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GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

San Francisco Bay Regional Water Quality Control Board

**February 11, 2015 Board Meeting
Draft Minutes for Board Consideration**

ADOPTED March 11, 2015

Note: Copies of orders, resolutions, and minutes are posted on the Regional Water Board’s website (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 9:00 a.m. in the Elihu M. Harris Building, First Floor Auditorium.

Board Members Present

Steve Lefkovits
Newsha Ajami (arrived at 9:04)
William Kissinger
Margaret Abe-Koga (arrived at 9:18)
Vice-Chair James McGrath
Chair Terry Young

Board Members Absent

John Muller

Status

QUORUM

State Board Member Tam Doduc updated the Board about efforts to address the drought. She also discussed Proposition 1 funding opportunities.

Toxics Division Chief Stephen Hill introduced Engineering Geologist Mark Bare.

Item 2 - Public Forum

No parties requested to speak.

Item 3 - Minutes of the January 21, 2015 Board Meeting

Executive Officer Bruce Wolfe recommended adoption of the Minutes from the January 21, 2015, Board Meeting.

Vice Chair McGrath moved for adoption of the Minutes; Board Member Ajami seconded the motion.

Ayes: Lefkovits, Ajami, Kissinger, McGrath, Young

Nos: none

ITEM ADOPTED

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

Vice Chair McGrath asked about a Caltrans proposal to remove one of the Bay Bridge piers. He noted

that this item will also be discussed at a San Francisco Bay Conservation and Development Commission meeting. Board Member Ajami discussed a meeting with Assembly Member Gordon that included a discussion about the need to streamline the 401 certification process. Vice Chair McGrath expressed concern about the design of the San Francisquito Creek Flood Control Project and discussed the benefits of engaging agency staff early on in the permitting process. Chair Young suggested a follow up discussion on ways to improve the 401 certification program. Board Member Ajami and Vice Chair McGrath discussed issues associated with permitting public infrastructure projects.

Chair Young reported that she had a phone conversation with Save the Bay staff regarding trash and a discussion with Baykeeper staff regarding its recent lawsuit filed against the City of San Jose and Water Board priorities. She reported that she and Vice Chair McGrath attended the Bay Area Clean Water Agencies' (BACWA) annual meeting. Chair Young summarized the recent Water Board Chairs' call and the discussion regarding the development of an anti-degradation policy.

Mr. Wolfe gave an overview of this month's Executive Officer's Report. He gave an update on the San Francisquito Creek Flood Control Project draft 401 certification, which has been provided to the applicant for review. Mr. Wolfe noted that on February 19 he will be speaking at the Bay Area Flood Protection Agencies Association's annual meeting. He also described the various aspects of the Flood Control 2.0 project. Vice Chair McGrath described flood control and sediment transport issues in Pinole Creek and noted that the Obama administration recently issued an executive order regarding flood control. Mr. Wolfe reported that he sent a notice of violation letter to the Newby Island landfill and has met with its operators. He noted that the landfill is now in compliance with its WDRs. He also noted that the source of the mysterious goo in the Bay has still not been determined. He highlighted the item on cleanup at Treasure Island in the EO Report this month.

Consideration of Uncontested Items

Item 5A – City of Palo Alto, Palo Alto Regional Water Quality Control Plant, Palo Alto, Santa Clara County – Adoption of Cease and Desist Order

Item 5B –531-535 Oak, LLC, and Goss-Jewett Company of Northern California, for the property located at 416 Browning Way, South San Francisco, San Mateo County – Adoption of Site Cleanup Requirements

Mr. Wolfe recommended adoption of items 5A and 5B.

Board Member Kissinger noted that for Item 5B he was surprised about how long it took to issue an order given that there is a well nearby. Division Chief Stephen Hill responded that we typically use Water Code section 13267 directives, as opposed to Site Cleanup Requirements, early on to move cases forward. Assistant Executive Officer Dyan Whyte noted that we hope to see more resources in the future to address these types of cases and will be reviewing our priorities as part of the work we plan to do as part of implementing Senate Bill 445. She noted that we currently have cost recovery funds available that would cover the work of three additional staff.

Vice Chair McGrath moved for adoption of items 5A and 5B; Board Member Kissinger seconded the motion.

Ayes: Lefkovits, Kissinger, Ajami, Abe-Koga, McGrath, Young

Nos: none

ITEMS ADOPTED

Other Business

Item 6 – Nutrient Reduction Evaluation by Wastewater Treatment Optimization or Upgrade of Municipal Wastewater Treatment Plants – Status Report

Staff Engineer Robert Schlipf gave the presentation to the Board. He discussed the nutrient watershed permit and the municipal dischargers' proposed plan to evaluate ways to reduce nutrient loads.

Board Member Kissinger asked about the final outcome of the report and how it will apply to each wastewater treatment facility. Assistant Executive Officer Thomas Mumley responded that options for the next permit may include facility-specific upgrades and/or aggregate load limits that could be allocated amongst the dischargers. Mr. Wolfe noted that the permit is a component of the overall nutrient management strategy. Board Member Ajami asked about whether contaminants of emerging concern (CECs) are being considered in this effort. Mr. Wolfe responded that this effort should have multi-benefits, including information on the removal of CECs. Board Member Abe-Koga asked about fiscal implications of this effort. Vice Chair McGrath acknowledged the high quality of this innovative project and added that he was very impressed with the caliber of work presented at the BACWA annual meeting.

David Williams, Executive Director of BACWA, described the history of the project and noted his appreciation of Board staff's effort in developing the scope. He stated that the project is on an accelerated schedule. He described six pilot studies to treat side streams. He concluded by stating that the municipal wastewater dischargers are organized and are aggressively working to comply with the permit. In adopting innovative approaches he suggested that the Board be open to risk sharing approaches to nutrient reduction. Board Member Ajami asked for examples on how this could work.

Mike Connor, general manager of the East Bay Dischargers Authority, discussed funding strategies and the need to be innovative. Mr. Wolfe summarized permit compliance and noted that he will keep the Board informed as we move forward with this effort. Chair Young reminded the Board that there was a concern expressed early on about a lack of public involvement pertaining to developing the scope of this effort. She noted that Baykeeper expressed that they are happy with the plan and their level of engagement. She asked staff to consider when it would be appropriate to have another update and noted that the discussion before the Board was productive. Vice Chair McGrath expressed his support for risk sharing if it results in an overall reduction in loads.

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

Item 7 –Local Agency Efforts to Address Illicit Dumping and the Water Quality Impacts of Homeless Encampments – Status Report

Watershed Management Division Chief Keith Lichen introduced the item and the speakers. Mike Carlson with the Contra Costa County Flood Control and Water Conservation District gave an overview of his agency's efforts to better understand the problem and develop a path moving forward. Board

Member Ajami asked about staff participation on the county task force. Leslie Estes, City of Oakland, described Oakland's efforts to develop and implement strategies to address homeless encampments and illicit dumping. Board Member Kissinger asked about evictions and illegal dumping. Board Member Ajami asked whether the numbers of homeless are growing. Napp Fakuda, City of San Jose, gave an overview of San Jose's efforts. He emphasized the need to be more timely and consistent with cleanups and the importance of collaborative agency efforts. Ray Bramson, Homeless coordinator for the City of San Jose, described the homeless population, social services, and interagency partnerships. He described the park rangers' role in preventing re-encampment. Vice Chair McGrath asked about the costs of liability. Mr. Bramson noted that this is something the City is further analyzing. Chris Elias, Deputy Operating Officer for Santa Clara Valley Water District, gave an overview of the District's efforts to address water quality problems associated with homeless encampments and potential solutions. He reported that the Santa Clara County Board of Supervisors has appointed a task force to find immediate solutions over the next 10 months.

Robert Aguirre, a local activist, asked that the homeless have a voice in this discussion. He pointed out that one of the problems with the Destination:Home project is that there is not a short term plan. He stated that the solution could be legal campsites with facilities. Andrew Costa, a local activist, emphasized the need for a personal approach to transitioning people over to housing. Sandy Perry with the Affordable Housing Network in Santa Clara County urged the Board to be more aggressive in advocating for local agencies to provide the revenue to solve the problem. He noted support for short term camping facilities with adequate facilities.

Chair Young thanked all the speakers. Board Member Kissinger noted that he better understood the issues and thanked the speakers. Vice Chair McGrath noted appreciation for the increase in resources addressing the problem. He stated that the Water Board's responsibility is to hold property owners liable and accountable for water quality problems that originate on their property. He noted the benefits of self-policing. Board Member Lefkovitis asked about permitting options for promoting short term use of areas that can be used for living. Board Member Ajami advocated for a more integrated approach for obtaining the necessary funds. Board Member Abe-Koga noted support for the Board's continued involvement to keep the issues moving forward and for the Board to apply appropriate pressure. Chair Young stated that the role of the Board is to assure that water quality is protected in an effective and timely manner and that, for this problem, the effort needs to be locally led. She clarified that ultimately the Board expects results by 2022 as it does with all sources of trash. She requested that staff come back to the Board in April or May with a resolution that would formalize the Board's expectations and communication to the local agencies.

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

Item 8 – Correspondence

Mr. Wolfe highlighted the two commendation letters about Water Board staff included in the agenda package.

Item 12 - Adjournment

Meeting adjourned at 12:45 p.m. until the next Board Meeting – March 11, 2015