Minutes of the Public Workshop
for the
2012 Triennial Review

San Francisco Bay Basin
Water Quality Control Plan
(Basin Plan)

March 27, 2012
Richard Looker, Water Board staff, introduced the triennial review process and presented information on the process. See Power Point presentation.

Following the presentation, members of the public made the following points:

Jason Flander, San Francisco BayKeeper: This is a background question. Is there a guiding policy that provides the elements Richard brought up? Attainability factors, for example. What are the criteria for considering a project? When you look at a policy in terms of attainability (e.g. groundwater suitability for drinking), what elements do you look at?

Mike Connor, East Bay Dischargers Association (EBDA): It would help Jason to hear how you are setting priorities. It is not clear how the priorities are set for the projects mentioned in the presentation. It’s hard to comment without knowing what the criteria are for setting priorities.

Tom Hall, EOA Inc, representing City of Sunnyvale: Is the intent to use the ranking system that was used in the last Triennial Review? Having input to the ranking process – is that an option?

Naomi Feger, Water Board: Discussed the last round of review and how the ranking of projects was done. She offered to receive public input to why projects should rank high.

Margaret Orr, Central Contra Costa County Sanitary District (CCCSD): Margaret read her written comments regarding toxicity testing. See her specific comments in the compilation of written comments.

Jim Ervin, San Jose WPCP: The toxicity policy is draft; we anticipate in August the policy will be final and we’ll have to start living with it. The guidance currently in the Basin Plan could be adjusted to bridge the gap between the new policy and the existing situation. The State Toxicity plan has overprotection built in, and that will conflict with the existing Basin Plan language. Also, acute toxicity: if no reasonable potential – then use only one species. Will we have to do both chronic and acute if we’ve already demonstrated no RP? Last, lately there are no red abalone... can the Basin Plan help with species for chronic testing – e.g. guidance or brackets?

Kevin Buchan, Western States Petroleum Association (WSPA): What is the region doing vis a vis the State WET Policy? Naomi responded.

Tom Hall, EOA: On the topic of toxicity, Basin Plan language has not been updated and needs to be. Implementation aspects are overdue.

Margaret Orr, CCCSD: Toxicity should get attention, because USEPA will cancel the flow chart now in use. We’ll lose the ability to create dilution curve.

Tom Hall, EOA: We want to note that the toxicity language in the Basin Plan has worked well and we’d like to see the flexibility maintained.
Susan Keydel, USEPA: EPA encourages the Water Board to include as a priority in the Triennial Review project list a review of the objective and implementation language for un-ionized ammonia in SF Bay, to ensure the objective and implementation are consistent with EPA criteria and implementation for saltwater acute and chronic effects. Specifically, we encourage review and revision as necessary of the magnitude and averaging period of the Basin Plan objective -- in contrast with EPA's saltwater criteria -- and implementation including implementation in NPDES permits.

Elizabeth Leeper, attorney for Public Water Agency: see written comments on behalf of Water Users Association – un-ionized ammonia.

Greg Smith, San Mateo Environmental Health: (1) Onsite wastewater treatment – locals do the permitting. We would like to have RB2 staff working with the Health folks in developing a State-wide model ordinance that will implement Onsite Wastewater Treatment System Policy. (2) Regarding ESLs, we would love to see the ESLs be more official. (3) Re: EPA REC-1 changes, locals do the monitoring, Greg asked a clarifying question about what the Regional Board will do, which is to align with USEPA changes. (4) Low threat site closure: do not wrap UST and solvent cases together. More implementable if separate.

Tom Hall, EOA: Process question. What is the role of regional board staff when State Board is developing strategies? Do you reach out to local parties to have input into these policies? Naomi addressed this.

Karin North, City of Palo Alto: How would the project regarding site specific objectives for DO impact our WWTP discharge? Richard discussed: objectives are not developed yet, other details.

Jim Ervin, San Jose: There’s a huge workload effort in developing that DO SSO. Described his plant’s complicated DO monitoring, this being just one site.

Mike Connor, EBDA: (1) You mentioned your thinking about state of problems in South Bay. The Basin Plan is the master plan, but it doesn’t say how we're doing and what the major problems are. This is our driver as the protectors of water quality. (2) Criteria for prioritizing are interesting. About 30% of the criteria are about money or resources, 30% are about State Board and EPA, 5% are about will it make a difference in protecting BU, 10% are about geographic extent, 10% are public concerns. It seems weighted to bureaucratic criteria. He’d want to put resources where they can make the most difference to BUs and water quality.

Jason Flander, BayKeeper: Agrees with Mike Connor. Projects seem to either weaken protection or to come into sync with State Board. Most seem to make compliance easier. He wanted more info on Stream Protection Policy – is there anything for public review? Asked for details about the policy, which we’ll do offline.
Mike Connor, EBDA: It would be nice to see an evaluation of all the TMDLs as well as the evaluation of our water quality issues.

Meg Herston, Fairfield-Suisun Sewer District (FFSD): We don’t know if Suisun Bay is impaired for various pollutants. Asked for clarification, which Naomi gave.

Pat Showalter, Santa Clara Valley Water District (SCVWD): Asked for more information on the development of Nutrient Water Quality Objectives – what is the State Board process? Naomi gave this information.

Meg Herston, FFSD: Asked for further clarification about the development of nutrient objectives.

Kevin Buchan, WSPA: Asked about the literature review that has been completed for the nutrient project.

Teresa Trinh, SCVWD: Asked where she could find the COLD beneficial use’s DO objective. Richard responded.

Tom Hall, EOA: Agrees DO is a high priority but it’s a huge workload. Because it’s a state-wide issue, encourages us to try to leverage the estuarine document that’s been developed.

Jim Ervin, San Jose: A project not on the list is mixing zones. The language is fairly limited in current Basin Plan. Should it be added as a project (to better define the size and method of calculation)? Technology and modeling tools have gotten better than 2004.

Tom Hall, EOA: Mixing zone is being dealt with ad hoc, so a policy or guidance would be warranted.

Tim Potter, CCCSD: Process question re: WET Policy. Will the State Board develop the policy, or can dischargers work with Regional Board to discuss the development of the policy? Richard explained the process. Tim would rather work on the policy at the regional level.

Mike Connor, EBDA: This is why a statement of water quality status would be useful.

Margaret Orr, CCCSD: The list of adopted Basin Plan amendments is impressive, and she expressed thanks.

Teresa Trinh, SCVWD: It seems like the suggested projects overlap; especially for example the State Board’s Bay Delta Plan and our projects.