

San Francisco Bay Regional Water Quality Control Board

December 11, 2013 Board Meeting Minutes

Adopted January 15, 2014

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Item 1 - Roll Call and Introductions

Meeting called to order at approximately 9:05 am in Oakland's Elihu M. Harris Building, First Floor Auditorium.

Board Members Present

William Kissinger
James McGrath
Margret Abe-Koga (9:15 arrival)
Vice-Chair Terry Young
Chair John Muller

Board Members Absent

Newsha Ajami

Status

QUORUM

Tam M. Doduc, State Water Board Member and liaison to the San Francisco Bay Region, addressed the Board. She briefly discussed Bay-Delta planning and policy efforts and groundwater strategic planning concepts.

Board Staff introductions: Jim Ponton introduced Scientific Aide Laura McClellan and Environmental Scientist Anya Starovoytov. Alec Naugle introduced Scientific Aide Daniel Cohen.

Chair Muller presented Executive Officer Bruce Wolfe with a gift in honor of his 10-year anniversary as Executive Officer. Chair Muller also acknowledged retiring Board staff Ray Arebalos for his 24 years of service to the Board, presented him with certificates of recognition, and wished him well in his retirement.

Item 2 - Public Forum

No parties requested to speak.

Item 3 - Minutes of the November 13, 2013 Board Meeting

Board Member McGrath moved for adoption of Item 3; Vice-Chair young seconded the motion.

Abstain: Abe-Koga

Ayes : Kissinger, McGrath, Young, Muller

Nos: None

ITEM ADOPTED

Item 4 – Appointment of Nominating Committee for 2014 Chair and Vice-Chair

Board Members Kissinger and Abe-Koga agreed to serve on an ad-hoc nominating committee for 2014 Chair and Vice-Chair.

Item 5 – Chairman’s, Board Members’, and Executive Officer’s Reports

Chair Muller discussed the recent Chairs’ conference call and noted that a key item discussed was mandatory minimum penalties. Vice-Chair Young reported that she and Board Member McGrath met with staff to discuss trash issues. Board Member McGrath noted that the East Shore Park was renamed after Sylvia McLaughlin. He also noted that he attended the funeral of Charlie Roberts of the Port of Oakland and recognized his accomplishments.

Mr. Wolfe gave an overview of this month’s Executive Officer’s Report. He also discussed the demolition of the eastern span of the Bay Bridge and measures being taken to minimize water quality impacts.

Item 6 – Consideration of Uncontested Items

Item 6A – City of Millbrae and North Bayside System Unit, Water Pollution Control Plant and Wastewater Collection System, Millbrae, San Mateo County – Reissuance of NPDES Permit

Item 6B – Berryman Products, Inc., and AC Label Company, for the property located at 350 North Montgomery Street, San Jose, Santa Clara County – Rescission of Site Cleanup Requirements

Mr. Wolfe recommended adoption of the uncontested items.

Board Member McGrath moved for adoption of items 6A and 6B; Vice-Chair Young seconded the motion.

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

Nos: None

ITEMS ADOPTED

Waste Discharge Requirements

Item 7 – Conditional Waiver of Waste Discharge Requirements for Grazing Operations in the Tomales Bay Watershed – Renewal of Conditional Waiver

Board Staff Laurent Meillier gave the presentation. Board Member Kissinger asked for clarification regarding eligibility of parcels less than 50 acres. Vice-Chair Young inquired about third-party programs. Board staff Jim Ponton confirmed staff’s willingness to work with any interested third parties. Vice-Chair Young asked about photo-monitoring protocols. Staff confirmed their willingness to modify templates as different approaches are developed and verified, discussed priorities for the next phase of implementation, and answered questions on monitoring.

David Lewis, UC Cooperative Extension, discussed the natural beauty, resource value, and agricultural history of Tomales Bay. He stressed that residual dry matter (RDM) should only be used as a management tool as opposed to a regulatory threshold. He described progress made in the watershed and noted a willingness to continue to work to solve problems and improve the

program.

Jerry Corda, a 4th generation dairyman, spoke on behalf of the Marin County Farm Bureau. He stated that the Waiver should be substantially modified because its implementation is onerous. Board Member McGrath asked for specifics on onerous requirements, and Mr. Corda responded that the paperwork can be burdensome.

Gordon Bennett, representing the Sierra Club and Save our Seashore, discussed the limited water quality data and encouraged Water Board “boots on the ground.”

Vice-Chair Young noted support for indicators such as RDM. Board members commented on the Waiver and the evolution of the program.

Vice-Chair Young moved for adoption of Item 7; Board Member McGrath seconded the motion.

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

Nos: None

ITEM ADOPTED

Site Cleanup Requirements

Item 8 – Mayhew Center, LLC, and Dean Dunivan, for the property located at 3301-3341 Vincent Road, Pleasant Hill, Contra Costa County – Adoption of Site Cleanup Requirements

Mr. Wolfe noted that for this item staff has separated functions, and Assistant Executive Officer Dyan Whyte is lead for the Board’s Cleanup Team. Ms. Whyte introduced Cleanup Team staff. Ralph Lambert gave the presentation on behalf of the Cleanup Team. Board members asked clarifying questions regarding soil and groundwater monitoring results.

Mr. Brian Kelly addressed the Board on behalf of Walnut Creek Manor. He described the history of the site, the Federal Court ruling, and expressed concerns regarding delays in cleanup. He noted that electronics manufacturing companies operated at the site. He urged the Board to implement the Federal Order, the 2012 Interim Remedial Action Plan (IRAP), and its associated schedule. Mr. Scott Warner, Walnut Creek Manor’s technical consultant, addressed the Board.

Mr. Dean Dunivan addressed the Board. He noted that Walnut Creek Manor had a diesel generator on its property that was cleaned with solvent. He also noted that the IRAP was no longer the best approach. He described problems of rebuilding Walnut Creek Manor’s carport, getting invoices paid, and nearby properties that may have used PCE. Mr. Manisour Setehr, technical consultant to Dean Dunivan, addressed the Board. He commented on the IRAP and the technical aspects of the investigation.

Board Member McGrath asked staff a number of clarifying questions.

Mr. Wolfe summarized the issues discussed and the tasks proposed in the Order.

Board Members asked a number of questions regarding the Federal Order, details of the IRAP, and enforceability of the Order.

Mr. Wolfe recommended adoption of the item.

Vice-Chair Young moved for adoption of Item 8; Board Member McGrath seconded the motion.

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

Nos: None

ITEM ADOPTED

The Board Meeting was adjourned at 1:30. The Board reconvened as a subcommittee of the Board at 2:05.

Other Business

Item 9 – Continuation of the November 2013 Workshop on the Implementation of the Trash Load Reduction Requirements of the Regional Municipal Stormwater Permit - Information Item

Vice-Chair Young began by describing the Board's interest in this item and goals for the workshop. Mr. Wolfe introduced the item, noting that the workshop was continued from November to allow the Board members an opportunity to comment and ask questions about what they had heard in November. Assistant Executive Officer Tom Mumley gave a presentation. Board Member McGrath framed the key questions. Board members discussed the issues raised during last month's workshop.

Vice-Chair Young clarified the Board's expectation that cities work towards decreasing trash inputs from all three pathways (wind, direct discharge, and stormwater) within the same timeframe. Mr. Wolfe discussed additional tools that could be used to regulate the three discharge pathways. Vice-Chair Young clarified that the Board's performance standard is the equivalent of full trash capture. She also discussed the types of programs and actions the Board would recognize as counting towards implementation. Board staff Dr. Mumley and Dale Bowyer confirmed that there was no crediting scheme in place and acknowledged the need for operation and maintenance standards for trash capture devices. Board Member McGrath stated his expectation that cities demonstrate that they are seeking the necessary funds to solve the problem. Board Member Kissinger noted that the Board expects good faith efforts and that the alternative is for the Board to be prescriptive. Vice-Chair Young noted that during the next permit term underperformers may be facing more prescriptive requirements. She also endorsed the framework presented by staff that will be used to determine compliance.

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

Chair Muller left at 3:08 pm. Board Member Abe-Koga left at 3:15 pm. The Board subcommittee adjourned at 4:47 pm.