

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

April 14, 2010

Note: Copies of orders and resolutions and information on obtaining tapes or transcripts may be obtained from the Executive Assistant, Regional Water Quality Control Board, 1515 Clay Street, Suite 1400, Oakland, California 94612 or by calling (510) 622-2399. Copies of orders, resolutions, and minutes also are posted on the Board's web site (www.waterboards.ca.gov/sanfranciscobay).

Item 1 - Roll Call and Introductions

The meeting was called to order on April 14, 2010 at approximately 9:05 a.m. in the Elihu M. Harris Building, First Floor Auditorium, 1515 Clay Street, Oakland.

Board members present: John Muller, Chair; Terry Young, Vice-Chair; Shalom Eliahu; James McGrath; Robert Schroder; Rameshwar Singh.

Board members absent: Steven Moore and William Peacock.

Item 2 – Public Forum

David Lewis, Executive Director, Save The Bay, distributed handouts to Board members. He recommended that at an appropriate time, the Board and staff discuss regulatory requirements with a municipality and a potential permittee.

Amy Chastain, Executive Director, Bay Area Clean Water Agencies, said BACWA, on behalf of its member agencies, submitted the second annual mercury mass emissions report to the Water Board. She said the Bay Area publicly owned treatment works were well within the mass loading limit prescribed by the Board in the mercury watershed permit.

Item 3 – Minutes of the October 14, 2009 Board Meeting

Mr. Wolfe recommended consideration of the Minutes be continued to the May 2010 Board meeting. He said staff is looking into ways to post recordings of Board meetings online.

Item 4 – Chairman's, Board Members', and Executive Officer's Reports

Mr. Muller said several Board members, staff, and he attended a recent event in the North Bay.

Mr. McGrath and Dr. Young discussed news articles on water related topics.

Bruce H. Wolfe addressed the Board.

Item 5 – Consideration of Uncontested Items

Mr. Muller said a speaker would like to be heard on Item 5B.

Mr. Wolfe recommended the Board consider Item 5B after consideration of the Uncontested Items. He said the Tentative Order for Item 5A includes a map identified as Figure 1. He said Board members received a copy of Figure 1 electronically because it was not included in the Agenda material mailed to them.

Mr. Wolfe recommended adoption of Item 5A and Item 5C.

Motion: It was moved by Dr. Young, seconded by Mr. McGrath, and it was voted unanimously to adopt Item 5A and Item 5C as recommended by the Executive Officer.

Mr. Muller said the Board would consider Item 5B.

Mr. Wolfe recommended deletion of the words “and update annually” from the phrase “REPORT DUE DATE: September 30, 2015 and update annually” under Provision 12 on page 15 of the Revised Tentative Order.

Ian Wren, Staff Scientist, San Francisco Baykeeper, thanked Lindsay Whalin for her work with Baykeeper during the process of revising the tentative order. He commended her efforts at stakeholder engagement.

Mr. McGrath discussed his role and participation on a local commission, and why he believed he did not have a conflict of interest on Item 5B.

Mr. Wolfe recommended adoption of the Revised Tentative Order for Item 5B with the modification described above.

Motion: It was moved by Dr. Singh, seconded by Dr. Young, and it was voted unanimously to adopt the Revised Tentative Order for Item 5B as modified and as recommended by the Executive Officer.

Item 6 – Proposed Amendment to the Water Quality Control Plan (Basin Plan) to Establish Bacteria Objectives for Waters Designated for Contact Recreation in Marine and Estuarine Waters of the San Francisco Bay Region – Hearing to Consider Adoption of Proposed Basin Plan Amendment

Mr. Wolfe made introductory comments.

Richard Looker gave the staff presentation.

Mr. Looker said the proposed Basin Plan amendment would:

1. Add single sample and geometric mean enterococcus water quality objectives to the Basin Plan in order to protect the water contact recreation beneficial use in regional marine and estuarine waters;
2. Add a 30 day geometric mean water quality based enterococcus effluent limitation in NPDES wastewater permits for discharges to marine and estuarine waters;
3. Require inclusion of applicable bacteriological effluent limitations in NPDES permits for discharges that contain sanitary waste;
4. Provide that in some circumstances, the Board may apply either the enterococcus or total coliform effluent limitation for discharges into receiving waters with the water contact recreation beneficial use; and
5. Provide that the Board may apply procedures consistent with the "Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bay, and Estuaries of California" for determining any allowable dilution credits for water quality based bacteriological effluent limitations.

Mr. Looker said staff received six comment letters from stakeholders during the public comment period. In his presentation, he replied to some stakeholder comments. He said the Response to Comments document provides detailed replies to stakeholder comments.

Naomi Feger, on behalf of a stakeholder, read comments staff received from the stakeholder concerning the proposed Basin Plan amendment.

In reply to a question from Mr. Muller, Mr. Wolfe said the comments read by Ms. Feger did not contain new information requiring a reply from staff.

Amy Chastain, Executive Director, Bay Area Clean Water Agencies, said use of enterococcus as a bacteriological indicator will help POTWs tailor a level of disinfection of sanitary waste that accounts for important and multiple considerations. However, she recommended the proposed amendment include all of the tiered single sample maxima available to protect varying levels of water contact recreational use. She made recommendations regarding the proposed amendment and calculation of bacteriological effluent limits. She briefly discussed BACWA's perspective on issues relating to the shellfish harvesting beneficial use.

Mr. McGrath spoke in favor of using the single sample maximum enterococcus water quality objective proposed in the amendment rather than using all of the tiered single sample maxima. He briefly discussed a stakeholder's comment letter. He said recreational users of the Bay use monitoring information to guide their activities.

Dr. Young concurred with Mr. McGrath about using the single sample maximum enterococcus water quality objective proposed in the amendment. Mr. Muller concurred also.

Mr. Wolfe recommended adoption of the Tentative Resolution Amending the Water Quality Control Plan for the San Francisco Bay Region to Establish Bacteria Objectives for Waters Designated for Contact Recreation in Marine and Estuarine Waters of the San Francisco Bay Region.

Mr. Eliahu made a motion to adopt the Tentative Resolution as recommended by the Executive Officer. Dr. Young seconded the motion.

Mr. Muller said stakeholder comments read by Ms. Feger would be accepted into the record.

Roll Call:

Aye: Mr. Eliahu; Mr. McGrath; Mr. Schroder; Dr. Singh; Dr. Young; Mr. Muller

No: None

Absent: Mr. Moore; Mr. Peacock

Motion passed 6 – 0.

Item 7 – Suisun Bay Reserve Fleet – Information Item on Settlement of Litigation

Staff made comments and gave a presentation.

Item 13 - Adjournment

The meeting was adjourned at 10:39 a.m.