

**San Francisco Bay Regional Water Quality Control Board**

**March 12, 2014 Board Meeting  
Draft Minutes for Board Consideration**

ADOPTED April 9, 2014

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.

**Item 1 - Roll Call and Introductions**

Meeting called to order at approximately 9:08 am in the Elihu M. Harris Building, First Floor Auditorium.

**Board Members Present**

William Kissinger (left at 1:20)  
Newsha Ajami  
Margaret Abe-Koga  
John Muller (left at 1:28)  
Vice-Chair James McGrath  
Chair Terry Young

**Board Members Absent**

**Status**

QUORUM

Tam M. Doduc, State Water Board Member and liaison to the San Francisco Bay Region, addressed the Board. She briefly discussed State Board efforts pertaining to the drought and groundwater management strategies.

**Item 2 - Public Forum**

Mr. Paul Remoodo, representing the North Marin Water District, expressed concerns regarding plans to permit potable water distribution systems.

**Item 3A - Minutes of the January 29, 2014 Board Meeting**

**Item 3B - Minutes of the February 12, 2014 Board Meeting**

Mr. Wolfe recommended adoption of items 3A and 3B.

Vice-Chair McGrath moved for adoption of both items; Board Member Kissinger seconded the motion.

Ayes: Kissinger, Ajami, Abe-Koga, Muller, McGrath, Young

Abstain: Abe-Koga (Item 3A only)

Nos: none

ITEMS ADOPTED

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

Board Member Muller discussed his recent meeting with Senator Feinstein. Vice-Chair McGrath discussed funding needs for beneficial reuse of dredge material. He also discussed Aquatic Park in Berkeley and the need to improve communication on permitting options and enhancement opportunities, in addition to the need for trash controls. Board Member Ajami discussed a workshop with American Water. Chair Young discussed the recent Chairs' call and noted that next WQCC will be on October 2, 2014. She also noted she received a call from Richard McMurtry regarding trash and the need to address all sources.

Executive Officer Bruce Wolfe gave an overview of this month's Executive Officer's Report. He also gave an update on the San Francisco fire that occurred the night before the meeting and stormwater runoff controls. In response to a question from Board Member Ajami he also discussed water recycling projects in the Region and regulatory tools.

#### **Item 5 - Consideration of Uncontested Items**

**Item 5A – City of San Mateo, San Mateo County; North San Mateo County Sanitation District, Daly City, San Mateo County; South Bayside System Authority, San Mateo County; City of Petaluma, Sonoma County; City of Calistoga, Napa County; City of Livermore, Alameda County; Central Contra Costa Sanitary District, Contra Costa County; Fairfield-Suisun Sewer District, Solano County; Sonoma Valley County Sanitation District, Sonoma County; Livermore-Amador Valley Water Management Agency, Alameda County; Alameda County Flood Control And Water Conservation District, Zone 7, Alameda County; Napa Sanitation District, Napa County – Rescission of Water Reuse Requirement Order Nos. 77-129; 78-071; 85-040; 88-036; 88-060; 90-087; 90-102; 91-130; 91-147; 92-067; 93-070; 93-159; and 94-039**

Mr. Wolfe recommended adoption of the Item.

Board Member Muller moved for adoption of Item 5A; Board Member Abe-Koga seconded the motion.

Ayes: Kissinger, Ajami, Abe-Koga, Muller, McGrath, Young

Nos: none

ITEM ADOPTED

#### **NPDES Permit**

**Items 6 and 7 – Lehigh Southwest Cement Company and Hanson Permanente Cement, Inc., Permanente Plant, Cupertino, Santa Clara County – Issuance of New NPDES Permit and consideration of Cease and Desist Order**

Water Board Staff John Madigan made a presentation that covered both items 6 and 7. Board Member McGrath asked about surface runoff pathways and mercury levels. Board Member Ajami asked about other similar industries. Board Member Kissinger asked about the Sierra Club's settlement of a lawsuit with Lehigh. Chair Young asked for more information regarding the reasonable potential analysis, the Facility Assurance Plan, and wet weather flows. Water Board staff responded to questions.

Gregg Knapp, Lehigh Hansen Environmental Director, addressed the Board. He described the quarry's water balance and answered questions from Board members. Kit Gordon,

representing the Sierra Club, addressed the Board. She noted general support for the Order but expressed concern regarding the specified method for evaluating chronic toxicity. Bill Almon, representing QuarryNo, addressed the Board. He expressed concern about the limits in the permit relating to volume caps. Rhoda Fry addressed the Board expressing objections to the tentative order. Libby Lucas addressed the Board and expressed concerns regarding groundwater quality.

Mr. Wolfe responded to issues raised by the commenters. He noted that the maximum production rate noted in the permit is consistent with the county's use permit. Nicole Grenquist, attorney representing Lehigh, clarified the origin of process water discharges. Mr. Wolfe noted that many of the limits are based on MCLs in order to protect both surface and ground water quality. Board staff Lila Tang responded to the Sierra Club's verbal comments. She responded to issues raised regarding toxicity testing and evaluations. Board Member Muller discussed the comments submitted by U.S. EPA. Mr. Wolfe summarized proposed modifications that were distributed in a supplemental and additional language suggested by Board Counsel Tamarin Austin.

Mr. Wolfe recommended adoption of Item 6 as supplemented.

Vice-Chair McGrath moved for adoption of Item 6 as supplemented; Board Member Abe-Koga seconded the motion.

Ayes: Kissinger, Ajami, Abe-Koga, Muller, McGrath, Young

Nos: none

ITEM ADOPTED

Mr. Wolfe recommended adoption of Item 7 as supplemented.

Vice Chair McGrath moved for adoption of Item 7 as supplemented; Board Member Muller seconded the motion.

Ayes: Kissinger, Ajami, Abe-Koga, Muller, McGrath, Young

Nos: none

ITEM ADOPTED

### **Other Business**

#### **Item 8 – City of Santa Clara, Santa Clara All Purpose Landfill, Santa Clara, Santa Clara County – Workshop to Discuss Proposed Post Closure Land Uses for the All Purpose Landfill**

Board Staff Keith Roberson made the presentation. Vice Chair McGrath asked about the use of pilings for construction. Board Member Ajami asked about the distribution of historic landfills and problems. Board Member Abe-Koga asked about risks associated with residential and commercial uses. Board Member Muller discussed the need to cleanup these type of sites and concerns regarding human health exposure. Ruth Shikada, Assistant City Manager, City of Santa Clara, described the project. Steve Eimer with Related Companies, the developer for the proposed project, discussed the project in more detail. Jeff Ludlow, geotechnical and environmental engineer for the proposed project, described the current system for managing the landfill and its regulatory requirements.

Vice Chair McGrath noted the importance of financial structure and assurances, risk

assessment tools, and priority development areas when considering a project proposal. Chair Young noted that moving residential units up from the base level seemed like a good idea. She also noted that remediation is typically a good approach and expressed concerns with engineering controls and their potential for failure or poor operation. Board Member Abe-Koga asked about land ownership. Vice-Chair McGrath noted the need for post-earthquake monitoring and evaluations in the project proposal. Board Member Ajami asked about plans to address the groundwater plume as part of the project.

Mr. Wolfe summarized potential water quality and human health issues related to the project.

This item was for informational purposes only and no action was taken.

**Item 12 - Adjournment**

Meeting adjourned at 2:30 pm until the next Board Meeting – April 9, 2014