Adopted as Submitted – 5/14/08

REGIONAL WATER QUALITY CONTROL BOARD - SAN FRANCISCO BAY
BOARD MEETING MINUTES

February 13, 2008

Note: Copies of orders and resolutions and information on obtaining tapes or transcripts may be obtained from the Executive Assistant, Regional Water Quality Control Board, 1515 Clay Street, Suite 1400, Oakland, California 94612 or by calling (510) 622-2399. Copies of orders, resolutions, and minutes also are posted on the Board's web site (www.waterboards.ca.gov/sanfranciscobay)

Item 1 – Roll Call and Introductions

The meeting was called to order on February 13, 2008 at 8:59 a.m. in the State Office Building Auditorium, First Floor, 1515 Clay Street, Oakland.

Board members present: John Muller, Chair; Terry Young, Vice-Chair; Shalom Eliahu; James McGrath; William Peacock; Rameshwar Singh.

Board members absent: none.

John Muller welcomed new Board member Rameshwar Singh.

Dr. Singh made introductory comments.

Item 2 – Public Forum

Doug Eberhardt, Chief, NPDES Permits Office, U.S. Environmental Protection Agency, Region 9, said on February 12, 2008 U.S. EPA approved new San Francisco Bay mercury water quality objectives, the mercury total maximum daily load and compliance schedules for mercury effluent limits in NPDES permits.

Item 3 – Minutes of the January 30, 2008 Board Meeting

Mr. Muller said the minutes would be considered at the March 12, 2008 Board meeting.

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

Mr. Muller said State and Regional Water Board Chairs met recently to discuss issues regarding the Strategic Plan Update.

Mr. Muller said Dyan Whyte would serve as Acting Executive Officer at today's meeting.

James McGrath said he attended a recent San Francisco Bay Conservation and Development Commission meeting and described an item discussed at the meeting.

Anna Torres, Chief, Management Services Division, introduced new staff: Lupe Dowd and George Rose.

Ms. Whyte described recent Bay spills. She and Board members discussed issues concerning spills, including staff's role. They discussed the need to prevent spills from happening.

Ms. Whyte discussed bird mortalities that occurred recently in the North Bay.

Item 5 – City of Petaluma, Wastewater Treatment Plant, Petaluma, Sonoma County – Hearing to Consider Mandatory Minimum Penalty for Discharge in Violation of Effluent Limitations

Ms. Whyte said the City of Petaluma Wastewater Treatment Plant signed a waiver of the right to a hearing on the proposed MMP. She said no Board action was necessary.

In reply to questions from William Peacock, Ms. Whyte said staff had not prepared a press release regarding the Mandatory Minimum Penalty. She said staff is considering a process to be used for issuing press releases on enforcement actions that she would like to discuss with him at the March Board meeting.

Item 6 – General Waste Discharge Requirements for Discharges of Process Wastewaters from Aggregate Mining, Sand Washing, and Sand Offloading Facilities to Surface Waters – Reissuance of General NPDES Permit

Tong Yin said the proposed general permit would regulate effluent released from several types of processing facilities: aggregate mining; sand washing; and sand offloading. She said groundwater that seeps into mining pits at aggregate mining facilities is pumped through a series of detention ponds and is released. She said at sand washing and sand offloading facilities, water that drains from sand stored in ponds or in other upland locations moves through a series of detention ponds and is released. She said at sand washing facilities, sand is washed to remove salt and the wash water moves through a series of detention ponds and is released.

Ms. Yin said the Revised Tentative Order requires sand washing and sand offloading permittees to complete a special study to characterize total suspended solid levels in effluent.

Ms. Yin said Baykeeper submitted written comments (1) requesting a Reasonable Potential Analysis be conducted for all categories of permittees and (2) objecting, for sand washing permittees, to turbidity limits that are less stringent than current limits and to the elimination of total suspended solids limits. She said Baykeeper stated less stringent turbidity limits and the lack of total suspended solids limits violate anti-backsliding provisions of the Clean Water Act.

In reply, Ms. Yin said staff conducted a Reasonable Potential Analysis and added copper limits for sand washing permittees. She said the Clean Water Act allows backsliding of limits in a new permit if the limits are based on new information. She said the Revised Tentative Order does not include total suspended solids limits for sand washing permittees because
Hanson Aggregates provided staff with new information. She said the permittee submitted a study that concluded the analytical method used to measure total suspended solids produces unreliable results because of salt interference.

Ms. Yin said turbidity limits for sand washing permittees serve as a surrogate for total suspended solids limits. She said levels of the two pollutants often are correlated. She said turbidity limits are based on newly collected data and will hold sand washing permittees to current performance.

Ms. Yin said Alameda County Water District submitted comments expressing concern about salinity levels in aggregate mining effluent released to Alameda Creek.

In reply, Ms. Yin said staff analyzed relevant data and concluded aggregate mining effluent does not adversely impact the Creek. She said aggregate mining effluent contains water that at one time was in the
Livermore-Amador Groundwater Basin.

Ms. Yin said the Alameda County Water District takes water from
Alameda Creek to recharge the Niles Cone Groundwater Basin and uses water from the Basin for drinking water supply. She said effluent limits for aggregate mining permittees are protective of municipal drinking water use.

Ms. Yin said an aggregate mining permittee may receive an exception from complying with Alameda Creek receiving water salinity limits. She said an exception would be allowed if a permittee prepares a study demonstrating that its effluent does not contribute to salt build-up in the Livermore-Amador Groundwater Basin.

James McGrath asked if aggregate mining facilities are located in or adjacent to stream channels.

Dyan Whyte suggested permittees' representatives reply to the question.

Rameshwar Singh asked staff to address concerns about salinity levels in aggregate mining effluent.

Bill Johnson said salinity is a concern in both the Livermore-Amador Groundwater Basin and the Niles Cone Groundwater Basin. He said aggregate mining permittees could be required to treat effluent through reverse osmosis or another technique in order to reduce effluent salinity levels.

In reply to a question from Dr. Singh, Tom Mumley said District representatives and staff met and resolved some outstanding concerns.

Terry Young invited speakers to comment on (1) whether requirements in the Tentative Order would affect restoration of Alameda Creek and (2) whether there would be greater surface water degradation from effluent released by aggregate mining permittees or from natural accretion of groundwater.

Mr. Johnson said requirements in the Tentative Order for aggregate mining permittees are intended to protect both groundwater and surface water. He said effluent from aggregate mining should not impede Creek restoration. He said both the Livermore-Amador Groundwater Basin and the Niles Cone Groundwater Basin are used for water supply and staff has tried to balance salinity concerns in the two Basins.

In reply to a question from Shalom Eliahu, Mr. Johnson said water from aggregate mining operations percolates to groundwater or is released to Alameda Creek or a tributary.

Bill Butler, Vice-President, Hanson Aggregates Northern California, said the permittee's aggregate mining operations are located near or adjacent to Alameda Creek and are not located in the Creek channel. He said he was not aware of adverse impacts from mining operations on Alameda Creek restoration.

Mr. Butler requested the requirement in the Revised Tentative Order that sand washing and sand offloading permittees monitor effluent be deleted. He expressed concern that the settleable matter limit for sand washing and sand offloading permittees is set below the detection limit.

Dr. Barry Keller, Hydrogeophysicist, Consultant to Hanson Aggregates Northern California, said he conducted the testing program that showed the analytical method to measure total suspended solids in sand washing and sand offloading effluent does not produce reliable results and would be willing to answer questions on technical aspects of the program.

Wayne Whitlock, Attorney, Pillsbury Winthrop Shaw Pittman LLC, representing Hanson Aggregates Northern California, said the permittee would like to work on a total suspended solids study once a new test method is developed.

Tom Ferrell, Regional Environmental Manager, Vulcan Materials Company, said the permittee's aggregate mining operation is not located in a stream channel. He said installation of a reverse osmosis system to remove salt from aggregate mining effluent would be cost prohibitive.

Mr. Johnson said the primary pollutant of concern in effluent released from sand washing and sand offloading facilities is sediment. He said staff would like permittees to use an analytical method and develop a way to measure total suspended solids. He said information obtained will help staff establish total suspended solids limits in the next permit cycle.

Ms. Whyte said to measure total suspended solids, a person filters a water column and measures solids remaining on the filter. She said the study conducted on behalf of Hanson Aggregates concluded that salts in effluent may crystallize and remain on the filter. She said the level of material measured as suspended solids would be biased in such a case and would affect a permittee's compliance with limits.

Ms. Whyte said the Revised Tentative Order requires, as an initial step, that sand washing and sand offloading permittees submit a study plan that includes a description of an analytical method and a monitoring frequency that can be used to characterize total suspended solids in effluent.

Mr. McGrath said if a robust study plan were submitted, a permittee might not be required to monitor effluent for the five year permit term. He asked that the record reflect staff concurred nonverbally with his statement.

Mr. McGrath asked about the cost to prepare a total suspended solids study.

Ms. Whyte said the cost to conduct a standard total suspended solids analysis is fairly inexpensive. She said there may be additional costs involved with rinsing salts off of filters. She said a study to characterize total suspended solids levels in effluent is included in the Revised Tentative Order in lieu of including effluent limits for the pollutant.

Mr. Johnson said staff will not enforce a violation of a settleable matter limit that is set below a detection limit.

Mr. Peacock requested permittees' representatives provide testimony on economics of a total suspended solids study.

Dorothy Dickey said the Board may consider economics. However, she said the Board must comply with Clean Water Act requirements.

Mr. Butler requested the permittee not be required to spend resources to monitor effluent and use an analytical method that produces unreliable results.

Ms. Whyte reiterated sand washing and sand offloading permittees initially will be required to submit a study plan.

Ms. Whyte recommended adoption of the Revised Tentative Order.

In reply to a question from Dr. Singh, Dr. Keller said the analytical method used did not produce results that were reliable enough to establish a total suspended solids trend line.

Motion: It was moved by Mr. McGrath, seconded by Dr. Young, to adopt the Revised Tentative Order as recommended by the Acting Executive Officer.

Mr. McGrath spoke in favor of allowing aggregate mining to occur locally. He said a permittee preparing a total suspended solids study has flexibility to determine a monitoring program.

A vote was taken on the motion.

Roll Call:
Aye: Mr. Eliahu; Mr. McGrath; Mr. Peacock; Dr. Singh; Dr. Young; Mr. Muller
No: None
Motion passed 6 – 0.

[At 10:49 a.m., the Board took a break and resumed the meeting at approximately 11:00 a.m.]

Item 7 – Hanson Aggregates Marine Operations, Waterfront Road and Marina Vista Sand Reclamation Facilities, Martinez, Contra Costa County – Rescission of NPDES Permit and WDRs

Ms. Whyte recommended consideration of this item be continued to a future Board meeting.

Motion: It was moved by Mr. Peacock, seconded by Mr. Eliahu, and it was unanimously voted to continue consideration of Item 7 to a future Board meeting as recommended by the Acting Executive Officer.

Item 8 – Proposed Amendment to the Water Quality Control Plan (Basin Plan) to Establish a Total Maximum Daily Load (TMDL) and Implementation Plan for Polychlorinated Biphenyls (PCBs) in San Francisco Bay – Hearing to Consider Adoption of the Proposed Basin Plan Amendment

Board members disclosed conversations they had with interested parties since the September 2007 hearing on the Basin Plan Amendment.

Dr. Young said she and staff discussed proposed amendments to the Staff Report. She said she and Amy Chastain, Staff Attorney, San Francisco Baykeeper, had a telephone conversation and talked about issues that were described in Baykeeper's written comments.

Mr. McGrath said he met with staff and discussed the Staff Report. He said he and Sejal Choksi, Program Director, San Francisco Baykeeper, had a telephone conversation and Ms. Choksi requested Baykeeper representatives have more time to meet with staff. He said he relayed the request to staff.

Mr. Eliahu said he discussed the Basin Plan Amendment with Dr. Mumley.

Ms. Whyte said the Board would consider adoption of the Basin Plan Amendment at today's hearing.

Dr. Mumley thanked the San Francisco Estuary Institute, including Jay Davis and John Oram, for their contributions to the Basin Plan Amendment. He also thanked Fred Hetzel, Jodi Bailey, and Naomi Feger for their work.

Dr. Mumley said a testimony hearing on the Amendment was held in September 2007 and the Amendment was revised in response to comments. He said a Revised Basin Plan Amendment was distributed for comment in December 2007. He said the Revised Amendment was further revised in response to public comments.

Dr. Mumley said PCBs have accumulated in Bay sediments. He said PCBs are taken up by aquatic organisms and move up through the food chain as fish consume organisms.

Dr. Mumley said PCB concentrations in Bay fish present a health concern for humans. He said people who eat the fish have increased risk of cancer.

Dr. Mumley said the Amendment proposes a fish tissue target of 10 parts per billion in order to protect humans. He said two fish species, white croaker and shiner surfperch, are proposed to be used to evaluate attainment of the target.

Dr. Mumley said a food web model was used to translate the fish tissue target to a PCB sediment level. He said a mass budget model was used to calculate a PCB load that would achieve the sediment level.

Dr. Mumley said the Amendment identifies two categories of PCB sources to the Bay: internal sources and external sources. He said load allocations are not made to internal sources.

Dr. Mumley said recent studies conducted by the San Francisco Estuary Institute and the Regional Monitoring Program indicate loadings of PCBs to the Bay are lower than those presented at the September hearing. He said the loads have been revised as follows (kilograms per year):

External Sources	Previous Loads	Revised Loads
Atmospheric Deposition	net loss	net loss
Central Valley	42	11
Wastewater	2.3	2.3
Urban Stormwater	40	
		20
Non-Urban Stormwater	0.1	
Total	84	33

Dr. Mumley described loads and allocations for external sources as proposed in the Basin Plan Amendment (kilograms per year):

External Sources	Loads	Allocations
Atmospheric Deposition	net loss	0
Central Valley	11	5
Wastewater	2.3	2
Stormwater Runoff	20	2
Urban Runoff Treatment	none	1
		10

Dr. Mumley said model results indicate the fish tissue target of 10 parts per billion can be attained in 30 to 40 years with an external load to the Bay of 10 kilograms of PCBs a year.

Dr. Mumley said staff anticipates the PCB allocation to the Central Valley will be attained through natural attenuation.

Dr. Mumley said the aggregate wastewater load is based on a limited data set and reflects average amounts of PCBs released by facilities.

Dr. Mumley said the aggregate wastewater wasteload allocation was divided among facilities based on the average annual amount of wastewater released by a facility compared to the average annual amount of wastewater released by all facilities. He said a facility's individual wasteload allocation does not reflect actual performance.

Dr. Mumley said individual wasteload allocations for wastewater facilities will be implemented through effluent limits in NPDES permits. He said interim PCB effluent limits will be included in permits until performance data can be generated. He said permittees should be able to meet interim limits because (1) uncertainty factors will be applied to individual wasteload allocations and (2) the approved analytical method does not measure low PCB concentration levels. He said the approved analytical method will be used to determine permit compliance.

Dr. Mumley said wastewater permittees will be required to use a low detection analytical method, not yet approved, to quantify PCB levels in effluent. He said data generated will be used to revise interim limits and calculate performance based limits.

Dr. Mumley said the allocation of one kilogram a year to wastewater facilities for treatment of urban stormwater may serve as an incentive for wastewater permittees to explore the feasibility of treating stormwater.

Dr. Mumley said the Basin Plan Amendment calls for a substantial reduction in the stormwater load.

Dr. Mumley said the stormwater allocation will be implemented through NPDES permits issued to urban runoff management agencies. He said the Amendment calls for stormwater measures to be implemented in phases over several permit terms. He said during the first term, pilot studies that focus in areas with elevated PCBs will be implemented. He said during the next permit term, measures shown to be effective on a pilot basis will be implemented in strategic locations.

Dr. Mumley said staff anticipates that after ten years, stormwater permittees will be able to conduct a full scale program. He said within ten years, staff may request the Board amend the Basin Plan Amendment to reflect knowledge gained through phased implementation.

Dr. Mumley said contaminated sites in older industrial areas probably contribute PCBs to stormwater. He said staff would like permittees to identify contaminated sites and to report results to agencies that oversee hazardous material cleanup.

Dr. Mumley estimated Bay Area stormwater permittees collectively spend between $50 and $100 million annually to manage urban runoff. He said it is difficult to estimate the cost to implement stormwater measures called for in the Basin Plan Amendment. He said staff suggests as an upper bound benchmark, the Amendment may require expenditures of $500 million annually to manage stormwater.

Dr. Mumley described internal sources of PCBs to the Bay. He said the Basin Plan Amendment does not require parties to take new action to cleanup in-Bay PCB contaminated sites. He said disposal of dredged sediments in the Bay will follow the Long Term Management Strategy for the Disposal of Dredged Material.

Dr. Mumley said attainment of the fish tissue target will take time. He said staff will work with permittees and with other regulatory agencies to develop strategies to minimize health risks to anglers who catch and consume Bay fish.

Dr. Mumley said the Basin Plan Amendment requires permittees to conduct special studies. He said improvements need to be made to the mass budget model and rates of natural attenuation need to be understood better. He said questions need to be resolved regarding the extent to which cleanup of in-Bay hot spots might help attain the fish tissue target.

Dr. Mumley said the Basin Plan Amendment calls for adaptive implementation. He said immediate action will be taken commensurate with available information, new information will be reviewed as it becomes available, and actions will be modified as necessary based on the new information. He said staff will report annually to the Board at a public meeting on progress being made to implement the Amendment.

Dr. Singh asked whether the stormwater allocation represents a goal or an attainable wasteload.

Dr. Mumley said staff starts with the idea that the allocation will be attained. He said stormwater measures will be implemented in phases and parties should be able to determine whether progress is being made. He said staff may ask the Board to revise the Basin Plan Amendment depending on the results of implementation.

In reply to a suggestion from Mr. McGrath, Dr. Mumley said the word “not” should be included in the last sentence of the Land Use and Planning section on page 108 of the Staff Report. He said the sentence should read “The locations of such control measures are not specifically required by this project, therefore analyzing the impacts would be speculative at this time.”

[The Board took at lunch break at 11:58 a.m. and resumed the meeting at 12:45 p.m.]

Dr. David Sunding, on behalf of the California Chamber of Commerce and General Electric Company, recommended the Staff Report include a more detailed analysis of costs and benefits. He recommended an analytical method staff could use to assess costs and benefits. He said results of an analysis could be used by the Board to evaluate the reasonableness of the Basin Plan Amendment.

Doug Eberhardt, Chief, NPDES Permits Office, U.S. EPA, Region 9, spoke in favor of the Board’s adoption of the Basin Plan Amendment. He said NPDES permits for wastewater facilities must include numeric PCB limits that are consistent with individual wasteload allocations. He said permittees should be able to comply with limits because (1) uncertainty factors can be added to allocations when limits are calculated and (2) low PCB concentration levels cannot be measured using the approved analytical method. He spoke in favor of requiring that permittees generate data on current performance.

Ben Horenstein, Manager, Environmental Services, East Bay Municipal Utility District, thanked Dr. Mumley, Ms. Feger, and Dr. Hetzel for the open process used to develop the Basin Plan Amendment. He requested an allocation to a wastewater facility be based on performance. He requested alternatively, that staff provide information on how PCB limits in an NPDES permit will reflect performance since a facility’s wasteload allocation will not.

Dr. Mumley said staff will add uncertainty factors to allocations when limits in NPDES permits are calculated. He discussed potential use of an uncertainty factor and the possibility that conditions could be placed on implementation requirements.

Mr. Horenstein expressed interest in Dr. Mumley’s comments. He suggested if the Board proceeds with adoption of the Basin Plan Amendment, it would be helpful if the comments were expressed as the intent of the Board.

Paul Singarella, Attorney, Latham & Watkins LLP, on behalf of the California Chamber of Commerce and General Electric Company, expressed appreciation for the time staff spent to respond to his clients' comments and for changes that were made to the Basin Plan Amendment. He said the half life of PCBs used in the Amendment influences regulatory proposals being presented today. He said the numeric target and goal may be more conservative than necessary. He requested that the Board not adopt the Amendment today and that staff prepare an economic analysis.

Amy Chastain, Staff Attorney, San Francisco Baykeeper, requested the Basin Plan Amendment (1) establish interim allocations for stormwater permittees and include more detail about how load reductions will be achieved; (2) require reductions in wastewater loading and include numeric effluent limits in permits to ensure reductions; (3) establish a timetable for clean-up of in-Bay contaminated sites; (4) include a strategy for ensuring on-land cleanup occur within a specified timeframe and at an appropriate level; and (5) commit staff to working with the Central Valley Water Board to confirm there are no active PCB sources in the Central Valley.

Michele Plá, Executive Director, Bay Area Clean Water Agencies, reiterated that proposed allocations to individual wastewater facilities are not based on performance. She requested the Resolution of Adoption or the Basin Plan Amendment state that a limited data set was used to calculate the wastewater allocation and directly implementing individual allocations as effluent limits is not feasible.

Dr. Jennifer Benaman, Vice-President, Quantitative Environmental Analysis, LLC, on behalf of the California Chamber of Commerce and General Electric Company, recommended the complete variety of Bay fish that people consume be used to determine whether the fish tissue target is attained. She said the half life of PCBs used in the Basin Plan Amendment influences regulatory proposals being presented today.

Andria Ventura, Clean Water Action and Clean Water Fund, and on behalf of Environmental Justice Coalition for Water, said the fish tissue target does not sufficiently protect subsistence fishermen. She said subsistence fishermen consume more Bay fish than the Basin Plan Amendment recognizes. She said reducing PCB levels in the Bay will reap health benefits for society and the benefits should be considered when economics of the Amendment are evaluated.

Jon Konnan, representing Bay Area Stormwater Management Agencies Association, commended staff for work on the Basin Plan Amendment. He requested results of a multi-box pollutant fate model and data obtained from Bay sediment cores be incorporated into the Amendment. He concurred with the requirement in the Amendment that staff will present annual progress reports at publicly noticed meetings on implementation of the Amendment.

Mr. Konan said the Amendment requires that stormwater permittees help identify on-land PCB contaminated sites and report the information to agencies that will oversee cleanup. He said stormwater permittees have a preference that in just about every case, state agencies provide cleanup oversight.

Mr. Konan spoke in favor of language in the Amendment requiring stormwater permittees to implement technically feasible, effective and cost efficient control measures to attain allocations. He spoke in favor of language that provides if allocations cannot be attained through such measures, the Board will take action to review and revise allocations.

Mr. Konan reiterated staff's estimate of the cost to implement stormwater management requirements in the Amendment. He said Proposition 218 limits the ability of local government to generate additional revenue for stormwater programs.

In reply to a question from Mr. Muller, Geoff Brosseau, Executive Director, Bay Area Stormwater Management Agencies Association, discussed Proposition 218.

Ellen Johnck, Executive Director, Bay Planning Coalition, congratulated staff for work on the Basin Plan Amendment and spoke in favor its adoption. She said the Amendment recognizes that material dredged from the Bay will be disposed of in accordance with the Long Term Management Strategy for the Disposal of Dredged Material. She requested staff include wording in the Resolution of Adoption to address speakers' concerns that effluent limits in NPDES permits for wastewater facilities reflect current performance.

Dr. Mumley said staff's Response to Comments document provides written replies to all the issues speakers discussed at today's hearing.

Dr. Mumley briefly replied to some issues discussed. He said the Basin Plan Amendment will help attain water quality standards that previously have been adopted to protect the Bay. He said a limited data set was used to establish fish consumption patterns. He said staff will try to obtain information to gain a better understanding on what Bay fish anglers are catching and how much fish they are consuming.

Dr. Mumley said stormwater permittees are required to conduct pilot projects that will help parties understand actions that can be accomplished feasibly. He said staff may be able to propose interim stormwater wasteload allocations after evaluating results of pilot projects. He said staff has committed to track cleanup of contaminated sites that need attention. He said establishing a timetable for cleanup of contaminated sites is beyond staff's current capability.

Dr. Mumley suggested the Board include language in the Resolution of Adoption that states it is the Board's intent: (1) an NPDES permit for a wastewater facility will include PCB numeric limits that are consistent with the assumptions and requirements of individual wasteload allocations; and (2) permit limits will reflect current performance of individual wastewater facilities.

Dr. Mumley said no immediate regulatory action can change the fact that subsistence fishermen are consuming fish with elevated levels of PCBs. He said implementing the TMDL will reduce contamination and will help attain the goal that fish are safe to consume.

Mr. McGrath asked if data show that PCBs in Bay sediments are declining over time.

Dr. Mumley said staff compared data in recent studies with data gathered in the late 1990's and is not able to say with confidence there is a definitive downward trend of PCBs in Bay sediments.

Mr. Eliahu spoke in favor of adopting the Basin Plan Amendment with additional language to state the Board's intent regarding effluent limits for wastewater permittees.

Ms. Dickey requested the Board take a short break to allow staff to discuss language that may be proposed.

[The Board took a break at 2:16 p.m. and resumed the meeting at 2:33 p.m.]

Dr. Mumley recommended the following paragraph be added to the Municipal and Industrial Wastewater Dischargers section on page A-7 of Exhibit A to the Tentative Resolution, (following the paragraph that begins on page A-6 and concludes on page A-7): "It is the Board's intent to implement individual wasteload allocations via numeric water quality based effluent limits for PCBs in NPDES permits. These limits shall represent individual discharger's PCB loads consistent with the underlying assumptions and requirements of the wasteload allocations. In the absence of actual discharge performance data sufficient to calculate such limits the Board will apply appropriate uncertainty factors to the individual wasteload allocations."

He said the paragraph in the Supplemental concerning Municipal and Industrial Wastewater Dischargers would follow the above paragraph. He recommended the word "is" be included in the last sentence of the paragraph in the Supplemental concerning Municipal and Industrial Wastewater Dischargers. He recommended the sentence read: "…and is completed in a timely manner."

In reply to a question from Dr. Young, Dr. Mumley said wastewater permittees will be required to implement best management practices to maintain current performance and to manage controllable sources. He said the permittees also will be required to meet numeric PCB effluent limits.

In reply to a request from Mr. McGrath, Dr. Mumley said the phrase "reduce uptake from sediment" could be added to Objective 4, page 6 of the Staff Report. He said Objective 4 should read: "Reduce loading of PCBs to the Bay from external sources and reduce uptake from sediment."

Ms. Whyte recommended the Board adopt the Tentative Resolution to Amend the Water Quality Control Plan for the San Francisco Bay Region to Establish a Total Maximum Daily Load and Implementation Plan for PCBs in the San Francisco Bay, along with Exhibit A. She recommended Exhibit A be amended as follows: (1) addition of paragraphs designated in Supplemental; (2) addition of the word "is" to the last sentence of the paragraph in the Supplemental concerning Municipal and Industrial Wastewater Dischargers, to read "…and is completed in a timely manner." ; (3) addition of the paragraph that Dr. Mumley read into the record to be included on page A-7 in the Municipal and Industrial Wastewater Dischargers section.

Ms. Whyte recommended the Staff Report be amended to include: (1) changes designated in the Supplemental; (2) addition of the phrase "and reduce uptake from sediments" to Objective 4 on page 6, to read "Reduce loading of PCBs to the Bay from external sources and reduce uptake from sediment."; (3) addition of the word "not" to the last sentence under Land Use and Planning section on page 108, to read "The locations of such control measures are not specifically required by the project, …".

Motion: It was moved by Dr. Young, seconded by Mr. Eliahu, to adopt the Basin Plan Amendment as amended and as recommended by the Acting Executive Officer.

Dr. Young said it is important to move expeditiously to reduce PCBs and spoke in favor of adopting the Basin Plan Amendment. She thanked staff for the written Response to Comments document.

Mr. McGrath thanked staff for work on the Amendment and spoke in favor of adoption.

Mr. Muller thanked commentors for expressing their concerns and spoke in favor of adoption.

A vote was taken on the motion.

Roll Call:
Aye: Mr. Eliahu; Mr. McGrath; Mr. Peacock; Dr. Singh; Dr. Young; Mr. Muller
No: None
Motion passed 6 – 0.

Item 9 – Habitat Protection/Restoration Programs – Status Report

Wil Bruhns said the decline of fish in Bay Area waters presents a problem. He said one reason for the decline is loss of habitat or ecosystems. He described factors that impede habitat, including the filling of wetlands, destruction of riparian vegetation, and occurrence of stream barriers. He described Board activities that protect habitat, including basin planning activities, oversight of cleanup of contaminated sites, and grant programs.

Item 10 – Waste Disposal Control Programs – Status Report

This Item was not heard.

Item 11 – Stormwater Management Programs – Status Report

This Item was not heard.

Item 12 – Site Cleanup Programs – Status Report

This Item was not heard.

Item 17 – Adjournment

The Board meeting was adjourned at approximately 3:20 p.m.