

San Francisco Bay Regional Water Quality Control Board Meeting
July 13, 2022
Notes by Gayle Tupper

1. Roll Call and Introductions. Chair McGrath, Vice Chair (VC) Battey, Gunther, Kissinger, Hacker, Young, and new RWQCB member Aletta Balin. Also present were new Executive Officer (EO) Eileen White, Assistant EO Tom Mumley, and additional staff.
2. Public Forum. Chris Koenig requested info on alternative stormwater treatment. This will be on September agenda. Chance Katrano said on Heal the Bay report card some Marin County beaches have an “F” grade (see EO report about Marin dairies). Harry Hoffman of Save The Bay noted CalTrans trash discharges. This will be on October agenda. Mike Montgomery, former EO, volunteered his help to new EO and board from his perch at EPA.

3. Minutes of the June 8, 2022 Meeting

Approval. All ayes except Balin and Battey abstain (neither were present)

4. Chair’s, Board Members, and Executive Officer’s Reports.

Sean Maguire, State Water Resources Control Board (SWRCB) liaison. State acknowledges need for water infrastructure—more info next meeting. The SWRCB adopted CalTrans stormwater permit. More is coming up on other stormwater issues, including the Construction General Permit. The Sanitary Sewer General Order (to eliminate sanitary sewer overflows) final draft is due in November.

VC Battey. A producer responsibility bill passed in CA, with plastics as the biggest issue—all must be recyclable by 2030. The bill includes a \$5B fund to mitigate impacts.

Chair McGrath. Noted potential work such as racial equity, engaging interested people, and using metrics to put an action plan in place.

EO Report by Assistant EO Mumley. The RWQCB does many things beyond regular business, including its work with resource conservation districts. He noted the success of long-term efforts in groundwater management, such as Niles Cone. Board members want this story to be promoted as an example to show how much the RWQCB thinks ahead and accomplishes. This info is also important for recruiting, to show new people what great work the RWQCB has done, and how important the staff is.

5. Uncontested Items

- A. East Bay Dischargers Authority (EBDA), EBDA Common Outfall, San Leandro; City of Hayward, Hayward Water Pollution Control Facility and Collection System, Hayward; City of San Leandro, San Leandro Water Pollution Control Plant and Collection System, San Leandro; Oro Loma Sanitary District and Castro Valley Sanitary District, Water Pollution Control Plant and Collection System, San Lorenzo; Union Sanitary District, Raymond A. Boege Alvarado Wastewater Treatment Plant and Collection System, Union City; Livermore Amador Valley Water Management Agency; Alameda County – Reissuance of NPDES Permit.

- B. Dublin San Ramon Services District (DSRSD), Livermore-Amador Valley Water Management Agency, East Bay Dischargers Authority; DSRSD Wastewater Treatment Plant and Collection System; Dublin, Alameda County – Reissuance of NPDES Permit
- C. City of Livermore, Livermore-Amador Valley Water Management Agency, East Bay Dischargers Authority; City of Livermore Water Reclamation Plant and Collection System; Livermore, Alameda County – Reissuance of NPDES Permit

Mumley introduced these items as a unit because they have a combined outfall with 3 separate permits. Livermore and DSRSD recycle a lot of water. Jackie Zipkin, GM of EBDA, appreciates staff who worked on these very complex permits of 6 agencies with 1 common outfall into the Bay. Board members noted 97% removal requirements, biosolids management, and work on a purified water recharge project.

Move recommendation of staff.
Unanimous approval.

Enforcement

- 6. City of Pacifica and County of San Mateo, San Mateo County – Adoption of Time Schedule Order to Comply with Municipal Regional Stormwater NPDES Permit Provision C.14.b, City of Pacifica and San Mateo County Bacteria Controls

Mumley. This is a time schedule order (TSO) at Pacifica State Beach to provide time and conditions to meet requirements in a positive and timely manner. The watershed is urban and parkland with a few horse facilities. There is bacterial contamination, with majority of pollution from the watershed. They are close to compliance; the order is to continue monitoring.

Board members had numerous comments and questions about this enforcement action. The requirements were made in 2012, with compliance due in 8 years, but they still are not in compliance. There are complexities about monitoring locations and agencies responsible for various elements of the requirements. The board wants to understand the health risk. Signage is in place. Going from 2012 to 2026 for compliance shows these problems just continue, staff needs to stay on top of this. These problems keep happening, nervous about timeline extensions. They want more reporting on oceanside beaches, noting problems in Marin and here per recent beach report from Heal the Bay. The board also noted complexities such as urban slobber and the homeless population issues.

Staff recommend approval of the proposed time schedule order.
Unanimous approval.

Basin Plan

- 7. Proposed Amendment to the Water Quality Control Plan (Basin Plan) to Include Information on Climate Change and Aquatic Habitat Protection, Management, and Restoration – Hearing to Consider Adoption of Proposed Basin Plan Amendment

This is second hearing (first was April 2022). This is proposal for adoption, is the review of proposed amendment, comments received, and response to comments. This is an informational, nonregulatory amendment. It is useful for planning and permitting of dredging, fill materials, and other work, and has a new section about climate change and sea level change, floods and droughts, and is based on the latest regional science.

Board members see the Basin Plan Amendment as a brilliant step and very important work for staff and for the Board. They are hopeful for nature-based infrastructure as they move forward. The amendment highlights how sediment moves into marshes and mudflats, feeds marsh and dampens wave damage. There's a lot going on in this arena, including good quality work with partners. This project has the best regulatory science, and is what they need to be thinking about. This is a non-regulatory amendment to the Basin Plan, and is a game changer.

Representatives of environmental groups were very supportive of this Basin Plan Amendment, but voiced disappointment that it is not regulatory. The questions posed are ones we all should be asking.

A representative of a municipal discharger agreed with the concern about climate change, sea level rise, and acknowledged the non-regulatory intent. He said the policy language has potential for regulatory effects, and requested the board direct staff to make modifications.

Chair McGrath responded that the term "encourage" is not regulatory, this amendment is not regulatory, but gets the planning done. Assistant EO Mumley added the RWQCB does not have land use authority, this does not prohibit building.

Tentative Resolution would adopt the Basin Plan Amendment. This goes to SWRCB, and is subject to approval by SWRCB. Move to approve staff recommendation, with 2 corrections. Unanimous approval.

This ends public session. No Closed session.
There will be no August meeting.