

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

March 13, 2013 Board Meeting Minutes

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Item 1 - Roll Call and Introductions

The meeting was called to order on March 13, 2013, at approximately 9:03 a.m. in the Elihu M. Harris Building, First Floor Auditorium, 1515 Clay Street, Oakland.

Board members present: Margaret Abe-Koga, James McGrath, Vice-Chair Terry Young, and Chair John Muller.

Board members absent: William Kissinger.

Tam M. Doduc, Member, State Water Resources Control Board, and liaison to the San Francisco Bay Region, addressed the Board.

Item 2 – Public Forum

Kevin Buchan, representing the Western States Petroleum Association, presented information on efforts underway to gather technical information to support development of a selenium Total Maximum Daily Load for North San Francisco Bay.

Item 3 – Minutes of the February 13, 2013 Board Meeting

The Board voted unanimously to adopt the Minutes.

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

Board Member Abe-Koga noted that a contamination site with PCE vapors located in Mountain View was recently in the news. Executive Officer Bruce Wolfe replied that staff would discuss these types of sites and cleanup issues as part of the presentation for Item 6. Board Member McGrath noted that he attended a Bay Area Watershed Network meeting last month. Mr. Wolfe gave an overview of this month's Executive Officer Report. Board Counsel Yuri Won discussed the withdrawal of the Tentative Waiver of Waste Discharge Requirements for Vineyards in Napa and Sonoma. She noted that there are no longer ex parte communication restrictions on this item. She also clarified that any site visits that include more than two Board Members would still need to be publicly noticed and open to the general public.

Item 5 – Consideration of Uncontested Items

Two speaker cards were submitted for Item 5A. Item 5A was removed from the uncontested calendar.

5B. Fairfield-Suisun Sewer District, Fairfield-Suisun Wastewater Treatment Plant, Fairfield, Solano County – Amendment of NPDES Permit and Rescission of Cease and Desist Order

5C. Phillips 66 Company, Rodeo Carbon Plant, Rodeo, Contra Costa County – Amendment of Waste Discharge Requirements Order No. R2-2008-0012

Vice-Chair Young moved; Board Member McGrath seconded the motion to approve the uncontested calendar.

Ayes: Abe-Koga, McGrath, Young, Muller

Item 5A - City of San Mateo and City of Foster City Estero Municipal Improvement District, City of San Mateo Wastewater Treatment Plant and its Wastewater Collection System, San Mateo County – Reissuance of NPDES Permit and Rescission of Cease and Desist Order

Board Chair Muller and Member Abe-Koga noted that San Mateo City Mayor David Lim contacted them separately regarding this Item. Both Board Members stated that they kept their communication brief and that it would not bias them in their decision making on this matter. No comments from public were made after this disclosure.

Board staff Dylan Garner gave an overview of the proposed permit, comments received, and staff response.

Paul Stewart, Director of Government Affairs for the San Mateo County Association of Realtors, stated that he did not receive adequate notice of this item. He presented an argument that homeowners should not be burdened with sewer lateral replacements at the time of sale as it is not equitable and all other homeowners should abide. He noted that Task 9 in the Order should be dropped.

Jason Flanders, representing the San Francisco Baykeeper, stated that he supports point of sale sewer lateral assessments as the minimum the program should cover and that the program should be broader. He also stated that the permit condition as written should be the floor of the proposal.

Vice-Chair Young noted that staff had done a nice job in preparing the fact sheet for this item. Vice-Chair Young stated that data exists that inflow and infiltration is a problem and laterals are contributing.

Member Abe-Koga expressed some concern that too many point of sale restrictions can raise the cost of homes and asked whether there is a more equitable solution.

Member McGrath stated that cost of lateral replacement is reasonable and typically less than 1% of the cost of home sales and there is a clear nexus to water quality. He also noted that in accepting

federal funds many years ago to upgrade treatment plants, municipalities agreed to control inflow and infiltration.

Member Abe-Koga suggested that the permit language should be broader.

Member McGrath asked staff if the city identified more cost effective ways to eliminate inflow and infiltration would the Board have the ability to accept that as an alternative. He also expressed concern about allowing inflow and infiltration to continue while continuing to invest in expanding treatment capacity.

The Board took a five minute break to allow staff to draft alternative language to address Board Members' comments.

Mr. Wolfe recommended the following language replace existing text in Table 9, Task 11:

"The Discharger shall develop proposed regulations to require inspection and, as necessary, replacement or repair, of private sewer laterals for homeowners upon change of property ownership and/or other appropriate triggers." Mr. Wolfe also recommended that, in Table 9, Task 12 d. vii. and vii., the phrase "in 2012" be removed to allow for annual reporting on the number of private sewer laterals inspected, replaced, or repaired.

Vice-Chair Young moved as recommended, Member Abe-Koga seconded.

Ayes: Abe-Koga, McGrath, Young, Muller

Item 6 – Site Cleanup Programs - Status Report

Board Staff Mary Rose Cassa gave an overview of the Board's cleanup programs.

Member McGrath encouraged staff to explore alternative ways to prioritize sites and secure funding. Chair Muller asked about outreach programs to the dry cleaner operators. Ms. Cassa replied that she was not aware of any such programs.

Mr. Wolfe described the federal Superfund Program as it pertains to groundwater cleanups in our Region and more specifically, the "MEW Site" in Mountain View where U.S. EPA is the lead agency and is currently addressing issues regarding vapor intrusion.

Item 11 – Adjournment

The meeting was adjourned at approximately 11:50.