from homeless encampments. He said, on behalf of the Board, he recognizes the costs and appreciates the efforts of all the permittees.

Mr. Mumley said staff will present a followup workshop to address many of these issues. He said staff wants to figure out the most appropriate and cost effective actions to solve the problem in a timely manner. He said we should consider engaging the private sector and address the throw-away culture.

Mr. Montgomery said we should engage with the businesses on source control, consider how to bring more state money to assist with funding, continue facilitating coordination between Caltrans and the cities.

Chair McGrath adjourned the meeting to a subcommittee (Board Member Kissinger left so the Board lost quorum).

Board Member Ajami reiterated that she thinks educating the public is critical.

Item 9 – Correspondence

There was no correspondence presented at this meeting.

Item 10 – Closed Session – Personnel

The Board did not meet in closed session to discuss personnel matters.

Item 11 – Closed Session – Litigation

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

Item 12 – Closed Session – Deliberation

The Board did not meet in closed session to deliberate.

Item 12 – Adjournment

Meeting adjourned at 12:24 p.m. until the next Board Meeting – December 11, 2019.