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

**June 12, 2013 Board Meeting Minutes**

Adopted July 10, 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 9:04 am in the Elihu M. Harris Building, First Floor Auditorium.

**Board Members Present**

Margaret Abe-Koga  
William Kissinger  
James McGrath  
Vice-Chair Terry Young  
Chair John Muller

**Board Members Absent**

none

**Status**

QUORUM

Board Member Abe-Koga  
left at 11:04 am

Tam M. Doduc, State Water Board Member and liaison to the San Francisco Bay Region, addressed the Board and discussed proposed Legislature bills of interest to the Water Boards. She also noted that, at the next State Board meeting, the Board will be discussing costs of compliance.

Steven Moore, State Water Board Member, briefly addressed the Board.

**Item 2 - Public Forum**

No parties requested to speak.

**Item 3 - Minutes of Board Meetings**

Minutes of the May 8, 2013 Board Meeting  
Minutes of the March 14, 2012 Board Meeting  
Minutes of the February 8, 2012 Board Meeting  
Minutes of the January 18, 2012 Board Meeting

ITEMS APPROVED - the Board voted unanimously to approve all minutes.

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

Chair Muller and Vice-Chair Young discussed a recent meeting with Board staff and Napa

stakeholders interested in the Board's vineyard regulatory program. Vice Chair Young noted that there was recognition of shared goals and that all agreed to continue discussing outstanding issues such as requirements for rural lands and roads and third party programs.

Board Member Abe-Koga noted that she recently toured Palo Alto's wastewater treatment plant. Ms. Abe-Koga reflected on the staffing issues, budget issues, and municipal activities and how these concerns affect water quality in big cities like San Jose.

Executive Officer Bruce Wolfe thanked the San Francisco Public Utilities Commission for hosting an office field trip for Board staff. Mr. Wolfe discussed the State Auditor's review of the 401 certification program and the need to improve tracking and reporting for this program. He also gave an overview of his written report for the month.

Vice-Chair Young commented on the EO Report item regarding trash reduction efforts. She noted the Board's expectation that the standard of performance for trash reduction is the equivalent of implementing full trash capture devices. She also noted that verifying trash reductions needs to be given more attention and expressed disappointment on what has happened to date. Board Member McGrath echoed her concern about the need to have data to measure effectiveness and progress on this high priority issue.

#### **Item 5 - Consideration of Uncontested Items**

Mr. Wolfe recommended that Item 5B be removed from the uncontested calendar and be heard after Item 6. He also recommended approval of Item 5A. The Board agreed to Mr. Wolfe's recommendation and proceeded to review Item 5A.

#### **Item 5A - Radiation Detection Company, Inc., for the property located at 162 North Wolfe Road, Sunnyvale, Santa Clara County – Rescission of Site Cleanup Requirements**

Board Member McGrath moved for adoption of Item 5A; Board Member Abe-Koga seconded the motion.

Ayes: Abe-Koga, Kissinger, McGrath, Young, Muller

Nos: None

ITEM ADOPTED

#### **Item 6 - Guadalupe Rubbish Disposal Co., Inc., Guadalupe Mine, San Jose, Santa Clara County – Adoption of Site Cleanup Requirements**

Board staff Carrie Austin gave the staff presentation and described the supplemental, which included non-substantive changes made for clarification. Board Member Kissinger asked about ownership and the basis for using Water Code section 13304 to issue the order while not doing the same for the watershed's reservoirs. Assistant Executive Officer Dyan Whyte discussed the statewide reservoir mercury pilot project and a State Water Board precedential order regarding a water rights case and concluded that the approach used here was our standard practice.

Todd Maiden, legal counsel representing Guadalupe Rubbish Disposal Company (GRDC), stated that GRDC was objecting to the order. He summarized the comments that GRDC submitted to the Board and discussed the meeting with Board staff last week. He noted that GRDC will appeal but requested the petition be held in abeyance. He also noted that the site conditions depicted in early photos presented by Ms. Austin are not indicative of site conditions today, and that these photos were not previously submitted as part of the

record.

Board Member McGrath noted that mercury loads have long been a concern for the South Bay Salt Pond Restoration Project. He asked for further clarification about what cleanup work needs to be done and what characterization work still needs to be done.

Board Member Kissinger asked Mr. Maiden to describe the unnecessary administrative burdens noted in his comments. Mr. Wolfe summarized the flexibility associated with the order.

Mr. Wolfe recommended adoption of the Revised Tentative Order as supplemented.

Board Member McGrath noted that he does not see anything that is administratively burdensome and that he wants to see progress with erosion control.

Board Member McGrath moved for adoption of Item 6 as supplemented; Vice-Chair Young seconded the motion.

Ayes: Abe-Koga, Kissinger, McGrath, Young, Muller

Nos: None

ITEM ADOPTED

**Item 5B - Pacific Rod and Gun Club and the City and County of San Francisco, San Francisco Public Utilities Commission, San Francisco, San Francisco County – Revision of Site Cleanup Requirements and Rescission of Order No. 94-017**

Board staff Alan Friedman gave the staff presentation. Board Member McGrath asked whether the investigatory borings were taken on land or the lake. Mr. Friedman clarified that they were on land. Mr. Friedman also explained the scope of the proposed risk assessment and described how the scope of the previous investigation in the 1990s was very narrow. Board legal counsel Yuri Won recommended that the last sentence of both tasks 2 and 6 should be modified to read,

The Dischargers shall also submit documentation demonstrating compliance with CEQA in the selection of the remedial action plan so that the Executive Officer may consider the environmental impacts of the remedy prior to approval of the remedial action plan.

James Arnold, legal counsel for the Pacific Rod and Gun Club, addressed the Board. He distributed color copies of the club's previously submitted comments. He discussed its request to have the State Lands Commission (SLC) named to the order and noted that the SLC should have the opportunity to participate in the determination of the remedial remedy. He showed the maps included in Appendix C, discussing the history of site ownership. He noted that the club agrees with all other aspects of the order. Yuri Won explained that the Board has authority to issue the order without naming all dischargers.

Joshua Milstein, legal counsel representing the San Francisco Public Utilities Commission (SFPUC), stated that the SFPUC would like to move forward as soon as possible and supported the order as is.

Jerry Cadigan, a member of the Save Lake Merced Committee, urged the Board to expedite the whole procedure so that the lake be can be cleaned up. He noted that last year San Francisco voters allocated 2 million dollars for a new Boat Club for rowers at Lake Merced and that he wanted to see this project move forward.

Mr. Friedman responded to a question from Chair Muller noting that the lake is a natural body of water.

Board Member McGrath noted researching property titles may be very complicated and the outcome may not matter in the long run. SFPUC's representative verified that the SFPUC is conducting a title search.

Vice Chair Young asked whether the schedule will allow the Board to react to any new information that may come forward regarding ownership. Mr. Wolfe confirmed that it will, and recommended adoption of the Order as supplemented with Ms. Won's wording additions to Task 2 and 6 in addition to a change in the Task 2 Compliance Date from October 1, 2013 to July 1, 2014.

Board Member McGrath moved for adoption of Item 5B with the changes recommended by Mr. Wolfe; Vice-Chair Young seconded the motion.

Ayes: Kissinger, McGrath, Young, Muller

Nos: None

Absent: Abe-Koga

ITEM ADOPTED

#### **OTHER BUSINESS**

Mr. Wolfe noted that items 8 and 10 would be presented at a later date; details listed below:

**Item 8 - Land Disposal Program Update** – Status Report

**Item 10 - Aramburu Island Restoration Project** – Status Report

**Item 7 - Groundwater Awareness** – Status Report on Groundwater Resources in Our Region and the Water Board's Efforts to Protect and Restore Those Resources

Mary Rosa Cassa and Alec Naugle gave the staff presentation to the Board.

**Item 9 - The South Bay Shoreline Study** – Status Report on Planning for Flood Protection in Light of Sea Level Rise in the Bay – Presentation by John Bourgeois of the California Coastal Conservancy and Anne Morkill of the U.S. Fish and Wildlife Service

John Bourgeois gave the presentation to the Board and also provided an update on the progress of the South Bay Salt Pond Restoration Project.

**No Closed Sessions were held.**

#### **Item 15 - Adjournment**

Meeting adjourned at 12:47 pm until the next Board Meeting – July 10, 2013