

San Francisco Bay Regional Water Quality Control Board Meeting
September 8, 2021
Notes by Gayle Tupper

1. Roll Call and Introductions

Present: Chair McGrath, Vice Chair Jayne Battey, Alexis Strauss Hacker, Donald Young, Andrew Gunther, William Kissinger.

Also present: Executive Officer Michael Montgomery, additional staff

2. Recognition Event for Contact Tracers. In 2020 the RWQCB was called on by Governor's office to support pandemic efforts by transferring staff to Covid 19 contact tracer work.

3. Public Forum. No speakers

4. Minutes of July 14, 2021 Meeting. No edits.
Unanimous approval, Battey abstain because she was absent.

5. Chair's, Board Members', and Executive Officer's Reports

Board members mentioned public activities they have participated in, especially including outreach and communication opportunities, resilience of the water supply, and the complexity of water rights issues.

Shawn McGuire is the new State Water Resources Control Board (SWRCB) Liaison. He focused on the drought and funding. This was the 2nd driest year in historical record, reservoirs are at a record low and falling, and the SWRCB is grappling with the failure of forecasting tools to predict 800,000 cubic feet of water that didn't materialize (unknown if it sublimated or percolated to soil). The SWRCB needs to be ready for a range of scenarios this fall and next year. SWRCB's core function includes drinking water and water rights, and they have emergency regulations authority from Governor's Executive Order. Top priority is human health/safety. The governor is supporting water resources, such as funding \$1.4B for water and wastewater, and allocating \$1B for water/wastewater credits to agencies for unpaid utility bills, \$200M for water recycling.

EO Montgomery's Report: August EO report noted CalTrans Cease and Desist Order.

CalTrans has made progress with local governments to make 6/22 targets, and is working on stormwater controls, especially for trash. The RWQCB is working in partnership with other regulatory agencies for improved roadway hydrology of North Bay.

Sept EO Report. Small diesel spills, when small and addressed promptly without impact to the environment allows enforcement discretion. Highlight problems with "flushable wipes" to sanitary sewer system, using social media.

6. Uncontested Items

a. Sanitary District No. 5 of Marin County, Paradise Cove Treatment Plant and Wastewater Collection System, Tiburon, Marin County –Reissuance of NPDES Permit.

This is a small system, strictly residential, good compliance, working to change from chlorine to UV disinfection. Staff recommends approval.

Dir. Hacker: This is a residential system, doesn't have to worry about industrial pollutants, encourage them to look at reuse/recycling. Note there is money to help pay for that.

Dir. Battey: Should ask about opportunities for recycled water with every permit.

Dir. McGrath: This is a very small system with a remarkable record, no SSOs. Perhaps look at recycling options next time.

Unanimous approval.

Enforcement

7. Param and Amandeep Dhillon, Assessor's Parcel No. 0052-160-090, Vallejo, Solano County – Hearing to Consider Resolution Authorizing Referral to Attorney General (AG). Board previously had a hearing and adopted the order. This discussion is how to approach procedures, and is follow-on to the enforcement hearing from last November. This is a referral, not an enforcement hearing because the Water Code requires a hearing for referral of a civil liability case to the AG.

Status: Cleanup and Abatement Order from last year has not been complied with, is the reason the RWQCB is moving forward.

Basis for referral: The Dhillons failed to pay the board-imposed penalty, failed to comply with Cleanup and Abatement Order. Referral to AG will allow coordination with BCDC, who has already made a referral to the AG. There was extensive discussion regarding the property and violations for filling and grading protected wetlands in Vallejo, and for failure to supply technical reports. The Board previously issued an Administrative Civil Liability of \$60K. The Board issued a Cleanup and Abatement Order in May 2021 with reporting and corrective action requirements, and did not receive an adequate report by the August 2021 deadline. Staff states that there is potential for permanent damage at the site.

Staff recommends the Board adopt a Tentative Resolution with referral to the AG.

Board members asked numerous questions about communications with the property owners and the status of the site.

Unanimous approval to refer this case to the state's Attorney General.

Informational Items

8. Statewide General Waste Discharge Requirements for Winery Process Water: Update and Next Steps -- Presentation by staff of the State Water Resources Control Board.

Background: This RWQCB (R2) was preparing its own order; other regions already had orders. R2 worked closely with the state board; the order includes items relative to this region. This region has a good working relationship with the winery business community and wants to ensure good rollout; roughly half of the wineries in the state are in this region. The SWRCB adopted this General Order in January 2021, and existing wineries will need to have permits by 2024. It was designed to protect groundwater and beneficial uses, support regional resources, and give consistent requirements. Constituents of concern are salts/salinity, nitrogen (in the form of nitrate), BOD. Sources include food waste/cleaning,

water softeners, and cooling tower blowdown. Note that this permit does not include breweries or distilleries.

Fees and requirements are based on size of the winery and amount of wastewater produced. By 2024 existing wineries should be enrolled in this state permit, a general order for wineries generating more than 10,000 to 15,000,000 gallons per year. Larger ones need individual permits. Waivers may apply in some areas. An estimated 1,500 wineries will need to enroll. New wineries: Apply 180 days before potential to discharge. Implementation of this permit is by the regional boards, and counties will need to work with the regional boards for implementation.

Correspondence

There has been correspondence about Newark Area 4 proposed development. Staff will share postcards with board members, can share copies upon request. The RWQCB has not received a permit application for this site.

Next month: The Municipal Regional Stormwater Permit hearing will be on the October 13 meeting, with the Board taking comments. This may be a 2-day meeting.

No Closed Session

Adjourn 12:16.