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

**November 14, 2012 Board Meeting Minutes**

Adopted September 11, 2013

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.

**Item 1 - Roll Call and Introductions**

Meeting called to order at approximately 9:00 am in the Elihu M. Harris Building, First Floor Auditorium.

<u>Board Members Present</u>	<u>Board Members Absent</u>	<u>Status</u>
Rameshwar Singh	none	QUORUM
James McGrath		
William Kissinger		
Margaret Abe-Koga		
Shalom Eliahu		
Vice-Chair Terry Young		
Chair John Muller		

New Board members Abe-Koga and Kissinger introduced themselves, and Chair Muller welcomed them to the Board. The Board members recognized Board Member Eliahu for his service to the Board and wished him well, as this was his last meeting.

**Item 2 - Public Forum**

Barry Chang, Cupertino City Council Member representing Bay Area for Clean Environment, addressed the Board and encouraged them to file an amicus brief, supporting the Sierra Club in its law suit against Lehigh Southwest Cement Plant.

Gary Latshaw, Sierra Club volunteer, urged the Board to work with the Sierra Club to protect and cleanup Permanente Creek.

Tim Brande, representing Bay Area for Clean Environment, presented the Board with a signed petition containing 777 signatures, urging the Board to take action requiring Lehigh to stop illegal pollution.

Assistant Executive Officer Dyan Whyte gave the Board a brief overview of staff's ongoing investigation into discharges at the Lehigh facility.

Craig Johns, representing Partnership for Sound Science and Environmental Policy, addressed the Board and discussed possible misconceptions about the Board issuing credits to municipalities that implement plastic bag bans.

**Item 3 - Minutes of Board Meetings** – Minutes of the October 12, 2011 Board Meeting

Since there was no quorum at the October 12, 2011 meeting, Executive Officer Bruce Wolfe noted that the minutes provided were a summary and no Board action was necessary.

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

Chair Muller discussed the recent WQCC meeting. Vice-Chair Young reported on the Delta tour she and Board Member Eliahu attended as part of the WQCC. She also discussed a number of recent meetings she attended with stakeholders interested in the trash aspects of the Municipal Regional Stormwater Permit. She also discussed the Regional Monitoring Program's Annual Meeting and the release of the *Pulse of the Delta*. Board Member McGrath reported back on meetings he has been having with stakeholders to discuss potential Water Board strategic planning concepts.

Mr. Wolfe gave an overview of this month's Executive Officer's Report.

**Item 5 - Consideration of Uncontested Items**

**Item 5A – GWF Power Systems, L.P., 895 East Third Street in Pittsburg, and 555 Nichols Road in Bay Point, Contra Costa County** – Rescission of NPDES Permits

**Item 5B – Sausalito-Marin City Sanitary District, Wastewater Treatment Plant and Its Wastewater Collection System, Sausalito, Marin County** – Reissuance of NPDES Permit

**Item 5C – C&H Sugar Company, Inc., and Crockett Community Services District; C&H Sugar Company Refinery, Joint C&H Sugar Company-Crockett Community Services District Philip F. Mead Water Treatment Plant and Its Wastewater Collection System; Crockett, Contra Costa County** – Reissuance of NPDES Permit

**Item 5D – Montezuma Wetlands LLC, Montezuma Wetlands Restoration Project, Solano County** – Issuance of Updated Waste Discharge Requirements and Rescission of WDR Order No. 00-061

**Item 5E – Equilon Enterprises LLC, dba Shell Oil Products US, South San Francisco Terminal, 135 North Access Road, South San Francisco, San Mateo County** – Updated Site Cleanup Requirements

Mr. Wolfe recommended adoption of items 5B, 5C as supplemented, and 5D.

Board Member Eliahu moved for adoption of the recommended items;  
Board Member Singh seconded the motion.

Ayes: Singh, McGrath, Abe-Koga, Kissinger, Eliahu, Vice-Chair Young, Chair Muller

Nos: None

ITEMS ADOPTED

Mr. Wolfe recommended adoption of Item 5A.

Vice-Chair Young moved for adoption of the recommended item;  
Board Member McGrath seconded the motion.

Ayes: Singh, McGrath, Abe-Koga, Eliahu, Vice-Chair Young, Chair Muller

Nos: None

Recuse: Kissinger

ITEM ADOPTED

Mr. Wolfe recommended adoption of Item 5E.

Board Member Eliahu moved for adoption of the recommended item;  
Board Member Singh seconded the motion.

Ayes: Singh, Kissinger, Abe-Koga, Eliahu, Vice-Chair Young, Chair Muller

Nos: None

Abstain: McGrath

ITEM ADOPTED

**Item 5F – Penalty Enforcement Actions and Priorities for This Year – Fiscal Year 2011/2012**  
Summary Report

This item was for discussion purposes only and no action was taken.

**PLANNING**

**Item 6 - Triennial Review of the San Francisco Bay Basin Water Quality Control Plan (Basin Plan) – Adoption of Resolution and Prioritized List of Basin Planning Projects**

Board staff Richard Looker made the staff presentation and gave an overview of the Basin Plan and the Triennial Review Process. He also described the priority projects and ranking criteria and answered Board member questions about the projects.

Mr. Wolfe recommended adoption of the Resolution approving the Triennial Review.

Vice-Chair Young moved for adoption of the Resolution;  
Board Member Singh seconded the motion.

Ayes: Singh, McGrath, Kissinger, Abe-Koga, Eliahu, Vice-Chair Young, Chair Muller

Nos: None

ITEM ADOPTED

**Item 7 - Proposed Amendment to the Water Quality Control Plan (Basin Plan) to Establish a Total Maximum Daily Load (TMDL) for Bacteria in San Pedro Creek and at Pacifica State Beach and New Implementation Provisions for Bacteria Water Quality Objectives – Hearing to Consider Adoption of Proposed Basin Plan Amendment**

Board staff Farhad Ghodrati made the staff presentation and gave an overview of the Basin Plan amendment and TMDL.

George White, Planning Director, City of Pacifica, addressed the Board. He expressed concern that the TMDL may require additional best management practices above and beyond what is required under the Municipal Regional Stormwater Permit.

Jon Konnan, Managing Engineer, San Mateo Countywide Stormwater Pollution Prevention Program, addressed the Board. He expressed concern about the derivation of allocations and called for more transparency.

Board Member McGrath asked about the use of a reference site, monitoring in San Pedro Creek, and possible control actions. Dr. Young expressed support for the reference system approach and noted that the implementation timeline was compatible with the Municipal Regional Stormwater Permit. Board Member Kissinger asked about compliance costs. Board Staff Mr. Ghodrati and Naomi Feger responded to questions. Assistant Executive Officer Dyan Whyte described recent enforcement activity in the watershed and supplemental environmental projects and compliance actions aimed at reducing bacteria discharges.

Mr. Wolfe recommended adoption of the Resolution to establish the TMDL and amend the Basin Plan.

Vice-Chair Young moved for adoption for adoption of the Resolution;  
Board Member McGrath seconded the motion.

Ayes: Singh, McGrath, Eliahu, Kissinger, Abe-Koga, Vice-Chair Young, Chair Muller

Nos: None

ITEM ADOPTED

#### **Item 14 - Adjournment**

Chair Muller closed the meeting in honor of Board Member Eliahu. Meeting adjourned at 12:14 pm until the next Board Meeting – December 12, 2012