

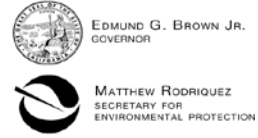
STATE OF CALIFORNIA

**REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION**

MEETING DATE: September 13, 2017

ITEM: **4**

SUBJECT: **MINUTES OF THE JULY 12, 2017 BOARD MEETING**



San Francisco Bay Regional Water Quality Control Board

July 12, 2017 Board Meeting
Minutes for Board Consideration
Adopted September 13, 2017

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 9:08 a.m. in the Elihu M. Harris Building, First Floor Auditorium.

Table with 3 columns: Board Members Present, Board Members Absent, Status. Includes names like Cecilia Ogbu, Steve Lefkovits, William Kissinger, James McGrath, Terry Young, Jayne Battey and Newsha Ajami. Status is QUORUM.

Management Services Division Chief Anna Torres introduced new Executive Assistant Brandy Stone. Groundwater Protection Division Senior Engineering Geologist Keith Roberson introduced new Scientific Aid Nicholas Piucci. Water Resource Control Engineer Elizabeth Wells introduced new Scientific Aid Ali Mathews.

Item 2 – Public Forum

No parties requested to speak.

Item 3 – Minutes of the June 14, 2017 Board Meeting

Executive Officer Bruce Wolfe recommended adoption of the Minutes from the June 14, 2017, Board Meeting.

Board Member Battey moved for adoption of the Minutes; Board Member Kissinger seconded the motion.

Ayes: Ogbu, Lefkovits, Kissinger, McGrath, Young, Battey

Nos: None

ITEM ADOPTED

Item 4 – Chair’s, Board Members’, and Executive Officer’s Reports

Mr. Wolfe gave an overview of this month’s Executive Officer’s Report. He discussed the budget and the new cannabis regulatory program. He also discussed the State Auditor’s recent announcement to review how our region has issued municipal storm water permits. Chair Young commented on the item in the Executive Officer’s Report on pesticides in wastewater.

Uncontested Items

Item 5A - North San Mateo County Sanitation District, Wastewater Treatment Plant and Associated Wastewater Collection System, Daly City, San Mateo County

– Reissuance of NPDES Permit

Item 5B – General Waste Discharge Requirements for Discharges from Dry Dock Operations

– Reissuance of General NPDES Permit

Item 5C – Marin County Flood Control and Water Conservation District, Marin County, Stream Maintenance Program

– Issuance of Waste Discharge Requirements and Water Quality Certification

Item 5D - Eden Shores Associates I, LLC, Eden Shores Commercial Retail Project, Hayward, Alameda County – Issuance of Waste Discharge Requirements

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

Vice Chair McGrath moved for adoption of items 5A, 5B, 5C, and 5D; Board Member Battey seconded the motion.

Vice Chair McGrath had questions about Item 5C. He asked about the projected amount of sediment that could be removed and noted the importance of having sediment remain within hydrologic boundaries of a system and get used for things such as flood control projects.

Chair Young commented on Item 5B and asked whether copper was found every time another constituent of concern was found and if copper was an appropriate indicator. She also asked about other indicators if copper is no longer used. NPDES Division Chief Bill Johnson described the monitoring requirements and the supporting rationale. Board Member Kissinger asked for clarification on Baykeeper’s comments and staff’s response.

Board Member Battey asked about Item 5D and the definition of waters of the State. Board Member Ogbu asked about the requirement to enroll under a stormwater permit in addition to complying with the order.

Ayes: Ogbu, Lefkovits, Kissinger, McGrath, Young, Battey

Nos: None

ITEMS ADOPTED

NPDES Permit

Item 6 – Lehigh Southwest Cement Company and Hanson Permanente Cement, Inc., Permanente Plant, Cupertino, Santa Clara County – Amendment of NPDES Permit

Staff Engineer John Madigan gave the presentation to the Board on both items 6 and 7. He described the Permanente facility, proposed changes to the permit, comments received, and staff's responses.

Board Member Kissinger asked about stormwater and process water treatment. Chair Young asked that the flow study plan be made public before the Board approves it. Board Member Battey asked for confirmation that the goal for the upper reaches in the creek is to mimic what would be natural flows. Katja Irvin, water committee chair of the Sierra Club, Loma Prieta Chapter, noted support for the requirement to study the best location for water to be reintroduced to the creek and reject any proposals to discharge the water to the sewer system. Chair Young and Vice Chair McGrath noted appreciation for the comments submitted by U.S. EPA and the Sierra Club bringing attention to the issue of creek flows. Vice Chair McGrath stated that the requirements strike the right balance in addressing creek flow concerns.

Mr. Wolfe described the supplemental and recommended adoption of Item 6 as supplemented.

Board Member Battey moved for adoption of Item 6; Board Member Ogbu seconded the motion.

Ayes: Ogbu, Lefkovits, Kissinger, McGrath, Young, Battey

Nos: None

ITEM ADOPTED

Enforcement

Item 7 – Lehigh Southwest Cement Company and Hanson Permanente Cement, Inc., Permanente Plant, Cupertino, Santa Clara County – Amendment of Cease and Desist Order

Mr. Wolfe recommended adoption of Item 7.

Board Member Lefkovits moved for adoption of Item 7; Board Member Kissinger seconded the motion.

Ayes: Ogbu, Lefkovits, Kissinger, McGrath, Young, Battey

Nos: None

ITEM ADOPTED

Waste Discharge Requirements (WDRs)

Item 8A – Vineyard Properties in the Napa River and Sonoma Creek Watersheds – Certification of Environmental Impact Report for General WDRs

Item 8B – Vineyard Properties in the Napa River and Sonoma Creek Watersheds – Issuance of General WDRs

Staff Engineering Geologist Mike Napolitano gave the presentation on both items to the Board. He described the proposed permit and its associated environmental impact report and changes made in response to comments. He also introduced a supplemental that was distributed to Board members and the public.

Tim Schmelzer, vice president of the Wine Institute, requested that adoption be postponed to after the harvest season. He asked the Board to consider an alternative monitoring program. John Nagle, environmental manager of E&J Gallo Winery, discussed the existing and potential use of satellite imagery for monitoring. Jim Lincoln, representing Napa County Farm Bureau, identified areas where he noted inconsistencies. Molly Moran, industry and community relations manager for Napa Valley Grape Growers, expressed concern about the limitations of vineyards to move to Tier 1. Michelle Novi, Napa Valley Vintners, highlighted the ambiguous definition of hillslope vineyards. Michelle Benvenuto, executive director for Wine Growers of Napa County, urged the Board to have sunset language if the TMDL is met. Lisa Francioni, program director for California Sustainable Wine Growing Alliance, commented on Attachment C, page 7, and asked about approval of additional third party programs. Kari Fisher, counsel for the California Farm Bureau Federation, asked for clarification on sunset provisions and Attachment E. She also requested flexibility in protecting proprietary information for Tier 3 vineyards. Tito Sasaki, board director for the Sonoma County Farm Bureau, requested more time for the permit language to be improved. Greg Clark, Napa County Agricultural Commissioner, commented on changes on page 4, Finding 13, related to pesticide use and the registration process and further noted the language is misleading. Adam Kotin, environmental regulatory affairs manager for the Wine Institute, identified inconsistencies in terms relating to performance standards and expressed confusion about some of the terms and conditions.

Joe Dillon, National Marine Fisheries Service water quality specialist, described his experience with third party programs and noted support for the permit. Robert Mueller, vineyard owner, expressed concerns about costs and implications for small vineyards. Ladd Cahoon, attorney at Edgcomb Law Group, stated concerns for smaller owners and noted that the permit lacks adequate foundation and is confusing. He requested that the Board refrain from acting today. Chris Malan, representing Living Rivers Council, noted that Board staff have been very much involved with the public and industry over many years. She emphasized the need to get started on implementing the permit. Gary Margadant, president of the Mt. Veeder Stewardship Council, noted the need to continue to support the fishery. Gordon Evans, director of the Watershed Alliance of Atlas Peak, thanked staff and provided comments related to water quality impacts.

Chair Young asked staff to respond to comments. Assistant Executive Officer Dyan Whyte explained the flexibility in modifying the monitoring and reporting requirements and staff's commitment to work with stakeholders on this. Mike Napolitano suggested some minor clarifying language changes in response to oral testimony. He also discussed costs and the types of work a vineyard owner or a third party would be expected to do. Legal Counsel Tamarin Austin addressed a number of legal issues raised by the commenters. She noted that all changes proposed are a logical outgrowth of comments received.

Board members asked numerous clarifying questions. Board Member Kissinger asked about the timeframe and process for approving third parties. Chair Young discussed the history and evolution of the monitoring requirements. She noted that there is plenty of time to further refine the monitoring program, possibly as part of a Board workshop. Vice Chair McGrath commented that the monitoring program is clear and that he did not find it confusing. Board Member Ogbu asked about Sonoma County vineyards and whether they are behind schedule. Board Member Battey asked for a response in regard to the request for a sunset clause. Board members asked to be periodically updated on implementation progress. Chair Young stated that she'd like staff to continue to explore the use of technologies such as remote sensing as part of refining the monitoring program. She also encouraged staff to develop a FAQ document to address any remaining questions. She noted appreciation of staff, growers, and the environmental community. Vice Chair McGrath noted that staff did a good job of balancing concerns regarding pesticide use and putting the use into context.

Mr. Wolfe recommended adoption of Item 8A.

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

Ayes: Ogbu, Lefkovits, McGrath, Young, Battey

Absent: Kissinger (Board Member Kissinger stepped out briefly to take a call)

Nos: None

ITEM ADOPTED

Mr. Wolfe recommended adoption of Item 8B as supplemented, including verbally proposed changes to page A-3, footnote 6, and the glossary at page G-2, and changes to the hillslope vineyard definition on page G-2 to be identical with footnote 9 on page A-3.

Vice Chair McGrath moved for adoption of Item 8B as recommended; Board Member Ogbu seconded the motion.

Ayes: Ogbu, Lefkovits, McGrath, Young, Battey

Absent: Kissinger (Board Member Kissinger stepped out briefly to take a call)

Nos: None

ITEM ADOPTED

Item 9 – Correspondence

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

Item 11 – Closed Session – Litigation

The Board met in closed session to discuss litigation and personnel related matters.
[Authority: Government Code section 11126(a)]

CLOSED SESSION at 12:03 p.m.; RECONVENED at 1:12 p.m.

Item 13 - Adjournment

Meeting adjourned at 2:11 p.m. until the next Board Meeting – August 9, 2017, which Chair Young noted is tentative and may be postponed to September 13, 2017.