

REGIONAL WATER QUALITY CONTROL BOARD - SAN FRANCISCO BAY
BOARD MEETING MINUTES

January 30, 2008

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Item 1 – Roll Call and Introductions

The meeting was called to order on January 30, 2008 at 9:03 a.m. in the State Office Building Auditorium, First Floor, 1515 Clay Street, Oakland.

Board members present: John Muller, Chair; Shalom Eliahu; James McGrath; William Peacock; Terry Young.

Board members absent: None.

John Muller welcomed new Board member James McGrath.

Mr. McGrath made introductory comments.

Mr. Muller said Dr. Rameshwar Singh had been appointed to the Board. Bruce Wolfe said staff anticipates Dr. Singh will attend the February Board meeting.

Item 2 – Election of Chair and Vice-Chair

At the request of John Muller, William Peacock served as Board Chair during the nomination and election of Chair for 2008.

Mr. Peacock asked for nominations. Terry Young nominated Mr. Muller. There were no further nominations.

Mr. Peacock asked for a vote.

Roll Call:

Yes: Mr. Eliahu; Mr. McGrath; Mr. Peacock; Dr. Young; Mr. Muller

No: None

Mr. Peacock said Mr. Muller had been elected to serve as Chair.

At that point, Mr. Muller began serving as Chair for 2008. He thanked Board members for placing confidence in him.

Mr. Muller asked for nominations for Vice-Chair. Shalom Eliahu nominated Dr. Young. Mr. Peacock seconded the nomination.

Mr. Muller asked for a vote.

Roll Call:

Yes: Mr. Eliahu; Mr. McGrath; Mr. Peacock; Dr. Young; Mr. Muller

No: None

Mr. Muller congratulated Dr. Young on her election as Vice-Chair.

Dr. Young said she very much appreciated the Board members vote of confidence.

Item 3 – Public Forum

There were no public comments.

Item 4 – Minutes of the November 1, 2007 Board Meeting

Motion: It was moved by Mr. Peacock, seconded by Dr. Young, and it was voted unanimously to adopt the Minutes of the November 1, 2007 Board Meeting.

Mr. McGrath abstained from voting. He was not a Board Member at the time of the meeting.

Item 5 - Chairman's, Board Members', and Executive Officer's Reports

Mr. Muller said on February 4, 2008, Regional Board Chairs and Executive Officers will meet with State Board Chair Tam Dudoc in Sacramento.

Mr. Muller said Mr. McGrath has been selected to represent the Board on the San Francisco Bay Conservation and Development Commission. He said Dr. Young has been selected to be the Board representative at meetings of the Association of Bay Area Governments.

Mr. Muller reported Dorothy Dickey sent Board members a memorandum on ex-parte communications. Mr. Peacock thanked Ms. Dickey for preparing the memorandum.

Dr. Young said she attended the January staff training session dealing with emerging contaminants. She complimented staff for a well organized session that focused on an important topic.

Dr. Young said, as Chair of the Stormwater Subcommittee, she met with staff and representatives of a creeks coalition to discuss erosive forces and sediment deposition in creeks.

Mr. Muller asked that Board members be informed of future staff trainings.

Mr. Wolfe said he recently participated in a press conference concerning a ban on the distribution of plastic bags by some retail businesses. He discussed with Board members environmental impacts of plastic and the importance of keeping plastic out of waterways.

Mr. Wolfe said on January 25, 2008 staff hosted a workshop to facilitate data sharing among agencies, environmental groups, and scientists working on a recent spill.

Mr. Wolfe gave an update on issues regarding the Suisun Bay Reserve Fleet.

Mr. Wolfe discussed several items in the Executive Officer's Report.

Mr. Wolfe said Lila Tang and he spoke at the Annual Meeting of the Bay Area Clean Water Agencies. He distributed to Board members copies of a report BACWA prepared regarding the importance of recycled water. He also distributed copies of the first issue of a newsletter prepared by the Bay Area Pollution Prevention Group.

Item 6 – City of Benicia, Wastewater Treatment Plant, Benicia, Solano County – Hearing to Consider Mandatory Minimum Penalty for Discharge in Violation of Effluent Limitations

Item 7 – Catholic Cathedral Corporation of East Bay, 2121 Harrison Street, Oakland, Alameda County – Hearing to Consider Mandatory Minimum Penalty for Discharge in Violation of Effluent Limitations

Item 8 – City of Richmond, Wastewater Treatment Plant, Richmond, Contra Costa County – Hearing to Consider Mandatory Minimum Penalty for Discharge in Violation of Effluent Limitations

Item 9 – Rodeo Sanitary District, Wastewater Treatment Plant, Rodeo, Contra Costa County – Hearing to Consider Mandatory Minimum Penalty for Discharge in Violation of Effluent Limitations

Item 10 – Sewerage Agency of Southern Marin, Wastewater Treatment Plant, Mill Valley, Marin County – Hearing to Consider Mandatory Minimum Penalty for Discharge in Violation of Effluent Limitations

Mr. Wolfe said permittees for Items 6, 7, 8, 9, and 10 waived their rights to hearings on the mandatory minimum penalties. He said no Board action was necessary. He said some permittees have proposed developing supplemental environmental projects.

Mr. Wolfe said permittees may develop supplemental environmental projects if penalties are \$9,000 or more. He said a contractor provides oversight to ensure projects are completed. He said permittees pay a small portion of penalty assessments to cover the cost of the contractor.

Mr. McGrath commended staff for including in mandatory minimum penalty complaints information on actions permittees have taken to prevent violations from reoccurring.

Mr. Muller commended a permittee for submitting a workplan and timeline for completion of a supplemental environment project.

Mr. Peacock suggested staff prepare press releases of enforcement actions.

Mr. Wolfe said recent legislation requires information about fines that the Board has imposed be posted on the Regional Board web site. He described the process staff follows to prepare press releases.

Dr. Young concurred with Mr. Peacock's suggestion that staff issue press releases of enforcement actions. She also recommended penalties should be set in amounts that provide economic disincentives for reoccurrence of violations.

Item 11a – West County Agency, West County Wastewater District, City of Richmond, and Richmond Municipal Sewer District No. 1, West County Agency Common Outfall, West County Wastewater District Treatment Plant and Its Collection System, and Richmond Municipal Sewer District Water Pollution Control Plant and Its Collection System, Richmond, Contra Costa County – Reissuance of NPDES Permit

Item 11b – West County Agency, West County Wastewater District, City of Richmond, and Richmond Municipal Sewer District No. 1, West County Agency Common Outfall, West County Wastewater District Treatment Plant and Its Collection System, and Richmond Municipal Sewer District Water Pollution Control Plant and Its Collection System, Richmond, Contra Costa County – Adoption of Cease and Desist Order for Discharge in Violation of NPDES Permit

Vince Christian gave one presentation that covered Items 11a and 11b.

Mr. Christian said West County Agency is a Joint Powers Agency that includes West County Wastewater District, City of Richmond, and Richmond Municipal Sewer District. He said the Wastewater District and the City operate separate treatment plants. He said effluent from the plants is combined and released into Central San Francisco Bay.

Mr. Christian said effluent limits for ten pollutants identified as having Reasonable Potential to violate water quality objectives are included in the Tentative Order. He said the pollutants include mercury, selenium, and dioxins.

Mr. Christian said the permittee and Bay Area Clean Water Agencies submitted written comments objecting to numeric final limits for dioxins. He said the commentors stated dioxin sources are airborne and are not controllable by wastewater agencies. He said, in reply, state and federal regulations require that the Tentative Order include the limits. He said dioxins are found in Bay fish, which is a violation of the Basin Plan narrative water quality objective on bioaccumulation.

Mr. Christian said BACWA expressed concern about final effluent limits for selenium and mercury because TMDLs for the pollutants are being developed or have been developed. He said, in reply, the mercury TMDL has not received final approval and the selenium TMDL is in early stages of development. He said a new effluent limit, based on each TMDL, will become effective when each TMDL is approved.

Mr. Christian said the permittee is not able to meet final effluent limits for selenium, cyanide, dioxin, 4-4-DDD, and heptachlor. He said the Tentative Order and the Cease and Desist Order includes compliance schedules requiring the permittee to take action to achieve compliance.

Mr. Christian said BACWA expressed concern that the compliance schedules include a task requiring installation of capital improvements. He said, in reply, the permittee is required to complete a sequence of tasks. He said capital improvements would be required as a last resort if compliance could not be achieved through preceding actions.

Mr. Christian said the West County Treatment Plant does not blend effluent. He said the Richmond Treatment Plant blends effluent about 12 times a year.

Mr. Christian described how effluent is blended. He said influent received at the Plant during peak wet weather can exceed the capacity of secondary treatment units. He said some primary treated effluent is diverted around secondary treatment to a two million gallon wet weather storage basin. He said after the capacity of the storage basin is reached, diverted effluent is blended with secondary treated effluent and disinfected. He said blended effluent must meet permit limits.

Mr. Christian said BACWA commented that the Tentative Order requires the City to implement measures at a time when the national blending policy is under review. He said, in reply, requirements in the Tentative Order are consistent with current federal regulations and with the City's \$20 million commitment to upgrade its sanitary collection system. He said the City is required to develop a report to evaluate ways to minimize blending and to develop a workplan.

Terry Young said the mass of some pollutants released into the Bay would be higher in blended effluent compared to effluent that was not blended. She asked for a list of the pollutants for which the mass in blended effluent would be higher.

Mr. Christian said pollutant concentrations become more dilute when the amount of influent increases during the rainy season.

Lila Tang said some pollutants bind to solids. She said about 40% of solids in wastewater are removed through secondary treatment. She said when effluent is diverted around secondary treatment, removal of the pollutant mass that binds to solids decreases.

In reply to a question, Ms. Tang said the number of times effluent is blended could affect the permittee's compliance with permit limits. She said the permittee is required to meet limits whether or not effluent is blended.

Dr. Young said the City of Richmond is required to prepare a report to minimize the use of blending and to allocate \$20 million towards that effort. She suggested future permits require permittees to meet the goal of minimizing blending and not require a specific dollar allocation. She said such an approach would give permittees an incentive to meet the goal at the lowest cost.

Dr. Young said compliance deadlines for final dioxin limits range from 2012 to 2018 in orders the Board is considering today. She said the range of deadlines may serve to discourage wastewater agencies from participating in group offset or trading programs.

In reply to a question from Shalom Eliahu, Mr. Wolfe said staff would like to promote the goal that wastewater agencies no longer blend effluent. He recognized that agencies would achieve the goal through incremental actions.

Mr. Wolfe said wastewater agencies are upgrading sewer collection systems to try to reduce the amount of influent received during wet weather. He said agencies also are increasing wet weather storage basins to manage increased water during wet weather.

Mr. McGrath expressed interest in learning how much additional pollutant mass would be released in blended effluent compared to effluent that was not blended. He said the Tentative Order appears to require that the permittee take actions to reduce the number of blending events even if the permittee meets limits. He asked if the Tentative Order provides the City with flexibility to determine how to spend its \$20 million commitment in a cost-effective manner. He said the commitment appears to be an upper limit of cost-effective measures.

Mr. Wolfe said the Board is limited in prescribing which actions the City will take to minimize blending. He said the Tentative Order requires the City to develop a report to determine actions that will be taken.

Dr. Young recommended detailed requirements, like permittees taking actions to increase storage basins, not be included in permits. She reiterated her recommendation that permits include goals.

Dr. Young said staff is preparing TMDLs for pollutants that bind to solids and reducing the use of blending would help achieve the TMDLs.

E.J. Shalby, General Manager, West County Agency and West County Wastewater District, thanked staff for work in developing the Tentative Order. He objected to final dioxin limits. He said West County Agency cannot comply with the limits. He said air emissions from combustion are the primary source of dioxins and wastewater facilities cannot control the source.

Mr. Shalby said West County Wastewater District and another agency are working to deliver water to an industrial facility for recycled use. He said the District has committed substantial funds for a sewer lateral rebate program that was initiated in 2004. He said property owners can receive \$3,000 to upgrade laterals.

Michele Plá, Executive Director, Bay Area Clean Water Agencies, said Bay Area wastewater agencies are looking at ways to reduce the number of blending events. She said increased influent during wet weather has to do with the intensity and duration of rain and the amount of rain that gets into the collection system. She said BACWA would like to prepare a paper that analyzes the blending issue.

Mr. Wolfe recommended adoption of the Revised Tentative Order.

Motion: It was moved by Mr. Eliahu, seconded by Mr. McGrath, to adopt the Revised Tentative Order as recommended by the Executive Officer.

Mr. McGrath said requirements in the Tentative Order appear to strike a good balance between requiring the permittee take action to minimize blending and allowing the permittee to determine actions that are cost-effective. He spoke in favor of including dioxin limits in the Tentative Order and suggested staff encourage the development of a national policy to reduce dioxin health risks.

A vote was taken on the motion.

Roll Call:

Aye: Mr. Eliahu; Mr. McGrath; Mr. Peacock; Dr. Young; Mr. Muller

No: None

Motion passed 5 – 0.

In reply to a question from Terry Young, Ms. Tang and Mr. Wolfe requested the phrase “Beginning November 30, 2011” be deleted from the Dioxin-TEQ column on Table 2, Row a of the Tentative Cease and Desist Order. They requested the phrase “Not Applicable” be inserted in the column.

Mr. Wolfe recommended adoption of the Revised Tentative Cease and Desist Order as corrected.

Motion: It was moved by Dr. Young, seconded by Mr. Peacock, and it was voted to adopt the Revised Tentative Cease and Desist Order as corrected and as recommended by the Executive Officer.

Roll Call:

Aye: Mr. Eliahu; Mr. McGrath; Mr. Peacock; Dr. Young; Mr. Muller

No: None

Motion passed 5 – 0.

[At 10:45 a.m., the Board took a break and resumed the meeting at 10:59 a.m.]

Item 12a – Contra Costa County Sanitation District No. 5, Port Costa Wastewater Treatment Plant, Port Costa, Contra Costa County – Reissuance of NPDES Permit

Item 12b – Contra Costa County Sanitation District No. 5, Port Costa Wastewater Treatment Plant, Port Costa, Contra Costa County – Adoption of Cease and Desist Order for Discharge in Violation of NPDES Permit

Adrienne Miller gave one presentation that covered Items 12a and 12b.

Ms. Miller said the Contra Costa County Sanitation District No. 5 owns the Port Costa Wastewater Treatment Plant. She said the Port Costa community has about 250 residents.

Ms. Miller said the permittee has completed plant improvements that were required by a Time Schedule Order issued by the Board in 2005. She anticipated the Time Schedule Order will be rescinded in 2008. She said the permittee plans to transfer ownership of the plant to the Crockett Community Services District after rescission.

Ms. Miller said the Tentative Order includes final mercury effluent limits. She said the Cease and Desist Order requires the permittee to complete tasks to comply with the limits.

Ms. Miller said, in written comments, the permittee and Bay Area Clean Water Agencies requested the Tentative Order not include final mercury limits. She said the commentors said the mercury TMDL is awaiting final approval and the TMDL will be implemented through alternative means. She said the permittee expressed concern that the Cease and Desist Order may require that it spend funds for capital improvements.

Ms. Miller said, in reply, mercury limits in the Tentative Order implement existing water quality objectives. She anticipated the mercury TMDL will be approved in a few weeks. She said it is unlikely the permittee will be required to make capital improvements.

Mr. Peacock asked how much money the District spent to comply with the Time Schedule Order. He reiterated Port Costa has about 250 residents. He asked how many residents live within the jurisdiction of the Crockett Community Services District.

Ms. Miller and Mr. Muller suggested the permittee's representative reply to the questions.

Mr. Wolfe said the Crockett Community Services District will operate the Port Costa plant after transfer of ownership. He said wastewater from the Port Costa community will not be piped to the Crockett plant for treatment.

Mr. Peacock expressed concern that Tentative Orders do not include economic analyses. He requested the Board be given estimates of costs to implement permits and estimates of costs to ratepayers.

Mr. Wolfe said staff has not included cost discussions in past wastewater permits because the permits implement a federal program. He said staff will try to provide the information in future Tentative Orders.

Yuri Won said an economic analysis is not required for an NPDES permits.

Mr. Wolfe said staff should be able to get user fee information from wastewater districts. He said staff is aware of the financial burden of permit requirements.

Mr. Peacock said he understands the Board must enforce federal law. He said the Board should be aware of financial impacts permits have on communities.

Mr. Muller reiterated Mr. Peacock's concern that the Board receive information on economic impacts.

Ms. Won said the Board could consider economic issues. She said a permittee must meet effluent limits irrespective of economics.

John Mercurio, Program Analyst, Contra Costa County Sanitary District No. 5, expressed disappointment that the Cease and Desist Order requires the permittee to take action to meet final mercury limits. He said he understands the Tentative Order and Cease and Desist Order will be superseded soon by the Mercury Watershed Permit.

Mr. Mercurio said plant improvements required by the Time Schedule Order cost just over a million dollars and are being paid for by Port Costa residents. He said after ownership of the plant is transferred, the Port Costa wastewater system and the Crockett system will be financed and operated separately. He said Crockett is a small community, although it is larger than Port Costa.

Mr. Wolfe recommended adoption of the Revised Tentative Order.

Motion: It was moved by Mr. McGrath, seconded by Mr. Peacock, and it was voted to adopt the Revised Tentative Order as recommended by the Executive Officer.

Roll Call:

Aye: Mr. Eliahu; Mr. McGrath; Mr. Peacock; Dr. Young; Mr. Muller

No: None

Motion passed 5 – 0.

Mr. Wolfe recommended adoption of the Revised Cease and Desist Order.

Motion: It was moved by Dr. Young, seconded by Mr. McGrath, to adopt the Revised Cease and Desist Order as recommended by the Executive Officer.

Mr. Peacock asked staff to estimate the cost to the permittee to comply with the Cease and Desist Order.

Mr. Wolfe said the permittee is required initially to identify mercury sources and develop a pollution prevention program. He said staff does not have a specific cost estimate. He said the permittee could use pollution prevention programs implemented by other wastewater treatment facilities as a model.

A vote was taken on the motion.

Roll Call:

Aye: Mr. Eliahu; Mr. McGrath; Mr. Peacock; Dr. Young; Mr. Muller

No: None

Motion passed 5 – 0.

Item 13 – City and County of San Francisco, Southeast Water Pollution Control Plant, North Point Wet Weather Facility, and Bayside Wet Weather Facilities and Wastewater Collection System, City and County of San Francisco – Reissuance of NPDES Permit

Terry Young said, after talking with counsel, she learned she did not have a conflict of interest concerning this Item.

Derek Whitworth said the permittee operates a combined sewer system that collects and treats (1) rainwater and (2) residential, commercial, and industrial wastewater. He said the Tentative Order includes provisions to regulate the combined sewer system in the permittee's east drainage basin.

Mr. Whitworth said during wet weather, the Southeast Water Pollution Control Plant, the North Point Wet Weather Facility, and the Bayside Wet Weather Facilities treat rainwater and wastewater. He said during dry weather, the Southeast Plant treats runoff and wastewater.

Mr. Whitworth said the treatment system removes large amounts of dioxins from wet weather influent. He said the permittee exceeds its dry weather dioxin limit of 1.6 milligrams by about 1 milligram. He said the permittee would like the amount of dioxins removed during wet weather to be used to compensate for the excess released during dry weather.

Mr. Whitworth said staff revised the Tentative Order to allow for the development of a dioxin offset program. He said an offset program would allow the permittee to reduce wet weather dioxin loads further as compensation for an excess over the dry weather limit. He said development of landscape and building features such as vegetated swales, underground cisterns, and green roofs could be included in a mass offset program.

Dr. Young commended staff for allowing for development of an offset program.

Arleen Navarret, Regulatory Manager, Wastewater Enterprise, San Francisco Public Utilities Commission, thanked staff for the effort that was made in preparing the Tentative Order. She said stormwater contains a significant pollutant load. She said the permittee prevents a large amount of dioxins and other pollutants from entering the Bay because stormwater is collected and treated.

Dr. Young thanked Ms. Navarret for explaining how the operation of a combined sewer system benefits the environment. Dr. Young complimented the permittee for its compliance record during the last permit term.

Mr. McGrath commended the permittee for including a Dioxin Mass Balance Report for its Southeast Plant, North Point Facility, and Bayside Facilities with its written comments.

In reply to a question from John Muller, Ms. Navarret said the permittee is looking at ways to address stormwater impacts from high rise developments.

Mr. Wolfe commended the permittee for considering opportunities to use stormwater as a resource, including the possibility of capturing stormwater for later reuse.

Mr. Wolfe recommended adoption of the Revised Tentative Order.

Motion: It was moved by Mr. Peacock, seconded by Mr. McGrath, to adopt the Revised Tentative Order as recommended by the Executive Officer.

Mr. McGrath said Bay Area Clean Water Agencies submitted written comments expressing concern that dioxin congeners detected in fish tissue samples which form the basis for the dioxin 303(d) listing are different than the congeners detected in publicly-owned treatment works. He said he discussed his concern with staff and would like to read into the record an email staff sent him.

Dorothy Dickey suggested the permittee be given an opportunity to reply to the email.

Mr. McGrath read the email: “Though the congeners in Bay fish have a different profile (more variety of congeners) than the profile in wastewater discharges, some congeners are found in both. These are OCDD and OCDF.” Further, he read that both congeners contributed to the basis for the 303(d) listing and the listing included both congeners.

Ms. Navarret said BACWA is preparing a paper that will address dioxin issues and regulatory options.

Mr. McGrath applauded BACWA’s effort to obtain more information about dioxins.

A vote was taken on the motion.

Roll Call:

Aye: Mr. Eliahu; Mr. McGrath; Mr. Peacock; Dr. Young, Mr. Muller

No: None

Motion passed 5 – 0.

Item 14 – City of Burlingame, Wastewater Treatment Plant, Burlingame, San Mateo County – Reissuance of NPDES Permit

Heather Ottaway said the treatment plant receives wastewater from the City of Burlingame, Town of Hillsboro, and other unincorporated areas of San Mateo County. She said the plant has an average dry weather capacity of approximately 5.5 million gallons a day and can treat up to 16 million gallons a day during wet weather. She said effluent is released into the North Bayside System Unit force main. She said the effluent is combined with effluent from other municipal entities and is released about 5,300 feet offshore.

Ms. Ottaway said the City of Burlingame and Bay Area Clean Water Agencies submitted written comments expressing concern with dioxin limits and with the compliance schedule for dioxins. She said, in reply, dioxin limits are included for reasons staff explained in discussion of Items 11a and 11b. She said staff modified the permittee’s dioxin compliance schedule to make tasks consistent with recently adopted permits.

Ms. Ottaway said BACWA commented that the Tentative Order would require the City to implement measures related to blending at a time when the national blending policy is under review. She said, in reply, requirements are consistent with current federal regulations.

Ms. Ottaway said Baykeeper submitted written comments expressing concern that during wet weather, the permittee would be allowed to release effluent in a near shore outfall. She said, in reply, staff modified the Tentative Order to state that effluent may not be released at the near shore location. She said the Tentative Order requires the permittee to build a retention basin and to use an existing aeration basin during wet weather. She said the storage areas will help eliminate the permittee's use of the near shore outfall.

Ms. Ottaway said Baykeeper requested the Tentative Order include mercury effluent limits. She said, in reply, staff added a reopener provision allowing mercury limits to be added to the permit if the mercury TMDL is not approved before the effective date of the proposed permit.

Bill Toci, Plant Manager, City of Burlingame, Wastewater Treatment Plant, congratulated Mr. Muller for being elected Board Chair for 2008 and congratulated Mr. McGrath for being appointed to the Board. He thanked staff for working with the City in preparing the Tentative Order. He expressed concern that the Tentative Order includes final dioxin limits.

Mr. Toci described environmental programs the City is implementing. He said over the last permit term, the City began implementing a sewer lateral replacement program. He said the City plans to replace the entire sewer collection system within 20 years.

Mr. Toci said the City has developed a program to teach high school students about wastewater treatment. He said the City conducts pollution prevention outreach to teach the public about the importance of reducing the amount of fat, oil, and grease that enters the sewer collection system. He said last year the City held a Bayfront Cleanup Day and volunteers collected 4,000 pounds of trash from shoreline and walkway areas.

Amy Chastain, Staff Attorney, San Francisco Baykeeper, welcomed Mr. McGrath to the Board. She thanked staff for replying to Baykeeper's requests for information regarding NPDES permits.

Ms. Chastain expressed concern that the Tentative Order, as well as recently adopted permits, allow permittees to blend effluent. She said current regulations allow for the use of blending in emergency situations only. She expressed concern that the Tentative Order, as well as recently adopted permits, include effluent limits for copper and cyanide that are not as stringent as limits in previous orders.

Mr. Wolfe recommended adoption of the Revised Tentative Order.

Motion: It was moved by Mr. Peacock, seconded by Mr. McGrath, and it was voted to adopt the Revised Tentative Order.

Roll Call:

Aye: Mr. Eliahu; Mr. McGrath; Mr. Peacock; Dr. Young, Mr. Muller

No: None

Motion passed 5 – 0.

Item 15 – Consideration of a Resolution Specifying Actions the Water Boards Will Take to Protect Beneficial Uses of the San Francisco Bay/Sacramento San Joaquin Delta Estuary

Tom Mumley said the Tentative Resolution calls for the State Water Resources Control Board, the Central Valley Regional Water Board, and the San Francisco Bay Regional Water Board to work together to protect the Delta Estuary. He said part of the Delta is within the jurisdiction of this Board.

Dr. Mumley said the decline of pelagic organisms is a very significant Delta issue. He said the population of Delta smelt is declining dramatically. He said other issues affecting Delta waters include: salinity; toxicity; pathogens; nutrients; invasive species; and contaminated fish. He said the amount of water moving through the Delta also is an issue.

Dr. Mumley said the Tentative Resolution calls for the Water Boards to develop a strategic workplan describing ways to implement coordinated activities. He said activities of this Board, such as development of TMDLs for mercury, PCBs, and selenium, will be recognized.

Dr. Muller requested the Board be kept informed of work accomplished by the Delta team from the three Boards.

Dr. Mumley said Wil Bruhns and he will participate on the team from this region.

Amy Chastain, Staff Attorney, San Francisco Baykeeper, requested the Board adopt the Tentative Resolution. She said populations of salmon and Delta smelt are in peril. She said the permitting process will give the Board an opportunity to address cooling practices.

Mr. Wolfe requested the words “and the San Francisco Bay Regional Water Board” be stricken from Finding 31 on Page 7 of the Tentative Resolution. He said the Board was not able to adopt the Resolution in December.

Mr. Wolfe recommended adoption of the Tentative Resolution as corrected.

Motion: It was moved by Dr. Young, seconded by Mr. McGrath, to adopt the Tentative Resolution as recommended by the Executive Office and as corrected.

Dr. Young spoke in favor of the Resolution and said signs of stress in the Delta are a matter of concern to Bay Area residents and to all Californians.

A vote was taken on the motion.

Roll Call:

Aye: Mr. Eliahu; Mr. McGrath; Mr. Peacock; Dr. Young, Mr. Muller

No: None

Motion passed 5 – 0.

Item 16 – Greening the Bay: Financing Wetland Restoration in San Francisco Bay – Information Item on Report by Save the Bay

David Lewis discussed a report Save the Bay issued in August 2007 entitled “Greening the Bay: Financing Wetland Restoration in San Francisco Bay.”

Mr. Lewis discussed the importance wetlands. He said wetlands provide flood control by acting as sponges and soaking up runoff from rainfall. He said wetlands filter pollutants that are in runoff from land surfaces. He said wetlands capture carbon from greenhouse gases and can help counter global warming.

Mr. Lewis said in 1999 environmental agencies prepared a report recommending the Bay ecosystem would be healthier if it included 100,000 acres of wetlands. He said approximately 40,000 acres of wetlands when the report was written.

Mr. Lewis said since 1999, approximately 32,000 acres have been purchased by government agencies and private organizations for the purpose of wetland restoration. He said approximately 4,000 other acres have been restored. He said in order to reach the goal of 100,000 acres, approximately 22,000 more acres need to be purchased and restored.

Mr. Lewis estimated substantial funds will be needed to complete restoration of currently purchased acres. He said there are a number of challenges to securing funding.

Mr. Lewis said in 2006, Save the Bay hired a research firm to poll Bay Area residents to determine interest in restoration. He said residents were asked a series of questions. He said residents were asked if they would be willing to invest in wetland restoration around the Bay, even if it meant a small increase in taxes. He said 75% of those polled replied “yes” and 21% replied “no.”

Mr. Lewis said polling results show Bay Area residents appear willing to invest in wetlands. He said the results show residents place a high value on the beauty of the Bay and currently do not consider the Bay to be clean and healthy.

Mr. Lewis said Save the Bay’s report concludes with three policy recommendations. He said the report recommends establishment of a regional special district that would propose and coordinate funding mechanisms. He said the report recommends government resource bonds provide more funding for Bay wetland restoration. He said the report recommends a Bay Area national wildlife refuge complex receive more funding.

Mr. Lewis said several agencies have endorsed the recommendations in concept. He said Save the Bay would welcome support from the Water Board.

Mr. Wolfe asked if the Board would like staff to prepare a resolution endorsing the recommendations. He said the Board could consider the resolution at a future meeting.

Mr. Eliahu and Mr. McGrath spoke in favor of having staff prepare a resolution.

Mr. Muller said the public would have an opportunity to comment on the resolution if it were brought for the Board's consideration. He spoke in favor of having the Board consider the resolution.

Item 17 – Correspondence

Mr. Wolfe described how Water Board staff has responded to past emergency spills. He described staff's role in a recent spill. Board members and he discussed concerns expressed by a municipal agency.

Item 18 – Closed Session – Litigation

Item 19 – Closed Session – Litigation

At 1:02 p.m. the Board went into closed session, and discussed pending litigation, *South Bayside System Authority v. Regional Water Quality Control Board for the San Francisco Bay Region, et al.* (San Mateo County Superior Court Case No. CIV464652) and *In re Kelly Engineer dba All Star Service, Inc.* (Contra Costa County Superior Court NO2-1600).

The Board concluded the closed session at approximately 2:45 p.m. and the meeting was adjourned.

Item 23 – Adjournment

The Board meeting was adjourned at approximately 2:45 p.m.