

*STATE OF CALIFORNIA*

**REGIONAL WATER QUALITY CONTROL BOARD  
SAN FRANCISCO BAY REGION**

MEETING DATE: February 13, 2019

ITEM: **4**

SUBJECT: **MINUTES OF THE DECEMBER 12, 2018 BOARD MEETING**

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## San Francisco Bay Regional Water Quality Control Board

# December 12, 2018 Board Meeting Draft Minutes for Board Consideration

Note: Copies of orders, resolutions, and minutes are posted on the Regional Water Board's website ([www.waterboards.ca.gov/sanfranciscobay](http://www.waterboards.ca.gov/sanfranciscobay)). Information about obtaining copies of audio recordings of Board meetings may be obtained by calling the Board's file review coordinator at (510) 622-2430. Written transcripts of Board meetings may be obtained by calling California Reporting, LLC, at (415) 457-4417.

Note: **Bold text** in paragraphs for each item represent topics Board members focused on and were discussed more extensively than others.

### Item 1 – Roll Call and Introductions

Meeting called to order at 9:09 a.m. in the Elihu M. Harris Building, First Floor Auditorium.

#### Board Members Present

Chair Terry Young  
Vice-Chair James McGrath  
Cecilia Ogbu  
William Kissinger  
Newsha Ajami  
Jayne Battey  
Steve Lefkovits

#### Board Members Absent

#### Status

QUORUM

### Item 2 – Public Forum

Bill McNicholas, Cleanup Marinwood Plaza Now, and Ann Moran, homeowners' association board member at Casa Marinwood, commented on discussions between the Prosperity Cleaners responsible party, Marinwood Plaza LLC, and the Casa Marinwood homeowners' association regarding additional soil vapor sampling at Casa Marinwood. They noted that the homeowners' association seeks additional sampling locations along utility corridors.

### Item 3 – Farewell to Bruce Wolfe on His Retirement from the Water Board after 41 Years of Service

Assistant Executive Officers Lisa Horowitz McCann and Tom Mumley presented a resolution from the California Senate commending Executive Officer Bruce Wolfe's extensive and excellent service.

On behalf of the Board, Board Member Lefkovits thanked Mr. Wolfe for his leadership and service and presented one of his own professional photos of San Francisco Bay to Mr. Wolfe. Each Board Member made comments and told personal stories about Mr. Wolfe's leadership, mentoring,

excellence, and success. Members of the public also recognized Mr. Wolfe, including John Muller, former Board Member; Gary Grimm, former legal counsel to the Board; Lori Schectel, Chair of the Bay Area Clean Water Agencies (BACWA); Mike Connor, former General Manager of the East Bay Dischargers Authority and BACWA Board Member; Arthur Feinstein, wetlands advocate; Tom Hall, consultant and former Board staff member; and Alan Freidman, current Board staff member.

Mr. Wolfe reviewed his career and highlights and credited the Board, Board staff, and the Bay's water quality community with accomplishing so many improvements for water quality during his years of service. He also touched on several personal contributions and lessons learned. He concluded by saying the Bay is what we live for and the work of the Board is of hope and patience.

#### **Item 4 – Minutes of the November 14, 2018 Board Meeting**

Mr. Wolfe recommended adoption of the minutes from the November 14, 2018, Board Meeting.

Board Member Battey moved adoption, and Board Member Ogbu seconded the motion.

Chair Young asked if all were in favor of adoption of the minutes – all Ayes. Chair Young then asked if anyone was opposed - none opposed.

ITEM ADOPTED

#### **Item 5 – Chair's, Board Members', and Executive Officer's Reports**

Vice-Chair McGrath met with Marathon Oil representatives and Craig Johns and gave them some climate change policy input and asked them if they could be part of the solution. **He also said he observed a large volume of water running down the streets of Berkeley and mentions this as a reminder of our aging infrastructure and the need to update it.** He said he met with Jim Levine about the beneficial reuse of dredged material, specifically from the Port of Oakland.

Board Member Lefkovits also met with Marathon Oil representatives and Craig Johns and heard about the level of regulation and all the agencies in California they must deal with. He asked them to inform the Board of these agencies.

Board Member Battey attended a meeting at Stanford about potential climate change impacts to San Mateo County. She noted the mention of the high costs of responding to flooding as occurred with Hurricane Katrina. She also said the event compelled action. She said she heard Dave Pine, San Mateo County Supervisor, speak about the Bay Restoration Regulatory Integrated Team that Board staff will be part of.

Chair Young said she and Board Member Battey and staff met with the Santa Clara Valley Water District board members and staff on November 16. The purpose of the meeting was to consider the Board's response to the lawsuit the District brought on the Board's permitting of the Upper Berryessa Creek Flood Control Project. She said she also met with the Public Policy Institute of California to learn what it is doing and ask for input on what the Water Boards might be able to do for the "one water" concept. She said they discussed responses to wildfires and development of instream flows.

Board Member Ogbu reported that she also met with Marathon Oil representatives and Craig Johns.

Mr. Wolfe mentioned that Board Member Lefkovits and Chair Young were reappointed by the Governor to the Board. He noted that CalEPA asked for State staff to assist with the cleanup effort in areas damaged by the Camp Fire and that we have one staff, Cherie McCaulou, participating. He highlighted items in the Executive Officer's Report, including the items on the quarry assessment, new design standards for permeable pavers and their use in a local roadway, and enforcement on sanitary sewer overflows in coastal San Mateo County. **Board Member Battey requested Board staff assist in facilitating governance coordination amongst the coastside agencies.** Chair Young asked if BACWA or another organization can serve this role. Mr. Wolfe mentioned that the annual project application period closed for Measure AA funds from the SF Bay Restoration Authority and that he will remain involved in reviewing proposed projects. He said the State Board is pushing forward a dredge and fill policy after many years and that the latest draft would backslide on what this Board has been doing because it would weaken requirements for alternatives analyses on headwaters and other streams; this would constrain this Board's ability to manage streams for consistency with our sediment TMDLs and habitat protection. He said this Board added the Clean Water Act 401(b)3 guidelines to the Basin Plan in 1987, which says the Board will use an alternatives analysis to determine whether a proposed project would adequately avoid, minimize, and mitigate for its impacts. **Chair Young said the Board supports staff's position.** Mr. Wolfe said that today a tentative cease and desist order for Caltrans' trash violations would be posted for public comment and set up to be presented to the Board in February 2019.

Chair Young administered the oath.

### **Uncontested Items**

**Item 6A – Crockett Community Services District, Port Costa Wastewater Treatment Plant and Wastewater Collection System, Port Costa, Contra Costa County – Reissuance of NPDES Permit**

**Item 6B – Zanker Road Resource Management, LTD., Zanker Road Resource Recovery Operation and Landfill, San Jose, Santa Clara County – Update of Waste Discharge Requirements and Rescission of Order Nos. 87-032**

Mr. Wolfe recommended adoption of items 6A and 6B.

Vice-Chair McGrath moved adoption, and Board Member Battey seconded the motion.

Chair Young called for a vote.

Ayes: Young, McGrath, Ogbu, Ajami, Kissinger, Battey, Lefkovits

Nos: None

ITEM ADOPTED

### **Other Business**

**Item 7 – Abandoned Mine Program and Mercury Mine Investigation and Cleanup Strategy – Status Report**

Lindsay Whalin, Staff Engineering Geologist, made the presentation. Vice-Chair McGrath commented that he has been in the field with Ms. Whalin, and she is very good onsite. He said he is a proponent of treating materials onsite and not hauling them offsite because it is so expensive.

Board Member Lefkovits asked if mining waste affects the food web for burrowing rodents and raptors. Ms. Whalin said that she has not focused on this since she is working on mine remediation to minimize aquatic impacts. Dr. Mumley indicated that biomagnification due to mining is more significant in the aquatic environment than the terrestrial environment. Mr. Wolfe added that the mercury in soil is less bioavailable than in water, and people are less likely to be eating the terrestrial animals. Board Member Lefkovits said he was more concerned about threatened or endangered species such as owls than common rodents.

Chair Young said she appreciated hearing about the program's prioritization process and technical approach.

Board Member Ogbu said it was great to learn the positive results of using the XRF technology, which was new and promising when the last mine program update was presented to the Board.

Mr. Wolfe closed the item by acknowledging that new technologies have emerged that help us improve our water quality protection.

**Item 8 – Correspondence** – There were no correspondence items.

The Board went into a closed session at 11:05 a.m. and reconvened at 11:52 a.m.

**Item 9 – Closed Session – Personnel**

The Board met in closed session to discuss personnel matters.  
[Authority: Government Code section 11126(a)]

**Item 10– Closed Session – Litigation**

The Board did not meet in closed session to discuss litigation.

**Item 11 – Closed Session – Deliberation**

The Board did not meet in closed session to deliberate.

**Item 12 - Adjournment**

Meeting adjourned at 12:55 p.m. until the next Board Meeting.