

California Regional Water Quality Control Board

San Francisco Bay Region

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Reported by:
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Basin Plan

Item 9. Proposed Amendment to the Water Quality Control Plan (Basin Plan) to establish a Total Maximum Daily Load and Implementation Plan for Bacteria at San Francisco Bay Beaches -Hearing to Consider Adoption of Proposed Basin Plan Amendment

APPEARANCES

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Steve Lefkovits
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Thomas Mumley, Assistant Executive Officer
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INDEX

	<u>Page</u>
<u>Basin Plan</u>	
Item 9. Proposed Amendment to the Water Quality Control Plan (Basin Plan) to establish a Total Maximum Daily Load and Implementation Plan for Bacteria at San Francisco Bay Beaches -Hearing to Consider Adoption of Proposed Basin Plan Amendment	4
Item 13. Adjourn to Closed Session	88
Certificate of Reporter	89
Certificate of Transcriber	90

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
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9:02 A.M.

Basin Plan

Item 9. Proposed Amendment to the Water Quality Control Plan (Basin Plan) to establish a Total Maximum Daily Load and Implementation Plan for Bacteria at San Francisco Bay Beaches - Hearing to Consider Adoption of Proposed Basin Plan Amendment.

MS. O'HARA: Perhaps I'll dim the lights. Is this on? Thank you.

[side conversations]

MR. KISSINGER: So I'm going to recuse myself from this matter, as I do work for SFPUC, which is involved in this matter. I don't ordinarily recuse myself from matters in which my firm does work for that particular party, so long as I can come to it with an open mind and objectively. But in this particular case, I think, just for the appearance of propriety, I'm going to recuse myself, and I'll step outside.

MR. MCGRATH: I need to make an announcement, which is somewhat similar, but I think quite different. But again, to avoid any appearance of bias, I want to make sure that

1 everybody understands that I serve on non-profit
2 boards, two non-profit boards. One is San
3 Francisco Board of Sailing Association and the
4 other is Bay Access, and they're both involved
5 recreational access to the Bay, including at the
6 sites, involved with this. In cases, where they
7 have taken a position or been involved in
8 lobbying, I have recused myself, even though I
9 have no financial interest. In this case, there
10 is no testimony from them. As with all
11 recreational people, they do have an interest in
12 making sure that the waters of the State are
13 clean enough for their recreational activity. I
14 believe I can deal with this fairly, and not be
15 biased by my representation. I don't think that
16 there's any difference, and I certainly have no
17 financial interest. But I wanted to make sure
18 that anybody that might have a concern has the
19 opportunity to let me know if you're concerned
20 about whether or not I can be fair; this is your
21 opportunity. Otherwise, I would participate and
22 treat those that I represent as all other people
23 that I represent as a Board Member, including
24 dischargers.

25 CHAIR YOUNG: Do we have any comments from

1 the audience? Any concerns?

2 I see none.

3 We're okay to proceed, Tamarin? Thank
4 you.

5 MR. WOLFE: Okay. And of course we
6 accomplished quite a lot before even announcing
7 the item, that this is consideration of
8 establishing a total maximum daily load for
9 bacteria that's causing impairment of Bay
10 beaches. And as part of that, or the focus is
11 the consideration of adoption of a Basin Plan
12 amendment that would establish that TMDL.

13 I'd like Jan O'Hara to give the staff
14 presentation. And now, we can turn off the
15 lights.

16 MS. O'HARA: Now, the lights are down.

17 Good morning, Chair Young and Board
18 members. I am Jan O'Hara, engineer with the
19 Planning and TMDL Division, and I will describe
20 the bacteria TMDL for San Francisco Bay beaches.

21 The purpose of this TMDL is to reduce
22 bacteria to beach waters to protect recreation
23 uses, such as swimming, wading, and wind surfing.
24 We're asking you to consider adopting a
25 resolution to amend the Basin Plan to establish

1 this TMDL.

2 The beaches included in the TMDL are
3 shown and listed here. I'll just go through
4 them. Starting up north in Marin County we have
5 China Camp and McNears Beach.

6 Down in San Francisco, Crissy Field and
7 Aquatic Park.

8 In Candlestick Point area there are three
9 beaches. And go all the way down to the San
10 Mateo Bridge and there are a couple beaches along
11 the marina lagoon there.

12 So these water bodies, the ones I've just
13 mentioned, are on the Clean Water Act Section
14 303(d) list of impaired waters because bacteria
15 levels at each beach exceed our Basin Plan
16 objectives for recreational uses.

17 The Clean Water Act requires a TMDL be
18 prepared when pollutants impairs the beneficial
19 use of a water body. The listed beaches, as I
20 said, have green marks, but you can see a lot of
21 other beaches on that diagram. All the beaches
22 that are monitored by a county health department
23 or a city or another entity are shown on the map.

24 The samples are generally collected
25 weekly and analyzed for fecal coliform, total

1 coliform, and Enterococcus, which are three
2 indicators of fecal bacteria that cause human
3 illness.

4 The data collected from these sampling
5 areas are used to post beaches when bacteria
6 levels are too high and to assess impairment for
7 the 303(d) list. You can see from the map that
8 about half of the beaches on the Bay are included
9 in this TMDL and are on the 303(d) list.

10 With the exception of China Camp and
11 McNears up in Marin County, all the listed
12 beaches are in urban settings and have common
13 urban sources of bacteria.

14 The sources of bacteria that are common
15 to all the beaches are listed here and you can
16 see we have them in two categories, because we
17 recognize that some sources are controllable,
18 while others aren't.

19 There are actions we can take to control
20 the first set of four sources, including sanitary
21 sewer collection systems, which can pollute water
22 through overflows, leaks, and line breaks.

23 Urban runoff, which contains bacteria
24 from a variety of sources such as dumpsters,
25 illegal dumping.

1 And then the waste from pets and
2 controllable wildlife, which can be washed into
3 beach waters. Controllable wildlife would
4 include things like resident wildlife populations
5 that can be displaced, such as goose populations
6 at a beach.

7 Natural sources such as migratory birds
8 are not readily controllable. The TMDL calls for
9 actions to control only controllable sources of
10 bacteria.

11 Now in the next few slides I'll walk you
12 around all of the beaches and give a little brief
13 discussion of what is interesting about each one.

14 We'll start at the north end of San
15 Francisco, at Crissy Field Beach. This is
16 obviously a high use popular beach area. The
17 watershed here includes about half of the
18 Presidio, while the other half drains west into
19 the ocean. You can see that Doyle Drive runs
20 along here up to Golden Gate Bridge. Here's our
21 beach area. The Presidio drains here into Crissy
22 Marsh and then out here to the beach area.

23 The good news here is that the Doyle
24 Drive realignment that is underway and largely
25 done, many phases of it are done, could have a

1 positive impact on the beach. In the realignment
2 process some sewer piping has been replaced, a
3 homeless encampment has been removed, and some
4 storm water treatment has been added.

5 In anticipation of TMDL requirements,
6 Presidio and park staff are beginning to monitor
7 storm water outfalls from the Doyle Drive area
8 and other areas of the watershed to get a better
9 idea of the bacteria sources to the beach, and
10 they're including monitoring of the outlet at
11 Crissy Field that I showed you.

12 So next we go a couple miles east to
13 Aquatic Park Beach, which the hardy members of
14 two swim clubs use for swimming regularly.
15 What's different is that this beach has a very
16 small watershed, so let me walk you through that
17 if the cursor will cooperate. Yes, there it is.

18 Most of this area, it's a small
19 watershed, because most of the urban area drains
20 to San Francisco's combined storm water/waste
21 water collection system, so the red pipes
22 represent collection system pipes that are under
23 the SFPUC's permit.

24 And the yellow area is quite small. This
25 is the actual watershed that drains to the

1 beaches. You can see there's not a lot of urban
2 inputs in terms of storm water to this beach.

3 Okay, we're going to move around the bend
4 to Candlestick Point area and there are three
5 beaches here: Jackrabbit Beach, Windsurfer
6 Circle, and Sunnydale Cove. And again I'm going
7 to point out, because of the combined system San
8 Francisco has, there are small drainage areas to
9 these beaches.

10 Sunnydale Cove gets basically something
11 around here. Jackrabbit has a teeny, tiny,
12 little area of runoff. And then Windsurfer
13 Circle is getting most of the area in yellow and
14 actually some of the road as well into these
15 outfalls. These four triangles are outfalls that
16 go in the Windsurfer Circle area, discharge to
17 that area.

18 So if you've driven up Highway 101, you
19 know what is unique about these beaches, and that
20 is the entire area surrounding them is being
21 redeveloped.

22 When I started this project, this image
23 that I'm showing you here was current. And as
24 you know, this stadium is completely gone at this
25 point.

1 So here I show the rendering of the
2 before with the stadium, and an after which is
3 taken from a YouTube video accredited to the
4 developer Lennar Urban.

5 Plans are for a residential mixed use
6 development, and State Parks is also planning to
7 improve Candlestick Point Recreation Area as
8 well. The expectation is that recreational use
9 in the beach area will increase.

10 So what does this mean for the beaches?

11 We know that numerous studies have all
12 shown that urban runoff contains bacteria. The
13 urban runoff controls, or BMPs, would minimize
14 urban runoff by retaining it - oh, I'm sorry. The
15 ideal urban runoff controls or BMPS, would
16 minimize urban runoff by retaining it, promoting
17 evapotranspiration, or reusing it, and would
18 route the remaining urban runoff away from the
19 beaches.

20 So for Candlestick beaches it appears
21 that there is an opportunity to establish the
22 best possible BMPs to protect recreational uses
23 into the future.

24 Now we're going to continue down south to
25 the San Mateo area and the Marina Lagoon which

1 has two beaches on it. Let me first show you
2 that. Parkside Aquatic Beach up here, and
3 Lakeshore down here.

4 This is a completely different body of
5 water than the others and it's a little harder to
6 depict in a slide. This runs north/south with
7 the Bay inlet/outlet here. This is a photo of
8 the Bay inlet/outlet, next to it. This is about,
9 I think, six miles long and the end flows into
10 Belmont Slough which continues around over on the
11 other side. You might see that Highway 92
12 bisects it and 101 is along here, if you're not
13 familiar with that lagoon. Not everyone is
14 familiar with it.

15 The lagoon is largely within the city of
16 San Mateo but is bordered by Foster City way down
17 at the bottom end, a little bit of Foster City
18 here. I show also some engineered channels that
19 flow to the lagoon in purple, and storm drains
20 are in orange. And you can see the Foster City
21 storm drains largely flow over to the Belmont
22 Slough side but not entirely.

23 So the conditions at these two beaches
24 differ from the others that we've talked about so
25 far, in that there is a large urban watershed of

1 about ten square miles that discharges to the
2 lagoon.

3 Also, the city of San Mateo has
4 experienced a large volume of sewer system
5 overflows, and is under a cease and desist order
6 to repair its sewer collection system.

7 And also, these parks are very attractive
8 to geese, which the city is proactively
9 addressing.

10 Our working on this TMDL led the city to
11 proactively also inspect its storm water outfalls
12 to the lagoon, and they found that sanitary waste
13 from an apartment complex was being discharged
14 through a storm drain because of blockage at that
15 apartment complex, which they have been
16 addressing.

17 So finally, we're going to up to Marin
18 County and see the lovely China Camp and McNears
19 Beaches. They're located within a mile of each
20 other. They're very much alike, and they're very
21 different from all the other beaches so far.

22 China Camp and McNears have small
23 watersheds with minimal connectivity to urban
24 land uses. I'm going to point that out to you
25 here with China Camp, and McNears is very

1 similar.

2 The entire watershed is park area in both
3 of the beaches, and at China Camp there's not
4 even urban uses around it. At McNears there is
5 urban up here but it's not hydraulically
6 connected to the beach. So they both have just
7 park discharges flowing to the beaches.

8 Also, as we began working on the TMDL,
9 the personnel from both of the parks proactively
10 started inspecting their sewer piping because
11 there are restrooms at the parks, and they found
12 no evidence of leaking from the restrooms.

13 But the primary difference between these
14 two beaches and the others is that at China Camp
15 and McNears they are the 303(d) list because they
16 exceed Basin Plan objectives for total coliform
17 only. They do not have Enterococcus exceedences.
18 All of the other beaches have exceedences of the
19 Enterococcus objectives, and I'll talk about this
20 again in my next talking point, which is TMDL
21 targets.

22 The TMDL targets are based on our Basin
23 Plan objectives for bacteria for water contact
24 recreational uses. They're shown here. We have
25 objectives for three indicators of fecal

1 bacteria: fecal coliform, total coliform, and
2 Enterococcus.

3 We added Enterococcus to the Basin Plan
4 in 2010 because EPA studies found it is a better
5 indicator of the potential for illness for marine
6 waters and saltwater beaches. So our targets for
7 this TMDL are based only on Enterococcus
8 objectives.

9 There's a statewide planning effort
10 underway to update the bacteria objectives based
11 on EPA's most recent 2012 recommendations and
12 criteria. And we anticipate this effort will
13 remove total and fecal coliform as objectives for
14 marine waters.

15 Currently, State Board staff projects an
16 end-of-year timeframe for bringing the new
17 objectives to the State Board. Once that
18 happens, we will recommend delisting China Camp
19 and McNears beaches.

20 For the other beaches that still need to
21 achieve the Enterococcus targets, the TMDL calls
22 for implementing parties to take actions to
23 control sources of bacteria, as shown here.

24 So for instance, for sanitary sewer
25 systems, implementing parties will identify and

1 repair leaks and illicit connections.

2 As I've mentioned, San Mateo has looked
3 at illicit connections, or blockage is the same
4 concept. They had a bad connection to the storm
5 drain.

6 We've started to see repairs of leakage
7 at Crissy Field, while with replacement.

8 There is lateral program at San Mateo
9 which is a grant program that helps homeowners
10 replace their laterals.

11 And then for urban runoff, we look for
12 storm water treatment. I mentioned at Crissy
13 we've seen some of that. Cleaning drains,
14 removing homeless camps. Again, we've seen that
15 at Crissy. Educating the public.

16 And then for controllable wildlife, we
17 look for pet bans and leash laws. Again, at
18 Crissy, there is a new program that's developing
19 new dog walking regulations that's underway.

20 We look for education and scoop programs.
21 And the city of San Mateo has begun addressing
22 their goose populations. They've been doing that
23 for over a year, if I have that right. At least
24 a year.

25 So the TMDL's implementation and

1 monitoring plans call for actions to address
2 controllable sources of bacteria to the beaches.
3 They're set up in phases.

4 In the first phase, implementing parties
5 focus their actions in the areas closest to the
6 beaches and monitor beaches to determine whether
7 bacteria are decreasing.

8 In the second phase, implementing parties
9 must take actions across a broader area and begin
10 additional monitoring to better define bacteria
11 sources and where more actions are needed. This
12 supplemental monitoring may begin earlier, and it
13 is beginning already at Crissy Field Beach.

14 Implementing parties, who think that
15 natural sources of bacteria are causing or
16 contributing to impairment, can begin collecting
17 data to support this thesis at any time. And the
18 TMDL also calls for annual reporting of actions
19 taken.

20 And I meant to say previously that while
21 some implementing parties are doing early
22 implementation, these types of actions will be
23 required through existing regulatory programs,
24 including sewer collection system and urban
25 runoff permits.

1 So we got comments on the TMDL from five
2 entities: City of San Mateo, Lennar Urban, San
3 Francisco Bay Keeper, SFPUC, and the State
4 Department of Parks and Recreation. EPA did not
5 submit comments due to their workload, but we
6 have been communicating with them and they
7 support the TMDL.

8 We revised the Basin Plan amendment and
9 staff report in response to some comments, some
10 specific concerns. For example, we clarified
11 wording and implementation plans to more
12 accurately reflect existing programs and permits.

13 A number of commenters submitted similar
14 comments requesting changes that we did not make
15 to the TMDL.

16 For example, several comments stated that
17 the TMDL should be delayed in order to, one,
18 account for natural sources of bacteria; to form
19 a workgroup to develop a natural source
20 identification plan; and to delay for adoption of
21 the statewide bacteria objectives.

22 Our response is that, given the clear
23 evidence that controllable sources are present at
24 each beach, we see no reason to delay adoption of
25 the Basin Plan amendment, nor implementation of

1 the TMDL, which do allow for identification of
2 natural sources of bacteria.

3 We support the concept of a regional
4 workgroup to further our knowledge of bacteria
5 source identification methods, but again would
6 not delay control of human sources to achieve
7 that.

8 And regarding the State's update of the
9 bacteria objectives, we do not expect the State's
10 action to conflict with implementing the TMDLs.
11 However, we will evaluate the State Board's
12 action in light of this TMDL and all the bacteria
13 TMDLs that have been adopted by the Board.

14 Baykeeper commented that specific
15 implementation plans should be established for
16 each beach and that implementation plans should
17 be subject to review or approval.

18 We do not agree that the implementation
19 plans lack the necessary specificity to achieve
20 TMDL targets. Specific actions are required at
21 each beach. These actions will be required in
22 permits that are subject to public review.
23 Nevertheless, we revised the Basin Plan and staff
24 report to clarify that implementation plans are
25 subject to approval.

1 Baykeeper also commented that monitoring
2 is too conceptual and not required of storm water
3 agencies unlike what's required in southern
4 California bacteria TMDLs.

5 Our response is that monitoring is
6 sufficient to demonstrate compliance with the
7 TMDL targets.

8 Also, our beaches have small watersheds,
9 especially in comparison to those in southern
10 California where numerous municipalities
11 contribute urban runoff and where beach usage is
12 much higher.

13 Widespread upland monitoring of the scale
14 undertaken in southern California is not
15 appropriate here. Where more monitoring data are
16 needed in upland areas, it will be collected
17 under supplemental monitoring as Crissy Field
18 Beach had proactively begun.

19 That concludes my presentation. I'm
20 happy to take questions.

21 CHAIRPERSON YOUNG: All right, do we have
22 questions from Board members for the staff?

23 MR. LEFKOVITS: I just have a quick one.

24 I understand that wildlife are hard to
25 track. Is there any way to estimate the general

1 contributions of wildlife? I'm just thinking
2 specifically of that area around the Outfall 43
3 where all the seagulls congregate and feed. Does
4 that kind of concentration of wildlife have a
5 measurable impact that you can know, well, that
6 is having as big an impact as human waste or--

7 MS. O'HARA: Well, that's a great
8 question and the question that most of our
9 stakeholders have, most of the beach entities.

10 There are methods. They're somewhat new.
11 The state-of-the-art is on a trajectory, it's
12 quite interesting right now. And you may know
13 about this. The genetic monitoring, sampling to
14 get the genetic source of the bacteria, so that's
15 the natural source identification methodology
16 that we spoke of in one of the comments.

17 That is possible. It's starting now in
18 southern California. We don't have definitive
19 end products where that's been completely through
20 the pipe and a natural source exclusion number
21 has been developed for a beach, but we are
22 learning how to do that.

23 And there are methodologies available.
24 The State Board and EPA have developed items on
25 portions of that process, maybe not the entire

1 process through to developing a new TMDL, but we
2 have some methods and we would be working on that
3 with our stakeholders as we go through.

4 MR. LEFKOVITS: That's interesting. So
5 something like that where there's a concentration
6 of hundreds or sometimes thousands of birds,
7 there's no way to estimate the impact of them? I
8 mean, it seems like a highly unusual, obviously
9 non-random--

10 MS. O'HARA: Well, there are ways, but
11 what I'm saying I think is the ways are changing.
12 So when I first started working on this there was
13 a method and you had to have a library. You had
14 to have the actual gulls from your area and know
15 what their genetic DNA-RNA was, and then you
16 could compare that to samples you took, and that
17 was really a rigorous process.

18 And in these just three years, that's
19 changed and now there are other methods that are
20 more readily useable, a little cheaper. So there
21 are methods.

22 Maybe I was answering the question that I
23 wanted to hear, so ask again if I don't get it
24 this time. But we do have methods.

25 We do understand that even though there

1 could be a lot of influence from another natural
2 source, as long as there are human sources, we do
3 require that those be addressed as well.

4 MR. LEFKOVITS: Of course.

5 MS. O'HARA: To answer that question,
6 which maybe you didn't ask.

7 MR. LEFKOVITS: I guess my follow-on
8 question would be...

9 MS. O'HARA: Yeah, we did speak with
10 SFPUC because they have a crackerjack lab and a
11 new person there who is very well versed in these
12 methods; she came from EPA, so she is familiar
13 with this, it's called qPCR, that's the new
14 method, or a newer method. And so we have been
15 told they have been getting some samples and have
16 begun working on this type of analysis of what
17 are the natural sources.

18 MR. LEFKOVITS: Thank you.

19 DR. AJAMI: Can I ask a question? So
20 living in San Francisco this is very dear and
21 near to me because there are always these signs
22 of leash with dog and barely anybody pays
23 attention to them. So, I assume the idea is not
24 just even leashing, I'm just making sure that you
25 are not necessarily --

1 MS. O'HARA: The scooping is the
2 important part.

3 DR. AJAMI: Right. Exactly. So are we
4 just basically guiding them that have to do it
5 and they will just implement whatever works
6 within the city or close to all these beaches, or
7 is it more --

8 MS. O'HARA: Yeah, basically there's more
9 pressure to look at that more closely and do that
10 better, more bags, more checking of the
11 compliance rates.

12 DR. AJAMI: And my other question is
13 about the leaks in the sewage system. So do we
14 know what percentage how much leakage there is
15 and do we know how much improvements we have had
16 in the past --

17 MS. O'HARA: Well, we do have numbers
18 from San Mateo and SFPUC here. I don't know that
19 that's what their main work is so they may not be
20 able to answer that question exactly, but maybe
21 it will help to know that in both areas
22 infrastructure is old. That's a common theme
23 here today, I think. So we have old
24 infrastructure with some problems and challenges.
25 I don't know rates of leakage, no.

1 DR. AJAMI: Okay. And then so you have
2 just the smaller watersheds that you said -

3 MS. O'HARA: Urban runoff.

4 DR. AJAMI: The urban runoff. I wonder
5 if there is a way to kind of measure how much
6 leakage there is, considering the fact that
7 there's a lot of storm water pipes and the sewage
8 pipes there. And I assume if there's a very
9 small watershed you're not going to have as much
10 runoff, so it might be easier to see if you have
11 extensive runoff; then maybe it's sort of
12 underground leakage.

13 MS. O'HARA: Well, our hope is that
14 because there's small watersheds there is a lower
15 urban runoff component.

16 DR. AJAMI: Right.

17 MS. O'HARA: Which is a trickier
18 component in some ways because it's so diffuse
19 and so to capture it is trickier.

20 So with the small urban runoff, the small
21 urban watersheds, our hope is that there can be a
22 fix, that we can find a leak. Or at least that's
23 my personal hope and I think some of the
24 stakeholders as well, that we'll find a source
25 that we didn't know was leaking and be able to

1 fix that.

2 DR. AJAMI: Especially because if you
3 don't have a storm, if there is something
4 happening, like if you see a lot of bacteria in
5 the water, I assume -- and I'm no expert, but
6 when you see a lot of bacteria in that small
7 beach and there haven't been any storms, I wonder
8 if that's reflective of leakage?

9 MS. O'HARA: Yeah. Most of our
10 exceedences come during the wet months. I mean,
11 they predominate. The wet months predominate.

12 DR. AJAMI: So we don't monitor them
13 before.

14 MS. FEGGER: Yeah, they monitor in the dry
15 and the wet.

16 MS. O'HARA: Yes, they monitor all year
17 round. These beaches.

18 DR. AJAMI: Okay. Thank you.

19 VICE CHAIR McGRATH: So Jan, I'm curious
20 about Candlestick. It's kind of a conundrum, and
21 it is a pretty heavily used windsurfing beach.

22 MS. O'HARA: I agree.

23 VICE CHAIR McGRATH: And my initial look
24 at this was that the numbers of violations are so
25 much higher than any of the other beaches, maybe

1 we should go faster.

2 You talked about the three different
3 tests that we've used and how we're evolving
4 toward Enterococci, which is all since I was
5 active in this field so bear with me. I'd like
6 you to comment a little bit further on the
7 comment from the PUC, and your response is on
8 Page D-18, but it also summarizes the use of what
9 they call the HF 183 Taqman marker.

10 So what they're saying is that while
11 there is a lot of data that suggests
12 contamination, very little of it has the human --
13 I presume this is a human genetic marker --

14 MS. O'HARA: It is.

15 VICE CHAIR McGRATH: -- that they're
16 looking for here. I don't know that that's
17 dispositive, but it certainly tempers my desire
18 for more aggressive action at Candlestick, at
19 least initially, as does your indication of the
20 small size of the watershed. With redevelopment,
21 you could get pretty good controls of the
22 watershed.

23 So the question remains, if it's not
24 human fecal waste, what in the world is it that's
25 so high and persistent, and how do we get closer

1 to it?

2 I mean, it seems to me entirely
3 reasonable to look around and make sure that
4 there are no leaking overflows or leaking pipes,
5 and with the opportunity to redevelop maybe we
6 could get a really tight pipe system. On the
7 other hand, it's fill, and fill's a health
8 differential that breaks pipes.

9 So can you talk a little bit more about
10 the significance of the PUC comment and what
11 possible sources could account for this?

12 MS. O'HARA: Yeah. I think that these
13 data -- and that's what I was mentioning. We've
14 seen some data from SFPUC and they had an earlier
15 sampling which was two samples.

16 It's a great investigative step, but it's
17 not broad, it's not spatial or temporal to give
18 us an idea of what's happening at the beach, so I
19 think it's a beginning step but it doesn't tell
20 us really if there are human sources still there.
21 It's one way to look for a human source at that
22 point in time that day that they're there, but
23 not over a longer period, more sampling. So it
24 doesn't rule out human sources just at this
25 point.

1 And you had another question there.

2 VICE CHAIR McGRATH: Well, what should we
3 be looking for? The first thing that came to my
4 mind, given the abandonment of the stadium for so
5 long, was a homeless encampment because they'll
6 spring up and definitely you have coliform
7 problems.

8 MS. O'HARA: There have been some there.

9 VICE CHAIR McGRATH: You also have the
10 State park there and there could be broken lines
11 at the State park.

12 MS. O'HARA: Right, they have six
13 restrooms there.

14 VICE CHAIR McGRATH: Yeah. So in terms
15 of the structure of this, those would be
16 investigated.

17 MS. O'HARA: Yes.

18 VICE CHAIR McGRATH: We're certainly
19 going to follow the redevelopment through our own
20 permitting process and make sure that they've got
21 a good system and controlling runoff. And then
22 there will be investigations for the potential
23 for other sources.

24 MS. O'HARA: Yes.

25 VICE CHAIR McGRATH: That doesn't

1 preclude the PUC's being able to follow up on the
2 question of genetic markers to distinguish in
3 their monitoring efforts.

4 MS. O'HARA: It does not in any way. And
5 in the sense that we say you can start this at
6 any time rather than in the second phase, I think
7 that's what we'll be looking at here in these
8 beaches.

9 It sounds like you got into the weeds, so
10 you saw Windsurfer was much higher than
11 Jackrabbit and Sunnydale Cove by far, so there is
12 a source there, there is something causing
13 Enterococcus there and we don't know if some of
14 that, even if it's not human it could be pets and
15 that would still cause illness to humans, so we
16 do need to take that step as well.

17 VICE CHAIR McGRATH: Well, I was looking
18 at the aerial photo and trying to figure out if
19 Windsurfer Cove is the one right next to the
20 State park. I know the --

21 MS. FEGER: Want to show him?

22 MS. O'HARA: Yeah, I'll show you again.

23 VICE CHAIR MCGRATH: I haven't sailed it
24 for 20 years, but I know most of the people that
25 do.

1 MS. FEGER: Yeah. This is Naomi. I think
2 part of it is maybe the location of the outfalls.

3 MS. O'HARA: So all of this parking area
4 and some of the road came to these four points.
5 These green circles are outfalls of storm water,
6 and this one goes directly to the beach, right
7 where the sampling point is.

8 VICE CHAIR McGRATH: Now, where exactly
9 is the State park's parking lot there? They have
10 a parking lot that --

11 MS. O'HARA: I think it's this area right
12 in here, and this is a restroom, another
13 restroom. They have restrooms all over.

14 VICE CHAIR McGRATH: So it is relatively
15 close to the restrooms.

16 MS. O'HARA: Yes, it is.

17 VICE CHAIR McGRATH: All right. That's
18 all.

19 MS. OGBU: The only question I had -- So
20 you were referring earlier to the natural source
21 exclusion project. Is it the one that's in the
22 San Diego region that --

23 MS. O'HARA: Yes.

24 MS. OGBU: -- was referenced in the
25 comments that hopefully will provide some

1 guidance for the implementing parties how to
2 approach determining how much is controllable and
3 how much is not controllable?

4 MS. O'HARA: Yes.

5 MS. OGBU: Okay. Thanks.

6 CHAIRPERSON YOUNG: Okay, I have a few
7 questions.

8 How long have these been listed? How
9 long has the 303(d) list been out there with
10 these sites on it?

11 MS. FEGER: This is Naomi. Not all but
12 many of them were listed in 2006, I believe. All
13 of them may have been -- Okay. So 2006 is when
14 our list went up to U.S. EPA for approval and
15 they did an analysis of all the bacteria data and
16 added a lot of beaches across the state.

17 CHAIRPERSON YOUNG: Okay. So about ten
18 years we've known that this was going on. So I'm
19 assuming that every sewerage agency and every
20 storm water agency affected by this TMDL knows
21 the beaches that have been listed. That's a fair
22 assumption, yes?

23 MS. O'HARA: We've been working together
24 with them.

25 CHAIRPERSON YOUNG: Just establishing

1 short answer questions.

2 VICE CHAIR MCGRATH: Going somewhere.

3 CHAIRPERSON YOUNG: Thank you. Yes, I am
4 going somewhere.

5 And all of the sewer agencies that are
6 affected are already required to have a schedule
7 for inspection and repairs of all of their
8 collection lines; is that correct or is that not
9 correct?

10 MS. O'HARA: That's correct, although we
11 do have some national parks, and there's someone
12 here from the parks who can talk. And Lila's
13 here as well.

14 MS. FEGER: So Lila Tang is here from the
15 NPDES Division, so she oversees that permit.

16 CHAIRPERSON YOUNG: Thank you.

17 MS. TANG: This is Lila Tang with the
18 Water Board, and I took the oath.

19 Yes, in a general sense all the sewer
20 agencies are on some form of requirement to
21 establish plans for inspection of their system
22 and then rehabilitation based on priority
23 systems.

24 I would imagine if it was close to these
25 beaches that the TMDL would make that a higher

1 priority for them if they identified
2 deficiencies.

3 CHAIRPERSON YOUNG: Okay. Thank you.

4 Similarly, the storm water agencies are
5 already required to have plans and be doing
6 things to take care of problems that might lead
7 to this kind of contamination, and rather than
8 review them all, I see that they are described on
9 Pages 71 and 72 of the staff report. What
10 section is that of our packet here? Anyway, the
11 staff report.

12 So the way I see it, the reason that
13 we're here having to adopt a TMDL is because,
14 even though we've had this on the books for ten
15 years and we already have programs that
16 supposedly are solving these problems, the
17 programs we have are not solving these problems.

18 So where I'm going with this is I think
19 our timelines are too long, and in some cases I
20 would say that I think our requirements are not
21 described concisely enough.

22 So, for example -- and the reason I'm
23 telling you what I think now is because we do
24 have people here to respond on behalf of some of
25 the other agencies and I wanted to give them the

1 opportunity to react to these comments.

2 So what we are proposing here is
3 basically for each of the different agencies
4 we're proposing kind of a two-step program, and
5 the two steps together take up a lot of years, up
6 to eight years in terms of, for example, for the
7 sanitary sewer collection systems.

8 I would say that instead of having a step
9 one that could take five years and step two that
10 could take another three years, that I would have
11 been more comfortable, had I opened my notebook
12 and seen a two-year timeframe for step one and a
13 two-year timeframe for step two for each of the
14 sets of agencies and each of their requirements.

15 Now, I do understand that sometimes a
16 repair on a sewer collection system would take
17 longer than two years. I would say that we
18 should have proposed that, for example, the
19 enhanced sewer management plan, we should have
20 the plan back in six months just as we're
21 proposing here, but that we would target
22 completing inspection and repairs by the end of
23 two years.

24 In those cases where it really is not
25 possible to do the repairs within two years, the

1 executive officer could authorize that, but it
2 would have to be an affirmative authorization of
3 that.

4 And you could see where I'm going with
5 this.

6 Under the sanitary sewage collection
7 system step four, then instead of at 5.5 years we
8 would be doing the requirement at 2.5 years and
9 we would similarly complete inspections and
10 repairs at the end of 4 years. And I would
11 propose that all of the other timelines be
12 similar.

13 So that's the timeline issue, in my view.

14 I did also say that I thought we should
15 explain better what we're requiring, and I'll
16 give you some examples.

17 I would say that in the sanitary sewer
18 collection systems in Item 2, we don't really
19 want an enhanced plan that prioritizes because it
20 should have already been prioritized. We should
21 have said, I think, we want an enhanced plan that
22 schedules sewer system inspections and
23 maintenance for these areas.

24 Similarly in Item 4.

25 In Item 5, I think we have said, or we

1 have said here that if private laterals are a
2 likely source we want you to establish and
3 implement a program, and we'd put a time limit of
4 five years.

5 I don't know whether that means they're
6 supposed to start the program and define it in
7 five years and start it at the end of five years,
8 or were they supposed to finish it in the end of
9 five years?

10 And where the program is supposed to
11 exist. Is it in the quarter mile radius, is it
12 in a half mile radius? I kind of wanted to have
13 a little bit more explanation.

14 Now, I understand that this is the Basin
15 Plan amendment and all of these things are going
16 to be rolled into permits, so there's an
17 opportunity to have additional specificity, but I
18 do think that the Basin Plan is the document that
19 the public looks at to figure out what to expect,
20 so that's why I'm being so detailed here.

21 Similarly, in the sewer collection system
22 in urban runoff we say establish and implement a
23 protocol to enhance efforts to identify.

24 No. Let's establish and implement a
25 protocol to identify and correct. Let's not

1 enhance anything, let's identify it and correct
2 it.

3 And we say I think within six months it's
4 supposed to be started, but when do we want it
5 all to be corrected? We haven't really said
6 that, so we could put a timeline on that.

7 I don't want to bore everybody, but the
8 same kinds of changes I think need to be made in
9 all of these other requirements.

10 Very specifically, with the urban runoff,
11 we need to make sure that when people are
12 submitting a plan that propose their additional
13 BMPs that it's not just some stepwise additional
14 BMPs. We want this first plan to be: hit it
15 hard, tell us everything you think you need to
16 do, and convince us that you really think this is
17 going to solve the problem; and then we can go
18 back with a second iteration.

19 But let's not just have, oh, we're doing
20 this and now we're going to do a little bit of
21 that, which is kind of the way -- sorry, I'm
22 being facetious and I shouldn't be, this is very
23 serious.

24 But I'll stop there, so those are my
25 thoughts and my comments and my not so many

1 questions.

2 I see that there are other Board members
3 that have comments and maybe we'll start at the
4 end of the table here.

5 MR. LEFKOVITS: Well, I just had one more
6 question. Is that okay?

7 Do we have any sense of the frequency of
8 human illness from Enterococcus? I mean, I see
9 the research referenced about the linkage, but do
10 we have any estimation of the severity of the
11 problem?

12 MS. FEGGER: The rates that they've used,
13 the analysis that EPA did to set the standard
14 that we currently have in our Basin Plan is an
15 incidence of 35 per 1000.

16 MR. LEFKOVITS: 35 per 1000 what of what?

17 MS. FEGGER: 35 per 1000 is the illness
18 rate. So out of a thousand people being exposed,
19 35 could get ill with what's mainly like
20 enteritis kind of things. G.I. and that stuff...

21 MS. O'HARA: Yeah, it includes from just
22 a little nausea through a fever and potentially a
23 more rigorous illness if somebody is maybe
24 compromised.

25 MR. LEFKOVITS: That's pretty specific.

1 Thank you.

2 CHAIRPERSON YOUNG: Other follow-up
3 questions?

4 VICE CHAIR McGRATH: I'd just like to
5 hear public testimony before we chew on...

6 CHAIRPERSON YOUNG: Sure. Absolutely.
7 Any other follow-up questions?

8 Okay, we have some cards. If we could
9 hear first from Mr. Mike Bell who is with the
10 National Park Service.

11 MR. BELL: Do I go down there?

12 CHAIRPERSON YOUNG: Yes, please. At the
13 podium.

14 MR. BELL: Good morning. My name is Mike
15 Bell. I am a National Park Service employee. I
16 am the project manager at Aquatic Park.

17 MS. O'HARA: Want to show a picture?

18 Could we do that? I don't want to mess
19 with it.

20 I don't have a prepared discussion, but
21 at the break I was thinking about some of the
22 things maybe I could answer questions.

23 We have a few projects on the books. We
24 have taken some actions already.

25 The first time I heard about TMDL was Jan

1 O'Hara called me about a year ago and -

2 MS. O'HARA: (inaudible)

3 MR. BELL: Wow, time flies. Anyway, we've
4 taken some actions already.

5 What we've done is we've -- let me go
6 through my quick list.

7 We've closed the two restrooms closest to
8 the water. You can see there's a promenade in
9 that lower right-hand corner, and that's just a
10 large walkway. It ranges from about 20 to 25
11 feet wide. We get 4 million people walking
12 through there a year, and they're bicyclist and
13 they're walking and that kind of thing.

14 The most frequent question, of course,
15 that we get is where's the restrooms, please, but
16 we have to tell them those two are closed. So
17 we've closed those two.

18 We've also worked with the now Department
19 of Wildlife, Fish and Wildlife, I think. In
20 their testing whenever they do test, and there is
21 an exceedence going on, we physical post the
22 beach and restrict people from swimming in the
23 beach.

24 We also notify the two clubs, the swim
25 club, the rowing club. Many of our rangers, or

1 some of our rangers, are actually members of that
2 club. So everybody in that little corner of the
3 world knows that the beach is off limits.

4 We've also looked at the dog issues. I'm
5 a dog owner, and I agree there are some folks
6 that don't leash their dogs. There are some
7 folks that don't pick up after their dogs.

8 We've signed the beach and the entire
9 area where leash laws are required and there's
10 not supposed to be any dogs on the beach. If
11 they don't pick up after their dogs, we do.

12 In talking to our gardeners, it doesn't
13 seem to be a big problem up there, most people
14 are fairly responsive.

15 Other than the four million people who
16 are riding through our park, most of the local
17 folks are very responsible, and they know our
18 gardeners and they know our staff.

19 If there is an issue with a dog on the
20 beach, our rangers are instructed to address the
21 issue, and if there's some sort of resistance,
22 then call the United States Park Police.

23 We have more of an issue with homeless
24 encampments. They kind of come and go. We
25 police up behind them, we clean up behind them,

1 and our federal park police, the United States
2 Park Police, or the Magistrate Division --
3 whatever -- United States Park Police, they go
4 down and deal with the homeless folks.

5 Let's see what else we've got.

6 I think there's about three projects on
7 the books now that will help us address that
8 issue.

9 The first project we have coming up is
10 we're going to remove the railroad tracks from
11 the swim clubs all the way to Van Ness. We're
12 going to remove the railroad tracks in an interim
13 corrective measure due to safety, and that will
14 allow us to look and to see what we've got going
15 on.

16 Part of the tracks removal will require
17 us to take out that part of the sidewalk, so
18 it'll be filled with asphalt for a year or two.

19 During that project, which is coming up
20 beginning in October -- keep going? I'm getting
21 instructions from down here -- During that
22 project, we'll be able to actually look and see
23 what we have. We will do some more testing.
24 It'll give us a better idea of any kind of
25 leakage, that kind of thing.

1 We've already initiated a CERCLA project.
2 Our main office, because of Station 211 and the
3 concerns we have there, and some of the core
4 samples we've taken near Station 211, we've
5 initiated a CERCLA project through our regional
6 office. That project will look at all the
7 potential polluters, going way back.

8 Talking about going way back, that entire
9 area was industrial until 1938. It had woolen
10 mills, it had box plants. On the very, very
11 corner there was a lead smelting plant. The
12 entire beach, the entire area was actually based
13 on fill, so what we've also got under the
14 sidewalk and in the grass -- you've been to our
15 park?

16 MS. O'HARA: Yes.

17 MR. BELL: Yeah, it's a nice park.

18 We've got houses and broken up rubble,
19 and some of the projects we have done so far, all
20 we're finding is bricks from the earthquake,
21 portions of houses. We've found some bottles.
22 We have found -- that's about it.

23 We've done a lot of geotechnical along
24 that. We've probably punched 14, 15 holes in
25 that sidewalk to understand the stratigraphy and

1 the chemicals that we're dealing with. That's
2 the one project.

3 After that project -- so that's going to
4 take up the railroad tracks.

5 After that project we're going to do a
6 follow-on project based on some of the
7 information, and just enough to gather some more
8 money, and we're going to take up the entire
9 promenade, everything, down to soil.

10 The third project that I think will help,
11 which is on the books, is our Beach Street
12 repairs. And if you take a look, Beach Street
13 runs right in front of us, and we've got a
14 project on the books waiting for funding. Our
15 funding cycle in the federal government is
16 intriguing. We've got a Beach Street repair
17 project.

18 Although it begins as a sidewalk project,
19 all we're going to do is repair the sidewalk.
20 Due to codes and things like that, we're going to
21 go about 16 feet out into the road itself and
22 make sure all the elevations are correct.

23 Oh, the gentleman from PUC is gone.

24 When Department of Public Works heard
25 about that project, they were very interested in

1 it because that storm pipe that runs under Beach
2 right there in front of Ghirardelli Square is
3 constantly flooding, it's constantly caving in.
4 You can even see from Google Earth if you look
5 down at the Beach Street area, where there's been
6 patches on top of patches on top of patches.

7 So our hope is to join with whatever
8 agency and work it out with them, because that
9 might be a leaking pipe.

10 We've also found historical research,
11 which is kind of cool, there's a creek that runs
12 right down Polk Street. It's mentioned as an
13 underground creek in some of the 1890's, early
14 1900's, so we can't see any evidence of it but it
15 could be happening during the rainy seasons that
16 the storm water sewer pipes are filling up and
17 flooding.

18 The area down there during the winter is
19 constantly flooded at Beach and Polk, and they
20 have to do a lot of cleaning constantly.

21 Is that two projects? That's three
22 projects.

23 Yeah, one is the immediate project.

24 The second I think is probably going to
25 be funded in two years, that's our best guess.

1 Let's see, what else have we done?

2 We talked about restricting of dogs, the
3 circle projects. And whatever you want us to
4 help with, we are very willing to cooperate.

5 Some of the concerns I have is we might
6 not -- again, the federal funding process, we
7 could get to that second project, tearing all the
8 promenade up, within a year, it could be two, it
9 could be three, depending on national federal
10 requirements.

11 But we look forward to working with this.
12 And if you give us the SFPUC folks or the DPW
13 contacts, we'll start now.

14 Questions?

15 CHAIRPERSON YOUNG: Thank you, that was
16 very informative. We appreciate that.

17 Questions?

18 VICE CHAIR McGRATH: I do have a
19 question.

20 While much of the history of it is
21 interesting, it doesn't get to the heart of the
22 matter, which is the two steps that I want to see
23 happen. One is make sure that your sewers aren't
24 leaking, and two, if they are leaking, fix them.

25 And if your sewers are leaking, and given

1 the nature of it with fill, I would hope that you
2 could get emergency authorization to use some of
3 your existing funds or whatever to at least
4 patch. Is that possible or are we going to have
5 to wait for a full appropriation cycle?

6 If you determine that there -- I mean,
7 you're not going to be responsible if there's a
8 leak coming from the PUC system, but if those
9 pipes that provide your own facilities are
10 leaking in some significant way, I'm not real
11 enamored with the idea, well, we have to wait for
12 the federal government to budget money. I think
13 we need something a little more creative and a
14 little more --

15 MR. BELL: Well, the second project I'm
16 talking about is talking about a pipe that we
17 think is there that belongs to the city, and that
18 runs under the promenade and it was probably
19 there since before 1938.

20 The building itself, the only restrooms
21 we have actually take -- there's the Maritime
22 Museum building has restrooms in it. They all go
23 into a sanitary pump which is pumped into the
24 city system, which is a couple hundred feet away.
25 So that's all we have. The other --

1 VICE CHAIR McGRATH: And you can test
2 that with existing resources.

3 MR. BELL: I think so. They're
4 maintained constantly. They're emptied,
5 maintained, tested.

6 VICE CHAIR McGRATH: So the other lines
7 are not National Park Service, they're Public
8 Utilities Commission lines.

9 MR. BELL: That's our guesstimate.
10 That's what it looks like on the old maps, and
11 it's right there underneath the promenade.

12 And again, SFPUC or whoever comes to the
13 park, I'll walk it with them and show them the
14 maps.

15 But our sanitary facilities go a very
16 short distance into the Beach Street main line.

17 CHAIRPERSON YOUNG: Alright. Other
18 questions?

19 Thank you.

20 MR. BELL: You're welcome.

21 CHAIRPERSON YOUNG: Alright. We now have
22 Amy Chastain with SFPUC. A familiar face around
23 here.

24 MS. CHASTAIN: It's almost afternoon,
25 but's still morning. Good morning, Dr. Young and

1 members of the Board. My name is Amy Chastain.
2 I am here on behalf of the San Francisco Public
3 Utilities Commission. And before I go into my
4 comments, I'll just say it's really exciting to
5 see a full Board, and I haven't met a lot of you
6 before, but I know there have been times when
7 there are only a handful of seats filled and this
8 is really exciting to be part of.

9 Also really nerve wracking because I can
10 get a sense of the detailed and the tenor of the
11 questions that I'm likely to get, so I want to
12 say I'm a little bit of a Jill of all Trades so I
13 know a little bit about qPCR and I know about our
14 collection system, I know about our combined
15 sewer system, and I've visited all of these sites
16 with Jan and with the gentleman who just spoke
17 from National Park Service. But if I can't
18 answer any of your questions in detail, I will
19 take them back and I will get answers for you.

20 We submitted detailed comments that
21 really articulate all of our concerns. I know
22 this Board, I know you read all of our comments,
23 so I'm not going to waste your time by going into
24 them in detail, but really the crux of it is that
25 fecal indicator bacteria are -- I'm going to be

1 kind here -- they are a less than idea indicator
2 both of human waste, but also just generally some
3 of the enteric, like gut-associated waste.

4 And the relationship as Mr. -- I'm going
5 to mispronounce your name.

6 MR. LEFKOVITS: Lefkovits.

7 MS. CHASTAIN: Lefkovits, thank you,
8 pointed out the relationship between our
9 indicator bacteria, even Enterococcus, which is
10 by far the best indicator bacteria we have, the
11 relationship between that and actual pathogen
12 concentrations is not well established.

13 Really at the end of the day what we know
14 is that there are Enterococcus in feces. Feces
15 does cause human illness, and we should address
16 it whenever it's controllable, and I really think
17 that's essentially the presumption of this TMDL
18 and the approach that staff have worked out with
19 respect to implementation.

20 As an agency, our primary concern is that
21 we will undertake the implementation actions and
22 at some locations, we either won't be able to
23 discern a trend in the receiving water because of
24 the limitation of fecal indicator bacteria; or
25 two, we won't be able to really conclusively

1 identify what the source is. And I'm just going
2 to give you an example.

3 So the concern with the -- I'm totally
4 going off the cuff so you guys stop me at any
5 point and redirect and ask questions, but I'm
6 going to give you an example of an implementation
7 issue that we've talked about internally.

8 So within the combined sewer system
9 almost all of the pipes in this area are located
10 on historic Bay fill. The combined sewer system
11 is sized to carry both sanitary flows and storm
12 water flows. So it's much larger, the pipes are
13 typically much larger than in a separate system.
14 So you have a small amount of sanitary flow going
15 through those pipes.

16 So what we would do is we would use
17 closed circuit television technology, CCTV, to
18 run a TV through those pipes, and we'd be looking
19 for evidence of infiltration because the
20 groundwater table in these locations can be high
21 and we also have a problem with high chlorides in
22 our treatment plant, which we believe is coming
23 from infiltration in these areas. But we'd also
24 just be looking for any other kind of condition
25 assessment information.

1 Then those videos go back to our CSD shop
2 and somebody looks at them, and using, I think
3 it's NASCO scoring, will score the defects that
4 they see in those pipes. And those scores,
5 essentially the risk scores, will determine how
6 that pipe gets prioritized within our existing
7 asset management system. And asset management is
8 inspection, it's cleaning, it's spot repair, and
9 then also replacement.

10 So that's kind of the process. It's not
11 go out, CCTV, conclusively demonstrate that those
12 pipes are exfiltrating and therefore likely to be
13 contributing. It's go out, look at them, try and
14 interpret what's going on. But if there are
15 problems, regardless, if there are condition
16 problems, if it needs spot repair or replacement,
17 that's good information and it needs to be
18 prioritized.

19 But at the end of the day our fear is
20 that we implement these actions that are
21 reasonable and appropriate and then we're still
22 left with data that's difficult to interpret.

23 We really believe that staff understand
24 the limitations. Everybody does. Everybody
25 knows that it's a poor indicator, but it's the

1 best we have and it's how our water quality
2 standards are written, so we understand that
3 hands are tied until we get significant changes
4 in terms of our ability to develop new
5 indicators, which is still underway.

6 I don't know all the details about any of
7 the new technologies being developed to actually
8 identify new indicators or use, like actually
9 detach pathogenic viruses or bacteria.

10 We know staff understands these
11 limitations. We really believe that staff and
12 other stakeholders are interested in working
13 collaboratively, because that's what it's going
14 to take.

15 This is not a simple issue, and what it's
16 going to take is us moving forward with some
17 common sense, make some implementation actions
18 while concurrently gathering new information, new
19 data, and having a forum where we can all come
20 together to interpret this.

21 And having spent a lot of time both with
22 our fecal indicator bacteria data -- citywide we
23 monitor the number of beaches across the city --
24 but also having spent a lot of time, well, not
25 enough time, but some time with our lab folks

1 that are doing the qPCR work, it's not going to
2 be straightforward.

3 We're going to need to be looking at
4 long-term datasets. We need to be taking
5 actions, and it's unlikely we're going to pick up
6 strong signals about the efficacy in a short
7 timeframe.

8 So that was a lot of information and
9 that's primarily our concern about the TMDL. I'm
10 happy to take questions. And again, if I can't
11 answer them, then I will let you know. So can I
12 answer any questions about our system or our
13 effort?

14 CHAIRPERSON YOUNG: Questions?

15 MS. CHASTAIN: It's because I anticipated
16 you'd ask questions and now you're not asking
17 any.

18 [laughter]

19 CHAIRPERSON YOUNG: We're thinking, we're
20 thinking.

21 Well, I appreciate your description of
22 how the prioritization step happens. It does
23 make me think that in a particular location, even
24 if a pipe were in the same condition as some
25 other pipe on the priority list, you might have

1 the opportunity to actually bump forward whatever
2 you're going to do just because you know that
3 something is causing a problem in this location
4 so that this particular location the pipe might
5 be able to jump the line.

6 MS. CHASTAIN: That's a very good point.
7 So how that factors into our decision making is
8 that we use scores for prioritization that are a
9 function of risk and consequence.

10 So risk would be what is the condition of
11 the pipe; how close does it look like it is to
12 fail. And sometimes that's just based on age and
13 materials if we don't actually have inspection
14 data.

15 And then consequence is the location of
16 it. And so we've already had discussions with
17 our collection system division about factoring in
18 the location of these pipes into our risk scores.

19 Also, I just want to note one of the
20 reasons that we're kind of comfortable, still
21 uneasy but kind of comfortable with the
22 inspection schedule, is that we did just get a
23 new truck that has a new technology, it's called
24 electroscan technology, and it's something that
25 we can use in lieu of CCTVing.

1 So in essence, as I understand it,
2 instead of running a camera through the pipe and
3 coding the defects -- I'm getting all nervous
4 about doing this -- but essentially what it does
5 it runs a current through the pipe and it will
6 detect differences in resistance that are
7 indicative of essentially becoming grounded
8 because you have an opening in the pipe.

9 So we just this year acquired that
10 technology and we just did a pilot and we chose -
11 - I wish I'd brought the results, I didn't have
12 time to find out -- but we chose one of the
13 areas, I think it was around Aquatic Park, to try
14 to pilot this technology for the inspection.

15 So that technology, in theory, will
16 enable us to do more rapid assessments of the
17 potential for exfiltration or infiltration at
18 these areas. It's still kind of new to us, but
19 that technology makes us comfortable with the
20 inspection timeframe.

21 In terms of the repairs, the city is the
22 second most-dense urban area in the country. We
23 never get to just go tear up a street without
24 extensive, extensive coordination with
25 underground utilities, with MTA, with any number

1 of folks. So if we do determine a replacement is
2 needed, the timeframe for doing that replacement
3 is going to be dependent, it's going to be site
4 specific.

5 CHAIRPERSON YOUNG: Okay.

6 MS. CHASTAIN: And no qPCR questions?
7 Because I did do PCR 20 years ago after college,
8 it was my first job, and when I saw how far the
9 technology came, I realized I don't understand
10 what they're doing nowadays.

11 VICE CHAIR McGRATH: So Amy, I am
12 concerned about Aquatic Park because when done
13 properly, windsurfing and kayaking does not
14 involve ingestion of water. You try really hard
15 not to fall.

16 MR. WOLFE: How is that working for you?

17 VICE CHAIR McGRATH: Not so well last
18 night. But swimming is a different matter and
19 there are two swimming clubs there, so I think
20 it's a pretty sensitive area.

21 Now, what I glean from your testimony and
22 the letter is you have a chloride problem
23 downstream. You know that you've got some
24 leaking pipes somewhere in your system.

25 MS. CHASTAIN: Actually, I'm sure we do,

1 but I would say that what we're doing right now
2 is we're trying to ascertain -- we're trying to
3 characterize the inputs. And we know that during
4 the El Nino events, because we have a lot of
5 weirs in the city we've got overtopping during
6 some of the king tide events, so --

7 VICE CHAIR McGRATH: So overtopping is
8 not infiltration.

9 MS. CHASTAIN: Correct. So I guess what
10 I'm saying is we have multiple potential sources
11 of saltwater getting into our combined system and
12 getting to the plant, and we have embarked on a
13 characterization effort to try to identify and
14 quantify the relative contributions of that.

15 But considering that the city is so old,
16 I would think it's probably safe to say that we
17 have pipes that need to be replaced.

18 VICE CHAIR McGRATH: The combined sewer
19 lines in this area, do you know their age and
20 their size?

21 MS. CHASTAIN: We do, and we have flashed
22 at Jan over the years our GIS. Our system is
23 mapped in GIS and we have that information, so we
24 know which pipes in the area we have condition
25 assessment information on which we're just

1 prioritizing based on age and materials and size.
2 So I've had our GIS folks map all the
3 infrastructure within a quarter mile and a half
4 mile of these areas, and that's how we would zero
5 in on inspecting those.

6 VICE CHAIR McGRATH: So of the staff from
7 your perspective, how likely is this coming from
8 local watershed sources and how about the
9 possibilities of a leaking -- I understand the
10 difficulty of tearing up the big combined pipes
11 and whether or not repairs are feasible.

12 Characterization I want to see sooner, I
13 want to see yesterday, but until we have that
14 characterization, it's hard to know how best to
15 spend what resources we have.

16 Were you able to look at any of this data
17 up close, Jan, and what's your perspective of
18 level of risk here from the very large facilities
19 of the city?

20 MS. O'HARA: Was I able to look at data,
21 like from their inspections?

22 VICE CHAIR McGRATH: Um-hmm.

23 MS. O'HARA: No, I did not look at their
24 inspections.

25 VICE CHAIR McGRATH: And the age of the

1 pipe. I mean, this system was revamped under the
2 Clean Water Act, but it was very difficult and
3 has some new facilities and some reuse of
4 existing facilities, and a lot of evaluation in
5 those steps. Some of the pipes are in pretty
6 good shape and were retained. You don't know
7 about it?

8 MS. O'HARA: Yeah, with this number of
9 beaches included I didn't go into that depth at
10 any one beach where I personally started looking
11 at those sources, but I know that what Amy's
12 talking about, they are doing that, San Mateo and
13 SFPUC.

14 CHAIRPERSON YOUNG: Amy, I'm curious
15 about something. I don't expect that you have
16 the answer to this, but I wonder if the two swim
17 clubs have actually had their private sewer
18 laterals inspected recently.

19 [laughter]

20 MS. CHASTAIN: I'm no longer a member of
21 the Southend. Since I moved to Oakland, I cannot
22 get there anymore, and I do not know the answer
23 to that.

24 CHAIRPERSON YOUNG: Okay. Thank you.

25 MS. CHASTAIN: Sorry. But that was a

1 really good question.

2 CHAIRPERSON YOUNG: Just in case.

3 MS. O'HARA: I will tell you that the
4 swim clubs have put them on our list as
5 stakeholders, and they haven't replied.

6 CHAIRPERSON YOUNG: They are probably
7 going to reply to me.

8 MS. O'HARA: They may.

9 MS. CHASTAIN: At the PUC we've tried to,
10 at various points in time we reach out to them,
11 and I know Dyan who is in our beach monitoring
12 group has renewed the effort again.

13 One of the things that we've found is a
14 lot of the officers, like the swim commissioners,
15 are volunteers, that they don't necessarily --
16 we're assuming they just don't have the capacity
17 to engage on the level we want them to engage
18 with us on.

19 CHAIRPERSON YOUNG: Thank you.
20 Understood.

21 Yes, John.

22 MR. MULLER: This is just a general
23 comment. I think any of us that are into visitor
24 serving, this is what the population that we're
25 all dealing with in the Bay Area, it is really

1 serious when we're closing restrooms, really and
2 truly. We're feeling it every day on the coast
3 and seeing it too, unfortunately, but I think
4 that's something we all have to look closely at
5 with our friends at State Beaches and Parks and
6 our governmental agencies. I mean, this is
7 pretty absurd to be closing restroom facilities.
8 That's just my comment.

9 CHAIRPERSON YOUNG: All right. Thank
10 you, Ms. Chastain.

11 MR. WOLFE: And let me add something,
12 too. You had mentioned the need to coordinate
13 when you go in to do work on the streets. What
14 does that typically entail and what does that
15 typically mean that when PUC identifies an issue
16 that they want to address, what's it sort of play
17 out in terms of timing?

18 MS. CHASTAIN: I can't answer the
19 question in terms of timing, Bruce. I can get
20 back to you about that. I wish we had someone
21 from our Collection System Division here.

22 But I think we mentioned in our comment
23 letter, there's a five-year moratorium on streets
24 that have been ripped up and repaved, so that
25 will be the first test. If it's been touched,

1 we're not allowed to touch it again if we need to
2 rip it up.

3 Otherwise, there will be coordination
4 with Department of Public Works, who actually has
5 the jurisdiction over the streets themselves.

6 And then you start to get subsurface,
7 it's really just going to depend on the site. So
8 some locations that are mainly residential maybe
9 just have the combined sewer system
10 infrastructure and any kind of telecom or
11 whatever infrastructure there, but when you start
12 getting to -- I'm thinking about along the
13 Embarcadero, there's a lot of utilities. There's
14 the MTA, there's BART, we have large transport
15 storage structures, those big boxes, there.

16 So I think to answer your question, the
17 timeframe and the coordination is going to be
18 site specific and depend on the other city
19 infrastructure in that area.

20 That makes me glad I'm not a PM for
21 street repair, every day.

22 And then I just want to put in a personal
23 plug that I know staff has been really receptive
24 to looking at data that we've collected for qPCR
25 with us, and we've started talking with some

1 folks at the regional monitoring program and SFEI
2 to explore whether we could create essentially a
3 beach monitoring workgroup so that we have a
4 forum where everyone's meeting regularly, we're
5 looking at data, we're understanding what
6 implementation actions everyone's doing.

7 Because you can see from the Aquatic Park
8 and Crissy Field area there are a bunch of
9 different stakeholders, and Jan's been trying to
10 get us all together but until it becomes real,
11 which it will today, it's hard for us to
12 prioritize that.

13 So we've already been discussing this.
14 We're going to discuss it further, and I hope
15 that we would have the support of this Board in
16 terms of exploring some kind of effort like that
17 to engage the RMP or a similar type of forum.

18 Thanks very much.

19 CHAIRPERSON YOUNG: Thank you. We have
20 one more card and it is Ms. Sarah Scheidt from
21 the City of San Mateo.

22 MS. SCHEIDT: Good afternoon. My name is
23 Sarah Scheidt and I work for the City of San
24 Mateo. I'm the regulatory compliance manager
25 there. Thank you for the opportunity to speak

1 with you today, and I also wanted to thank staff
2 for working with us throughout this process and
3 listening to our comments and incorporating them
4 thus far into the amendments.

5 We recognize that we have some
6 significant water quality issues in the marina
7 lagoon and I just wanted to reiterate that we're
8 very committed to understanding what those issues
9 are and dedicated to taking action to improve the
10 water quality in the marina lagoon.

11 It is quite different from the rest of
12 the beaches surrounding and that are included in
13 this TMDL. The influent to the marina lagoon is
14 basically from the Belmont Slough. There's
15 another six miles or so of Belmont Slough, and
16 then on the other end of that is the San
17 Francisco Bay, so we get tidal influence from the
18 Bay through the Belmont Slough and then into the
19 lagoon.

20 And then we have our ten square mile
21 urban watershed that drains into the lagoon as
22 well through three different creeks and channels
23 and hundreds and thousands of storm drain inlets
24 from both public and private property.

25 Excuse me, I'm nervous. Never been to a

1 Board meeting before. It's been very interesting
2 and informative, thank you.

3 CHAIRPERSON YOUNG: Well, welcome. We're
4 not as scary as we kind of look. We're happy to
5 hear from you.

6 MS. SCHEIDT: So again, we are committed.
7 We do have multiple regulatory mechanisms that
8 we're currently struggling and trying to comply
9 with.

10 Our NPDES permit for our treatment plant
11 is requiring us to add capacity to the plant.

12 We have a Cease and Desist Order for
13 sanitary sewer overflows, but we're also adding
14 capacity and evaluating and repairing our
15 sanitary sewer system.

16 And then of course the municipal
17 stormwater permit, which requires extensive work
18 for green infrastructure planning and
19 implementation.

20 And trash, are the big items that we're
21 really struggling with.

22 So we feel that over time, as we work
23 toward complying with all those various
24 requirements, our water quality will improve in
25 the lagoon.

1 We have over a billion dollars dedicated
2 to sanitary sewer improvements over the next ten
3 to fifteen years, including the wastewater
4 treatment plant.

5 On the stormwater side, I just wanted to
6 give you a perspective of some of our challenges
7 there.

8 Specifically just for trash, we have
9 about \$3.5 million identified for trash capture
10 over the next five years, that are unfunded, and
11 those are competing with about \$400 million worth
12 of additional unfunded projects for public works.
13 That's not including green infrastructure and all
14 the other storm water requirements that we're
15 trying to meet. So it's a resource issue for us,
16 really.

17 I wanted to comment on the Chair's
18 concerns about the implementation plan not being
19 specific enough and the timeframes and that type
20 of thing.

21 I think it would just add for the city, I
22 think it would just be more challenging for us.
23 I feel that maybe by relooking at our Cease and
24 Desist Order might be a better mechanism to
25 address the sanitary sewer issue.

1 Our inspection and repair program is very
2 similar to what Amy described for SFPUC. We use
3 the same types of CCTV and prioritization with
4 that scale, I forget what it was called, but we
5 use the same thing. And we have a long slew of
6 projects.

7 Our whole system has been inspected and
8 prioritized already, so it's just a matter of
9 having the money to fix it and the resources to
10 fix it.

11 So again, I feel that the TMDL as it is
12 is something that we can work with. We
13 appreciate the flexibility that was built into
14 it, and we would encourage the Board and staff to
15 continue to work with us within the existing
16 frameworks and the proposed frameworks, as the
17 TMDL is currently written.

18 We are dedicated, and I just wanted to
19 reiterate that.

20 We have identified already overflows from
21 private complexes that are discharging directly
22 to the lagoon.

23 We've identified cross connections
24 through enhanced monitoring that we've been
25 implementing over the last few years.

1 We've done an extensive goose control
2 program.

3 I wanted to mention one way that you
4 could quantify the effect from wildlife is to go
5 out and talk to our goose control guy and he's
6 got it all written down - how many bucketsful a
7 day. So it's significant, and I just wanted to
8 mention that we are working with that.

9 And we're coordinating with multiple
10 cities. We're coordinating with Belmont and
11 Redwood City on egg addling in Bair Island, which
12 is also coincidentally near the influent to
13 Belmont Slough, so there's a bird sanctuary
14 there. I can imagine how much matter gets washed
15 through that sanctuary and through the Belmont
16 Slough and then their watershed and then into our
17 watershed. So we're coordinating with other
18 agencies as well.

19 We don't want to be the number two on the
20 beach bummer list, we want to get off the beach
21 bummer list, and I just wanted to reiterate that,
22 and that's all my comments. I welcome questions.

23 CHAIRPERSON YOUNG: Thank you. Are there
24 questions? Nothing right now, thank you.

25 MS. SCHEIDT: Thank you.

1 DR. AJAMI: You did a great job.

2 CHAIRPERSON YOUNG: Yeah, you did it.

3 DR. AJAMI: Well done.

4 CHAIRPERSON YOUNG: All right. This is
5 generally a time when we allow staff to respond
6 to anything that they've heard from the
7 commenters, and you might want to respond to
8 things that you also heard from the Board, so
9 we'll do that and then we'll carry on the
10 discussion.

11 MS. O'HARA: I know one thing I forgot to
12 mention and Sarah just alluded to it, but in the
13 green infrastructure planning that MRP requires,
14 I know City of San Mateo over a year ago said,
15 yeah, we're looking at including bacteria as one
16 of our issues that we're planning for in our
17 infrastructure, so that's a positive thing. And
18 I think they have proactively, I mean, they
19 remove tens of pounds a day of goose poop.

20 So there's been quite a bit of
21 implementation. Not uniform, but I think
22 everyone knows that we're serious now.

23 As you mentioned, they've been on the
24 303(d) list for some years, but before we start
25 doing this, people aren't going to prioritize.

1 One thing that strikes me that Amy didn't
2 really point out specifically with the
3 prioritization of their repairs is that they get
4 overflows of sewage near peoples' homes in other
5 parts of the city, so it's always going to be the
6 weighing out of what they can do and when, so we
7 took that into account.

8 MS. FEGER: I'm just going to make one
9 last statement for the record that I didn't hear
10 anything new in anything that was presented from
11 the commenters and the public section. So --

12 CHAIRPERSON YOUNG: Same issues that were
13 covered in the written comments, you mean?

14 MS. FEGER: Correct.

15 CHAIRPERSON YOUNG: Okay.

16 MS. FEGER: So we don't need to put a
17 response in the record.

18 VICE CHAIR McGRATH: I would like to
19 respond to the concerns of the Chair.

20 I have profound respect for Dr. Young
21 both in terms of her knowledge and in terms of
22 her level of conviction and understanding. And I
23 share some of her concerns here, but not all of
24 them, so let me walk through it a little bit.

25 I went back and looked on Page 5 of what

1 we're trying to do, to figure out what my own
2 priorities were, and then I --

3 MR. WOLFE: Page 5 of which?

4 VICE CHAIR McGRATH: Of Exhibit A, the
5 actual Basin Plan amendment, what's proposed.
6 And then I went back to look at the pattern of
7 exceedences.

8 MR. WOLFE: And just let me remind you,
9 on Page 5 that table is sort of a template table.

10 VICE CHAIR McGRATH: Yeah, that's a
11 little bit generic.

12 MR. WOLFE: Right, right. And then we
13 get into specifics.

14 VICE CHAIR McGRATH: So where I agree
15 most strongly with the Chair is that we need to
16 fix our sewer collection systems. There's no
17 vested right to discharge untreated sewage
18 because you didn't notice it leaking, and that
19 needs to be fixed and is a priority.

20 So what this says is you got to look at
21 everything and submit a plan to do it within six
22 months, and you've got to complete inspections
23 and repairs within three years.

24 Given what's entailed, I don't think
25 that's unreasonably long for what I consider to

1 be the priority. Fix what we know is
2 unacceptable human waste.

3 I'm going to give you an anecdote. I
4 don't know what we can do about animals and
5 knuckleheads with dogs. I mean, I'll tell you my
6 own personal experience but it's relatively rare.

7 I was at the Saint Francis, getting ready
8 to go windsurfing and there was a man there with
9 three very large dogs in the water, and one of
10 them took a dump in the water and I asked him if
11 he was going to control his dogs, and he told me
12 he was going to sic his dogs on me.

13 Now, I'm not a small guy, but I'm no
14 match for a big man with three dogs. There are
15 knuckleheads out there and I'm not sure how
16 cities control them, and I'm not sure that they
17 are that much of a human health hazard. It's
18 pretty disgusting but that's a little bit
19 different.

20 So I'm not unhappy with what the staff
21 has recommended here on dealing with the sanitary
22 lines, and I do recognize the difficulty.

23 Then I went back to look at how big the
24 problem is, and it's huge at Candlestick but it
25 also doesn't completely make sense to me as

1 anything other than a cross connection somewhere
2 in the sewer line or a homeless encampment, and I
3 don't know what more you do.

4 So again, there maybe we might go a
5 little faster, because a lot of people do use
6 that area.

7 Beyond that urban runoff, if you look at
8 Aquatic Park, it's not that far over the
9 standards. And similarly with some of the
10 others. I do think the priority is to get
11 sanitary things fixed, and maybe we could toughen
12 that up.

13 I also think, particularly given some of
14 the difficulties with the San Francisco system,
15 where you might want to fix it for other reasons,
16 including the ability to reuse more of the water,
17 they really are as complicated as Amy has
18 described.

19 And it's one thing to have -- and I kind
20 of insist on fixing the local things that can be
21 fixed and repaired, but a four-foot or eight-foot
22 or twelve-foot box, some of which they have out
23 there in heterogeneous fill that goes back to the
24 1906 earthquake with a whole bunch of urban
25 improvements on top of it, I'm pretty sympathetic

1 to the PUC on this point.

2 So I think that staff has recommended
3 something that's reasonable to us in terms of the
4 highest priority. I guess that's my reaction? I
5 hate to do that to you, Terry.

6 CHAIRPERSON YOUNG: Thanks. This is not
7 personal.

8 Other comments? I have actually a
9 related question just to clarify something.

10 Let's keep on Page 5 of Exhibit A. Step
11 Two as it's written, inspections and repairs are
12 supposed to be completed at the three-year point.
13 Then we have two years of additional beach
14 monitoring data where we're not doing anything,
15 and I don't understand the time lag there.

16 It seems to me if we have weekly
17 monitoring data by the three-year point, we will
18 have had weekly monitoring data through the wet
19 season for three years. I'm not understanding
20 why we need to have two more years of data to
21 figure out whether we've caught the sources.

22 MS. O'HARA: Yeah, that's a good
23 question. So the thinking behind that is that,
24 what we thought given the realities of capital
25 improvement projects, that they'd be doing well

1 to actually get the improvements done at the end
2 of the three years, so the data before that won't
3 be helpful to determine how well that worked, so
4 they'd need more time.

5 What we see, from a scientific point of
6 view is that some years it rains, some years it
7 doesn't. You may not know much. So I put in
8 what I thought was kind of a conservative, not
9 very much time, a couple years more of data.
10 That was my thinking in putting this timeframe
11 together.

12 VICE CHAIR McGRATH: So that's two years
13 after the repairs are supposed to be done.

14 MS. O'HARA: Yes.

15 VICE CHAIR McGRATH: So it's five years
16 in all.

17 MS. FEGGER: Right. In part because the
18 data are so variable, you want to ensure. You
19 might have a dry year and you're saying, oh,
20 everything's done. And then the next year all of
21 a sudden you see a lot more exceedences and
22 you're scratching your head, so we like to look
23 at it. Even the listing policy itself and be
24 listing you have to have a certain amount of
25 temporal data to do the evaluation.

1 DR. AJAMI: I actually like the idea of
2 monitoring after repair, but I want to agree with
3 you with the timeline. I think it's just maybe
4 that's also a bit naïve of me to think the same,
5 to think that these are way too long. But I
6 think that having a shorter timeline but then ask
7 for extension, if it's needed may expedite some
8 of these efforts, at least bring them higher up
9 in the priority list.

10 One question I have is what happens if
11 they can't do the repair by the end of the third
12 year? Do they ask for extension after that or is
13 this --

14 MR. WOLFE: Well, one recognized that at
15 this point this is what the Basin Plan would say
16 would be in the implementation plan. This as it
17 stands is not enforceable, we would use the
18 permits. And so there we would have to make a
19 determination based on both the permit language
20 and what they submitted whether they were in
21 compliance, and if not, whether that constitutes
22 something we'd say, okay, come into compliance
23 through a notice of violation, or you're so way
24 out of compliance we're going to enforcement.

25 Obviously, we're looking for, as Amy

1 said, how can we work with them to make sure that
2 they're emphasizing the highest priority and that
3 they're bringing them into compliance and
4 achieving standards as soon as possible.

5 So we do have some flexibility on how we
6 deal with that, but it comes down to how do we
7 translate any language here into permits and then
8 use those as the implementation mechanism.

9 MS. FEGGER: Can I add to that?

10 CHAIRPERSON YOUNG: Just to clarify that
11 answer, the timeline that we're talking about
12 here, one could interpret the timeline as from
13 adoption, six months, two years, or three years
14 from adoption. And based on what you said, one
15 could also interpret this as six months, three
16 years, et cetera, from the time that we enter
17 these requirements into a permit formally. Are
18 we at number one or number two?

19 MR. WOLFE: Well, I think we like to rely
20 upon Basin Plan language as a driver for what we
21 do, and certainly we're hearing from the Board
22 that the Board wants to be aggressive in terms of
23 implementation. We don't disagree.

24 And so it's then how do we translate that
25 into actual permit language and say that really

1 we're looking at applying this based on when the
2 Board agreed with the timeframe, which would in
3 theory be today.

4 MS. FEGER: Right. I was going to add to
5 that. This is Naomi from Planning Division
6 again.

7 I think we were hopeful that we would get
8 some voluntary compliance, and as you've heard
9 today, there's already been quite a bit of effort
10 and discussions going on outside of a permitting
11 process. That would be our goal to enforce
12 what's in the Basin Plan, but I think we were
13 hoping to work with folks on this timeframe in
14 more of a collaborative way, outside of whatever
15 other tools we may need to use as well.

16 MR. WOLFE: And recognize also that
17 relative to San Mateo we do have a Cease and
18 Desist Order in place, so it would be in theory
19 where is it appropriate to either amend or update
20 that Cease and Desist Order to add more
21 aggressive language.

22 MR. MULLER: A comment regarding
23 timelines. I think what we're seeing in
24 municipalities is the economy so strong, we're
25 looking at a longer process regarding

1 contractors, materials in short supply. I think
2 these are some of the sensitivity things we have
3 to look at. The availability of permitting
4 processes in certain areas, particularly along
5 the Bay, particularly along the coast. So I
6 think those are some of the things with respect
7 to the timelines we have to consider nowadays.

8 Before, people had supplies on hand, and
9 now, as Carville told Clinton, "It's the economy,
10 stupid." Really, it's a difficult time for all
11 of us to get a project done.

12 CHAIRPERSON YOUNG: All right. I'm not
13 prepared to live with the schedule as written. I
14 could live with something that would have the
15 first cycle take three years, and whether we say
16 complete inspections and repairs in two years and
17 then take another year to look at data, that's
18 one way to get to three years.

19 Another way to get to three years is just
20 do it as written, complete inspection and repairs
21 by three years, and then determine effectiveness
22 also at the three-year point, figuring that not
23 every project is going to be completed at the
24 very end of the three years.

25 And similarly then allow three years for

1 Phase Two, for the second iteration.

2 And I'm just using the sanitary
3 collection system as the example, but the same
4 changes would want to be made in the urban runoff
5 section and throughout.

6 MR. WOLFE: So essentially --

7 I'm announcing I could live with that.
8 We can, if other people are in agreement, we
9 could work some language up, or we can just have
10 a straight up vote on what's written here.

11 MR. WOLFE: Well, let me reiterate.
12 You're essentially saying that on Table 7.2.5.-3,
13 on each of those sanitary sewer collection system
14 and on urban runoff we've got a shaded line
15 basically saying after five years begin enhanced
16 implementation if targets not met, and you're
17 essentially saying you'd like to see that at
18 three years.

19 CHAIRPERSON YOUNG: After three years,
20 yes.

21 MS. AJELLO: May I just speak? I think
22 shortening the timeframes like that would require
23 recirculating, just because it would be a major
24 change. As we heard, it would have --

25 CHAIRPERSON YOUNG: Well, that simplifies

1 the conversation here. We would vote on what's
2 written here, and if it passes, it passes. And
3 if it doesn't, we would turn it back and then
4 you, I think, already heard the Board's
5 sentiments, but I think we know how to proceed.

6 Yes?

7 VICE CHAIR McGRATH: I anticipated
8 Marnie's comment when I first heard the thing. I
9 said can we do this today at a Board meeting; do
10 we have to send it back to the staff; do we lose
11 in that process three or four months and end up
12 losing half of the year we're trying to gain? So
13 I guess that doesn't completely surprise me.

14 The question that I've got, and I guess
15 this is for Bruce. How do we deal with our
16 authority about the nature of the different
17 institutions?

18 Let's say there's a problem with one of
19 our municipalities that can be dealt with in two
20 years, and when they come in for a permit they've
21 submitted they understand that we started the
22 clock today. They're in for a permit; it looks
23 like they can do A, B, and C within two years.
24 They don't propose to do it in two years, they
25 propose to do it in three years, but staff

1 believes it can be in two years.

2 Do you have at that time the discretion
3 to set that as a deadline notwithstanding the
4 nature of the Basin Plan amendment?

5 MR. WOLFE: Well, currently these are
6 not, as I said, they are not in permits. The
7 Basin Plan amendment says we will use our Water
8 Code authority, and that includes obviously the
9 permits but it also includes our ability through
10 Section 13267 to request technical reports or set
11 up other ability to set up other time schedules.

12 And then dependent on the plans that are
13 submitted, it comes down to our review much like
14 our next item up, our review of a plan to
15 determine whether it's adequate, and if not
16 adequate, what to do about it.

17 And so there are still, I view this as
18 still having opportunities to review the proposed
19 plans to see if they're robust enough based on
20 the input from the Board, to see if they are
21 coming up with something that's realistic,
22 something that can actually be done with the goal
23 of showing results in a very short period.

24 That it's not going to set up a system
25 that unfortunately we've seen too often to have

1 something done and it comes up with us saying,
2 okay, more work needs to be done before we can
3 determine whether we've achieved it.

4 VICE CHAIR McGRATH: Bruce, I'm going to
5 ask you for a simple answer.

6 MR. WOLFE: So we have flexibility to be
7 able to request reports --

8 VICE CHAIR McGRATH: Stop.

9 MR. WOLFE: Yeah.

10 VICE CHAIR McGRATH: If the Board passes
11 this today and one of the applicants comes in,
12 can you at that time use your discretion and your
13 understanding of feasibility to tighten the
14 deadlines if that's reasonable?

15 MR. WOLFE: If it's reasonable, yes.

16 VICE CHAIR McGRATH: Okay.

17 CHAIRPERSON YOUNG: That's a short
18 answer.

19 MR. WOLFE: Yep.

20 VICE CHAIR McGRATH: That's why I was -
21 (laughing) I wasn't trying to --

22 MR. WOLFE: I mean, my long answer was
23 more to try to see what's workable, what can we
24 ensure is getting done, but I think the message
25 is clear from the Board that the Board wants us

1 to be rigorous on this, and there's been a lot of
2 time since listing. How can we demonstrate
3 progress.

4 CHAIRPERSON YOUNG: Naomi.

5 MS. FEGGER: Just want to make sure
6 everybody doesn't forget that we have a process.
7 We have to go to State Board, we have to OAL, we
8 have to go to EPA, and it's not really effective.
9 We've been trying to shorten those timeframes as
10 much as possible, but just to make sure we
11 understand that.

12 DR. MUMLEY: My experience is that -- I
13 look at this that this doesn't preclude requiring
14 action quicker. I'd just like to say we have
15 authorities, whether through executive officer's
16 ability or back to the Board through imposition
17 of an order that with cause, with justification,
18 we can require things to happen quicker.

19 This is sort of like a no later than when
20 you do it from the planning perspective. This is
21 allowing a compliance schedule up to this point.

22 But as you know, when you're dealing with
23 balancing of actions, some things can get done
24 quicker than others, and so that's why the
25 executive officer's review discretion there's a

1 way of pushing priority actions that we consider
2 would be a priority for water quality. And
3 ultimately there is either through an enforcement
4 order or through actually approval through a
5 public process, the Board could impose an
6 aggressive schedule. So long as it's justified,
7 it can be twice as fast, or whatever.

8 CHAIRPERSON YOUNG: Okay. Yes?

9 DR. AJAMI: I like that answer.

10 [laughter]

11 CHAIRPERSON YOUNG: All right. Then if
12 there's no other burning comments from the Board,
13 I think we should have the staff recommendation.

14 MR. WOLFE: I appreciate all the Board
15 input on this. Based on that, I do want to
16 recommend adoption of the tentative resolution,
17 noting that as Tom notes that this is a plan, and
18 we're hearing that the Board wants us to be
19 aggressive in implementing the plan, and we will
20 look at how we do that.

21 CHAIRPERSON YOUNG: All right. Do we
22 have a motion?

23 VICE CHAIR McGRATH: I'll move approval
24 of the staff recommendation.

25 MS. OGBU: Second.

1 CHAIRPERSON YOUNG: All right, we have a
2 motion and a second.

3 VICE CHAIR McGRATH: I do want to make a
4 comment.

5 CHAIRPERSON YOUNG: Are there additional
6 comments?

7 [laughter]

8 VICE CHAIR McGRATH: I really like that
9 answer too. And so while I might understand in
10 the case of a significant interceptor along San
11 Francisco's waterfront, or anywhere else, that it
12 may take a number of years to logistically do
13 that, I also understand that we may want you to
14 grout the bejabbers out of it in the interim to
15 reduce the amount.

16 So I think the message that the staff
17 knows we want you to be aggressive and get after
18 the wastewater sooner rather than later. I'm
19 comfortable --

20 CHAIRPERSON YOUNG: Other comments?

21 MR. MULLER: I'd just like to add to
22 that. I don't think there's anyone out there
23 that does not want to be aggressive handling
24 wastewater issues, personally, that's just my
25 opinion. I mean, all of us kind of live and die

1 by this, and this is very important, but I
2 appreciate the Chair's challenging staff and
3 challenging us as Board members to really look at
4 this closely, and I compliment you for that.

5 But I think the main thing is we do have
6 flexibility to get things cleaned up and I think
7 that's the bottom line and I appreciate that, and
8 so I will be supporting that motion and second.

9 CHAIRPERSON YOUNG: Additional comments?
10 All right.

11 Well, I thank everyone for the
12 discussion. I'm still going to vote against it.
13 One of the reasons is that I actually think we
14 should have done shorter timeframes, but I also
15 think that this Basin Plan is a public document
16 and it sets the public's expectations. And for
17 those people who didn't hear the discussion today
18 and aren't thinking about permits, they're just
19 thinking, yeah, I want to go out swimming in
20 Aquatic Park, the eight years just doesn't look
21 good enough, so I'm still unsupportive of that,
22 and that's my rationale.

23 Having said that, I think we should have
24 a roll call vote, please. Thank you.

25 MS. TSAO: Board Member Ogbu.

1 MS. OGBU: Aye.

2 MS. TSAO: Board Member Lefkovits.

3 MR. LEFKOVITS: Aye.

4 MS. TSAO: Board Member Ajami.

5 DR. AJAMI: Aye.

6 MS. TSAO: Board Member Muller.

7 MR. MULLER: Aye.

8 MS. TSAO: Vice Chair McGrath.

9 VICE CHAIR McGRATH: I'm tempted to vote
10 no to agree with the Chair since we have enough
11 votes.

12 [laughter]

13 But we know the staff gets the message
14 and so do the dischargers, so I will vote aye.

15 MR. MULLER: There's an old saying, when
16 you sit on the fence you get shot at from both
17 sides.

18 [laughter]

19 VICE CHAIR McGRATH: I did vote aye.

20 MS. TSAO: Chair Young.

21 CHAIRPERSON YOUNG: No.

22 All right, the motion passes and is so
23 ordered. Thank you very much.

24 We will now be taking a break for two
25 things. The Board is going to eat lunch. We are

1 simultaneously going to have a closed session to
2 discuss, whatever Tamarin says we're going to
3 discuss.

4 MS. AUSTIN: So the Board is moving into
5 closed session to discuss potential litigation
6 and also discuss pending litigation. The pending
7 litigation is the San Francisco Baykeeper case,
8 which is Court No. RG15776089. And those are
9 both authorized under Government Code Sections
10 1126.

11 CHAIRPERSON YOUNG: So we do have to
12 clear the room, and that includes the camera.
13 Sorry.

14 MS. WHYTE: Could you maybe state when
15 you expect to reconvene?

16 CHAIRPERSON YOUNG: We're going to target
17 coming back into general session at 1:30; that'll
18 be our target.

19 Thank you, folks. Sorry you have to pack
20 up and leave and come back.

21 **Item 13. Closed Session - Litigation**

22 **(Closed session/break at 12:35 p.m.)**

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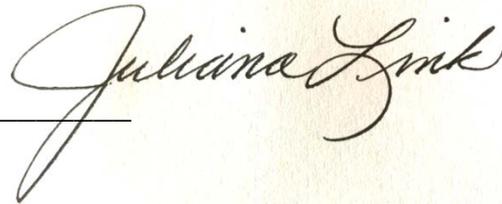
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IN WITNESS WHEREOF, I have hereunto set my hand this 29th day of April, 2016.



Juliana Link
CER-830

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Terri Harper
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