



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

**December 10, 2014 Board Meeting  
Draft Minutes for Board Consideration**

ADOPTED January 21, 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 9:04 a.m. in the Elihu M. Harris Building, First Floor Auditorium.

<u>Board Members Present</u>	<u>Board Members Absent</u>	<u>Status</u>
Steve Lefkovits	Newsha Ajami	QUORUM
William Kissinger		
Margaret Abe-Koga (arrived 9:17 )		
John Muller (left at 2:45)		
Vice-Chair James McGrath		
Chair Terry Young		

State Board Member Tam Doduc updated the Board about next week’s State Board meeting that will be held in Southern California. She discussed implementation of SB445 and drought-related activities.

Senior Engineering Geologist Jim Ponton introduced Scientific Aides Jacob Kaplan and Matthew Byrne. Senior Water Resource Control Engineer Bill Hurley introduced Environmental Scientist Susan Glendening

New Board Member Steve Lefkovits discussed his interests and background.

**Item 2 - Public Forum**

No parties requested to speak.

**Item 3 - Minutes of the November 12-13, 2014 Board Meeting**

Executive Officer Bruce Wolfe recommended adoption of Item 3.

Vice Chair McGrath moved for adoption of the Minutes; Board Member Abe-Koga seconded the motion.

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

Nos: none

ITEM ADOPTED

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

Board Member Abe-Koga noted that she has heard positive feedback about the October 31 San Francisquito Creek Flood Control Project meeting. Vice Chair McGrath noted that sediment transport issues are part of the Board's regime and should be considered as part of the San Francisquito Creek project. Board Member Muller acknowledged the Governor's reappointment of Chair Young. He also acknowledged the City of Half Moon Bay's outreach material for preventing sewer overflows. Chair Young reported on two meetings where she discussed trash issues: one with staff, the other with Save the Bay. She also reported that she and Assistant Executive Officer Dyan Whyte hosted a Chinese delegation and presented an overview of the Board's approach to regulating water quality. Board Member Muller agreed to lead a committee to explore election of a Chair and Vice Chair in January.

Mr. Wolfe gave an overview of this month's Executive Officer's Report. He noted that the Army Corps of Engineers has not yet released a public notice for the San Francisquito Creek Flood Control Project. He summarized a recent letter from the resource agencies pertaining to this project. He also discussed the adjacent City of Palo Alto golf course project. He noted that the Corps has not put out a public notice on this project either. He stated that because the projects overlap, we need this information from the Corps in order to issue water quality certification. Board Member Kissinger asked clarifying questions. The Board members further discussed aspects of the projects and the role of other agencies. Executive Officer Bruce Wolfe discussed issues related to San Jose homeless encampments. Chair Young noted that she'd like to calendar an item on the Board's agenda to discuss options for addressing water quality concerns associated with homeless encampments.

#### **Item 5 – Trash Load Reductions Requirements of the Regional Municipal Stormwater Permit: Compliance Review and Lessons Learned for Permit Reissuance- Workshop on Implementation of Trash Load Reduction Requirements**

Board members Abe-Koga and Muller recused from this item. Legal Counsel Yuri Won noted that the application for permit reissuance has been submitted and, as such, ex parte rules are in effect. Senior Water Resource Control Engineer Dale Bowyer gave the presentation to the Board. He discussed the Municipal Regional Permit's trash load requirements, compliance, and lessons learned. Board Member Kissinger asked clarifying questions. Assistant Executive Officer Tom Mumley explained the differences between the Municipal Regional Permit and permitting for smaller municipalities. Board Member Lefkovits asked about variability in baseline monitoring. Chair Young reviewed the structure of the permit and how the 40% trash reduction requirement came in to effect. She asked about baseline 2012 submittals. She inquired further about compliance. She noted that since the data was not submitted, as required, it is difficult to determine compliance. She highlighted a March 2013 letter mailed to permittees specifying compliance expectations.

Chair Young imposed a three minute limit on speakers. Matthew Fabry, San Mateo County Stormwater Program manager and BASMAA chair, described how permittees have responded to the challenge to reduce trash and their plans for moving forward. Tom Dalziel, Contra Costa County Clean Water Program Manager, discussed the difficulties in developing clear metrics for assessing trash. He requested that staff work with municipalities to clarify how staff will determine compliance. Chair Young and Vice Chair McGrath asked clarifying questions. James Scanlin, Program Manager Alameda Countywide Clean Water Program, discussed four areas he disagreed with the staff report. Allison Chan, representing Save the Bay, presented its evaluation of compliance with the C.10 provisions of the permit. She recommended that staff articulate standards of compliance and steps noncompliant permittees need to take in the near future. Lynna Allen, City of Livermore Source Control Coordinator, described efforts by the City to comply with the permit.

Steven Prée, El Cerrito Clean Water Program Coordinator, described the City's efforts to comply with the permit. Ian Wren, San Francisco Bay Keeper, discussed a shoreline imagery project and his recent observations of trash. Vice Chair McGrath requested that any documentation regarding trash be provided to staff. Laura Hoffmeister, Stormwater Manager for the City of Clayton, discussed lessons learned. She noted that there is more background material than what may have been submitted to the Board. Jolan Longway, City of Pittsburg, discussed measures initiated to reduce trash. Nancy Humphrey, representing the City of Emeryville, described her surprise that the City was out of compliance and described its program. Board Member Kissinger asked for clarification on the reason why programs were deemed out of compliance. Michele Marcuso, representing unincorporated Contra Costa County, described various programs to reduce trash. Craig Johns, Partnership for Sound Science and Environmental Policy, discussed how the characterization of trash can be misleading and highlighted points made in the EOA report. Thomas Ruork, City of Union City, described why he disagreed with use of the category "mitigated noncompliance". He further described the City's efforts to comply with the permit. Elisa Wilfong, City of Hayward, described Hayward's efforts to comply with the permit. She highlighted the need for clear guidance and reporting requirements and disagreed that the City should be considered out of compliance.

Jennifer Jackson, City of San Pablo Environmental Program Analyst, described the City's program and expressed concern about how the City will meet the 100% reduction goal. She had three requests: assistance with finding funding, clarification that trash capture devices are the gold standard, and flexibility. Cece Sellgren, Contra Costa County Flood Control District, described how they are working hard to comply with permit requirements. Rebecca Tuden, representing the City of Oakland, described the need for a holistic comprehensive solution to solve the problem. She also disagreed with Oakland being deemed in mitigated noncompliance. She suggested that the methodologies used for Lake Merritt be adopted. In response to a question by Chair Young, she described the formation and successes of business improvement districts in Oakland. Miriam Gordon, California Director of Clean Water Action, questioned the lack of receiving water monitoring. She encouraged continued focus on source reduction. She also encouraged the Board to address microplastics in the next permit. Dave Staub, City of Santa Clara Deputy Director of Public Works, described the City's efforts to comply with the permit.

and noted surprise that they were not in full compliance. Gary Grimm, legal counsel for the Alameda Countywide Program, expressed concern about a lack of clarity as to how permit compliance will be determined. Leah Goldberg, attorney for the City of San Jose, asked staff to reconsider the City's mitigated noncompliance status. She described the City's efforts to comply with the permit. Kevin Cullen, Fairfield-Suisun Urban Runoff Program, described problems with reporting that they'd like to rectify. Elaine Marshall, City of Sunnyvale Environmental Program Manager, gave a brief presentation illustrating their trash reduction plan. Chris Sommers, EOA, explained the development of the maps used to indicate trash reduction progress.

Assistant Executive Officer Mumley noted staff's willingness to work with municipalities to make sure each municipality has been appropriately evaluated in terms of compliance. He acknowledged the challenges with assessing reductions. Chair Young asked about whether there were efficiencies to be had in better coordinating trash observation efforts. Board Member Kissinger reiterated the need for clear standards and encouraged a more collaborative effort moving forward. Board Member Lefkovits discussed the human behavior component and challenges associated with trash issues. Vice Chair McGrath thanked the speakers for their constructive comments at the hearing. He noted the need for better documentation of the effectiveness of operation and maintenance of trash capture devices. He applauded the local governments for innovation and encouraged further exploration of documenting effectiveness. He noted the need for sustaining programs funded by grants. On the question of noncompliance, he encouraged written communication by staff to permittees listed not in compliance to clarify expectations as to what it will take to be successful.

Chair Young stated that the Board very much appreciates all the efforts implemented to date. She discussed the evolution of the criteria used to evaluate compliance. She noted support of staff's judgment to not count removal of trash from the creek as reducing discharges to the creek. She highlighted the importance of this type of mitigation and noted that it should be recognized in the permit under a separate category. She stated that she does not see any reason to change any of the timelines set forth in the 2009 permit. She noted that she supports consequences of noncompliance, perhaps a formal notice of violation. She supports maximum flexibility for permittees to design their own programs and that mapping appears to provide a solid foundation to work from. She added that the Board may need to specify monitoring frequency and encouraged further efforts to make the monitoring work. Chair Young concluded the item by stating that there may be a need for another workshop before the Board considers revising the permit.

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

#### **Item 6 – Sonoma Valley County Sanitation District, Concurrence with Findings of the Salt and Nutrient Management Plan – Adoption of Resolution**

Environmental Scientist Ben Livsey gave the presentation to the Board. Chair Young asked clarifying questions regarding the brackish area.

Mr. Wolfe recommended adoption of the Resolution as modified in the supplemental. Vice Chair McGrath moved for adoption of the Resolution as supplemented; Board Member Kissinger seconded the motion.

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

Nos: none

ITEM ADOPTED

**Item 7 – Sustainable Groundwater Legislation**

State Board Senior Geologist Eric Ekdahl gave the presentation to the Board.

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

**Item 12 - Adjournment**

Meeting adjourned at 3:50 p.m. until the next Board Meeting – January 21, 2015