

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

March 10, 2010

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

Item 1 - Roll Call and Introductions

The meeting was called to order on March 10, 2010 at approximately 9:04 a.m. in the Elihu M. Harris Building, First Floor Auditorium, 1515 Clay Street, Oakland.

Board members present: John Muller, Chair; Terry Young, Vice-Chair; Shalom Eliahu; James McGrath; Steven Moore; William Peacock; Robert Schroder.

Board members absent: Rameshwar Singh.

Tam M. Doduc, Member, State Water Resources Control Board, and liaison to Region 2, discussed recent State Board activities.

Item 2 – Public Forum

There were no public comments.

Item 3 – Minutes of the September 9, 2009 Board Meeting

Motion: It was moved by Mr. McGrath, seconded by Mr. Peacock, and it was voted unanimously to adopt the Minutes of the September 9, 2009 Board Meeting.

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

Mr. Muller said last week he participated in a telephone conference call that included the Chair of the State Water Resources Control Board and the Chairs of Regional Boards.

Mr. Moore commended staff on the written Executive Officer's Report.

Mr. McGrath said recently he attended a talk that featured discussion of streams and impacts on fish.

Dr. Young said she participated in a number of meetings since the last Board meeting. She said she met with Judy Kelly, Director, San Francisco Estuary Partnership, and they discussed trash cleanup, including implementation of a grant to be used for installation of trash capture devices. She said she met with Mike Connor, General Manager, East Bay Dischargers Authority, and they discussed emerging contaminants and wastewater treatment planning. She said she participated in a meeting regarding green chemistry issues. She said she met with Tam M. Doduc, Member, State Water Resources Control Board, and liaison to Region 2, and they discussed ways the San Francisco Bay Regional Board could work with the State Board and other Regional Boards.

Bruce H. Wolfe discussed economics and water quality improvement. His discussion included the topic of sediment removal in the Bay and beneficial reuse of sediment.

Item 5 – Consideration of Uncontested Items

Mr. Muller said the Board would consider uncontested items except for Item 5A.

Dr. Young said the Revised Tentative Order for Item 5B requires that permittees conduct effluent and receiving water selenium characterization studies. She said the objectives for an effluent and receiving water selenium characterization study are described in the accompanying Fact Sheet.

Mr. Wolfe said the Revised Tentative Order incorporates information included in the Fact Sheet. He discussed requirements for an effluent and receiving water selenium characterization study.

Mr. Muller said the Board would vote on uncontested items except for Item 5A.

Motion: It was moved by Mr. Peacock, seconded by Dr. Young, and it was voted to adopt the uncontested items except for Item 5A.

Roll Call:

Aye: Mr. Eliahu; Mr. McGrath; Mr. Moore; Mr. Peacock; Mr. Schroder; Dr. Young;
Mr. Muller

No: None

Absent: Dr. Singh

Motion passed 7 – 0.

Mr. Muller said the Board would consider Item 5A.

Ian Wren, Staff Scientist, San Francisco Baykeeper, said adoption of the Revised Tentative Order could result in significant increases to cyanide and copper loads to the Bay. He requested the Board deny adoption of the Revised Tentative Order.

Lila Tang discussed the Revised Tentative Order and why staff believes that cyanide and copper loads to the Bay would not increase if the Revised Tentative Order was adopted.

Mr. Moore spoke in favor of adoption of the Revised Tentative Order.

Mr. Wolfe recommended adoption of the Revised Tentative Order for Item 5A.

Motion: It was moved by Mr. Eliahu, seconded by Mr. Peacock, and it was voted to adopt the Revised Tentative Order for Item 5A as recommended by the Executive Officer.

Roll Call:

Aye: Mr. Eliahu; Mr. McGrath; Mr. Moore; Mr. Peacock; Mr. Schroder; Dr. Young;
Mr. Muller

No: None

Absent: Dr. Singh

Motion passed 7 – 0.

Item 6 – East Bay Municipal Utility District, Special District No. 1, Main Wastewater Treatment Plant and Interceptor Conveyance System, Oakland, Alameda County – Reissuance of NPDES Permit

Mr. Wolfe made introductory comments.

Robert Schlipf gave the staff presentation.

Mr. Schlipf and Mr. Wolfe replied to questions from Mr. Schroder.

Mr. Muller and Mr. Moore commented.

There was testimony by Jason Flanders, Staff Attorney, San Francisco Baykeeper, and Ben Horenstein, Manager of Environmental Services, East Bay Municipal Utility District.

Mr. McGrath, Dr. Young, Mr. Moore, and Mr. Muller commented.

Mr. Wolfe commented. He recommended adoption of the Revised Tentative Order.

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

Roll Call:

Aye: Mr. Eliahu; Mr. McGrath; Mr. Moore; Mr. Peacock; Mr. Schroder; Dr. Young;
Mr. Muller

No: None

Absent: Dr. Singh

Motion passed 7 – 0.

The Board took a break at 10:30 a.m. and resumed the meeting at 10:43 a.m.

Item 7 – Cleanup Program for Departments of Defense and Energy Facilities – Accomplishments and Status – Information Item

Mr. Wolfe made introductory comments.

Alec Naugle gave the staff presentation.

There were brief comments by Board members.

Item 8 – Water Quality Enforcement and Supplemental Environmental Project Policies – Update by Reed Sato, Director of State Water Board's Office of Enforcement

Mr. Wolfe made introductory comments.

Reed Sato, Director, Office of Enforcement, State Water Resources Control Board, said in 2002, a Water Quality Enforcement Policy was adopted by the State Water Resources Control Board. He said the 2002 Water Quality Enforcement Policy included a section on supplemental environmental projects. He said the State Board has revised the 2002 Water Quality Enforcement Policy and in the revision process, has created separate policies for water quality enforcement and supplemental environmental projects.

Mr. Sato discussed the Water Quality Enforcement Policy that was created through the revision process. He said it was adopted by the State Board in November 2009 and will become effective upon approval by the Office of Administrative Law.

Mr. Sato discussed the Policy on Supplemental Environmental Projects that was created through the revision process. He said it was adopted by the State Board in 2009 and was approved by the Office of Administrative Law in September 2009. He said the Policy on Supplemental Environmental Projects is currently in effect.

Mr. Sato and Mr. Wolfe replied to questions from Board members.

Item 13 - Adjournment

The meeting was adjourned at 11:50 a.m.