

STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

MEETING DATE: July 13, 2022

ITEM: 3

SUBJECT: **Minutes for the June 8, 2022 Board Meeting**

June 8, 2022 Board Meeting
Adopted July 13, 2022

Note: Copies of orders, resolutions, and minutes are posted on the Regional Water Board's website (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 (510) 313-0610.

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 9:05 a.m. at Elihu H. Harris Building, First Floor Auditorium. Executive Assistant (EA) Julie Haas called the roll.

| Board Members Present | Board Members Absent | Status |
|------------------------------|-----------------------------|---------------|
| Chair James McGrath | Vice-Chair Jayne Battey | QUORUM |
| William Kissinger | | |
| Alexis Hacker | | |
| Andrew Gunther | | |
| Donald Young | | |

New Staff Introduction

Section Leader Jessica Watkins introduced Natlie Lee, a new Scientific Aid in the NPDES and Enforcement Division.

Interim EO (EO) Tom Mumley shared the retirement of David Elias and identified his great spirit and many contributions. Board members stated appreciations.

Item 2 – Public Forum

Henry Hoffman from Save the Bay commented that Caltrans has a trash control milestone coming up to meet requirement for full trash control but they have not completed the work and studies to meet it; he said they are using non-structural methods which are not proven effective and shouldn't be considered compliant until vetted.

Chance Cutrano from the Resource Renewal Institute said that at last meeting he updated the Board about the Coastal Commission rejecting the Point Reyes National Park climate plan and about several operations treating human sewage without permits. He also said that, on National Park Service watch, water quality pollution continues to occur; He requested the Board put on the agenda the results of recent Water Board staff site visits and resulting evaluations so the public will know how the Board is managing and holding dischargers accountable to protect water quality.

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Item 3 – Minutes of the of May 11, 2022, Board Meeting

Chair McGrath asked for a motion to approve the minutes.

Motion: Board Member Gunther

Second: Board Member Hacker

EA Haas called the roll.

Ayes: Board Members McGrath, Kissinger, Gunther, Hacker

Nos: none

Abstained: Board Member Young

ITEM APPROVED

Item 4 – Chair’s, Board Members’ and Executive Officer’s Reports

Sean Maguire, State Water Resources Control Board Member, Liaison to the Water Board, reported on recent drought actions, including ordering 25 percent water use reduction measures by water providers. He complemented the San Francisco Bay region for maintaining water use levels, given the need to get more conservation from urban water suppliers across the state as the 15% goal was not met in many places. The State Water Board is working through watersheds to determine how and where to curtail water rights; they curtailed rights on several rivers and just developed a voluntary agreement for the Russian River Watershed. They just completed a drinking water needs report.

State Water Board Member Maguire also shared that the Governor has approved \$2M in new investments for resiliency and drought response, wastewater infrastructures and natural systems. He said he looks forward to sharing good news next month.

Chair McGrath asked for reports from Board members.

Board Member Hacker thanked staff for the Alameda Point field trip and found it well-executed.

Chair McGrath reported that he attended the ribbon-cutting of the fish ladder at Lower Alameda Creek and it makes a real chance to enhance salmonids in the Bay. He said that Carl Longley, longest serving chair of any Water Boards has retired. He shared that the recent Chair’s meeting highlight was news of the restoration of streams on the Klamath River from dam removal. He said there was a good leadership discussion that led to learning about challenges of dealing with chemicals introduced into stormwater from tires and that the Department of Toxics Substances Control is working on controlling these chemicals. He said the May revise budget has additional positions for

the Water Board for water rights and mentioned that the North Coast Water Board is convening a workshop on addressing fire prevention issues.

EO Mumley reported on Executive Officer's report items, including Staff Engineer Melissa Gunter's presentation on Water Recycling and the training field trip to Alameda Point. Board Member Gunther asked if staff's thinks that green infrastructure like that at Alameda Point has become routine. EO Mumley said yes, or at least past the tipping point for these features to be standard practice. Board Member Gunther acknowledged how long, yet successful, it has been to bring green infrastructure into the mainstream.

Chair McGrath read the Oath.

Item 5 – Consideration of Uncontested Items

**5A. City of American Canyon, American Canyon Water Reclamation Facility
American Canyon, Napa County – Reissuance of NPDES Permit**

**5B. Contra Costa Sanitary District, Central Contra Costa Sanitary District
Wastewater Treatment Plant, Martinez, Contra Costa County – Reissuance of
NPDES Permit**

**5C. Republic Services Vasco Road, LLC, Vasco Road Landfill, Livermore,
Alameda County – Updated Waste Discharge Requirements**

EO Mumley introduced the Items.

Board Member Gunther said he finds it impressive and thanked staff and discharger representatives for one of the largest wastewater treatment plants in the Bay Area to have its permit updated as an uncontested item. He asked for confirmation that this permit is being updated aligned with on-going flood and wetland protection efforts in the area. EO Mumley said it is.

Board Member Hacker commended the dischargers for their great maintenance record and making operational improvements; she said she wants to incent all dischargers in the region to do the same and take advantage of new infrastructure funds. Board Member Kissinger stated he has similar interest and asked if Board staff can put some effort to advising on this. Chair McGrath agreed.

Chair McGrath asked for a motion to approve the Uncontested Items.

Motion: Board Member Kissinger

Second: Board Member Hacker

EA Haas called the roll.

Ayes: all

Nos: none

ITEMS APPROVED

Item 6 – Site Clean-up Requirements

Marinwood Plaza, LLC and Hoytt Enterprises, Inc. for the property located at 187 Marinwood Avenue, Marinwood, Marin County – Amendment of Final Site Cleanup Requirements Order R2-2020-0025

EO Mumley introduced the item and Staff Geologist Cleet Carlton made the presentation.

Chair McGrath asked for confirmation on sampling conclusions that there are non-detects in groundwater. Board Member Hacker asked about conditions and if any chemicals were found in Miller Creek. Staff Carlton confirmed and said no detections of chemicals in the creek. Board Member Kissinger asked about the plume definition. Staff Carlton said it is approximate as shown on the figure and Toxic Cleanup Division Chief (DC) Alec Naugle said we are seeing concentrations reduced noticeably and that is a common response to treatment in a situation like this. Board Member Kissinger asked when the discharger will submit the next round of samples, and if the discharger is up to date in submitting them. Staff Carlton said yes.

Board Member Hacker asked if we are expecting the demolition and soil excavation to be completed by the deadline. Staff Carlton said yes. Board Member Kissinger asked if the Board amends the Order if enforceable deadlines will still be in place and penalties still accrue. Attorney Yuri Won explained that the Order did not have a deadline for soil vapor cleanup so with this Amendment, if the discharger does not meet the deadline for that, then penalties can be assessed for Board consideration under a separate enforcement action. Board Member Kissinger expressed concern that the Amendments might minimize enforcement for compliance given that past violations exist (per a Notice of Violation he read from). Chair McGrath refocused the discussion away from enforcement considerations and back to the limited issue at hand- to add requirement with deadline to remove soil vapor pollution by adopting this Amendment to the Order.

Supervisor Connelly thanked staff and the Board for responding to the community's request. He said it is time for cleanup to happen and that he is encouraged by groundwater treatment but discouraged by the delay in soil treatment onsite. He appreciates the effort to clarify requirements and hold the parties accountable to cleanup.

Stephen Nestel, Cleanup Marinwood Plaza Now, thanked the Board for having this before them today. He said the problem with the approach proposed is it is focusing on the source and not the plume and that there is another source in the eastern hot spot area not being addressed. He questioned the sampling that makes up the plume map as water levels fluctuate a lot. He said he is angry that the discharger has not responded to the past orders and that this new one will weaken the pressure on the discharger to complete the cleanup. He stated the community wants to be able to develop and the discharger is not complying to save money. He asked the Board to take an aggressive stance.

Chair McGrath asked staff to clarify about the eastern hot spot area. Staff Carlton explained that this area has been investigated and remediated such that the

concentration was reduced and additional groundwater treatment injections occurred. He further said that this condition will be considered with next report and staff expects data to show the high concentrations reduced by July.

Bill McNicholas, Cleanup Marinwood Plaza Now, said he has no faith that the discharger will meet deadlines now as they have not under past orders. He mentioned the plume is still undefined, that MTBE showed up, stated some possible sources of MTBE, and hopes staff can get this place cleaned up.

Christopher Alger, Terra Phase consultant for the dischargers, said he was hired to make sure the deadlines are met following past delays, keep cleanup and investigation moving and has set out to do that in spite of challenges of a tight timeline.

Board Member Hacker asked for this to come back at the September hearing and to see a master schedule.

Chair McGrath stated that he thinks this Amendment fixes the Order and will make sure the discharger is accountable to remove the soil. He said it isn't fair to characterize the discharger as having done nothing and that with contractors on board and permits issued, as indicated by the consultant, the work can and is likely to proceed.

Board Member Kissinger agrees that amending the Order is necessary, expects the cleanup to happen on time, and expressed there should be consequences if it doesn't.

Chair McGrath asked for a motion to approve the Item.

Motion: Board Member Kissinger

Second: Chair McGrath

Board Member Young asked if Board members can receive a copy of the workplan in addition to the master schedule. Staff Carlton and DC Naugle said that staff just received the workplan that was based on the master schedule submitted in April.

EA Haas called the roll.

Ayes: all

Nos: none

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Item 8 – Closed Session – Personnel

Item 9 – Closed Session – Litigation

Item 10 – Closed Session – Deliberation

Item 11 – Adjournment at 11:04 a.m.