

**MRP 3 C.11/C.12 Workgroup  
DRAFT Meeting Notes**

**Thursday, January 30, 2020**

**10:00 AM – 2:00 PM**

Geosyntec Oakland Office  
1111 Broadway, 6th Floor

**Attendees:**

Jim Scanlin (ACCWP) (BASMAA facilitator)  
Lisa Austin (Geosyntec, BASMAA facilitator)  
Kelly Havens (Geosyntec, BASMAA facilitator)  
Kristin Hathaway (ACCWP, City of Oakland)  
Kara Kelly (ACCWP, City of Oakland)  
Karin Graves (CCCWP)  
Lucile Paquette (CCCWP, City of Walnut Creek)  
Michele Mancuso (CCCWP, Contra Costa County)  
Amanda Booth (CCCWP, City of San Pablo)  
Khalil Abusaba (CCCWP, Wood)  
Reid Bogert (SMCWPPP)  
Jon Konnan (SMCWPPP, EOA)  
Simret Yigzaw (SCUVRPPP, City of San Jose)  
Chris Sommers (SCVURPPP, EOA)  
Lisa Sabin (SCVURPPP, EOA, phone)  
James Downing (SCVURPPP, Valley Water (SCVWD), phone)  
Kevin Cullen (Fairfield-Suisun)  
Tom Mumley (SFRWQCB)  
Richard Looker (SFRWQCB)  
Jan O'Hara (SFRWQCB)  
Derek Beauduy (SFRWQCB)  
Zachary Rokeach (SFRWQCB, phone)

**Meeting Notes:**

**I. Workgroup Member Introductions and Agenda Review**

Outcome: Agenda approved without change.

**II. Notes from Previous Meeting and Review of Action Items**

Outcome: The notes from the June 10, 2019 Workgroup meeting (Meeting #5) were approved without change.

**III. RAA Update**

Outcome: Chris Sommers provided an update on the current status and collaboration between RAAs in the region. Workgroup members and RWB staff provided input and discussion. Highlights are provided below:

- SFEI is beginning to build and calibrate a regional hydrology and pollutant model for RMP. SFEI has reached out to meet with the individual programs to introduce their new modeler (Tan Zi) and ask questions on the program's RAA modeling inputs.

- Tom Mumley stated that the RWB is interested in identifying a role for SFEI with regard to regional modeling efforts. The RWB sees SFEI as a repository of knowledge and understanding and would like to foster collaboration and cross-pollination to support regional sharing of this knowledge, understanding, and associated conclusions. Workgroup members stated that this is being discussed at STLS.
- The regional RAA workgroup is meeting on February 5<sup>th</sup> to discuss regional collaboration and results of peer review. Consistent and transparent documentation of RAA peer review is critically important. The RAA documentation must meet the level of expectation set by the draft State Order<sup>1</sup> (i.e., “show your work”).
- RWB staff inquired regarding overlap with C.8.f monitoring requirements (i.e., POCs monitoring Table 8.2). RWB suggested that relevant information needs for C.8 be considered as each source control measure is discussed. CCCWP staff indicated that the 2020 IMR submittal will communicate on MRP 3 monitoring issues related to POCs as well.
- RWB staff indicated willingness to meet with the programs to discuss the RAA peer review results in the March - April timeframe.

#### **IV. Provision C.11/C.12 Issue Matrix Discussion**

Outcome: The Workgroup discussed the MRP 3 C.11 and C.12 sub-provisions using the draft C.11/C.12 issue matrix. Discussion highlights are provided below:

- Overall Input
  - RWB staff stated that the overarching goal for the MRP 3 C.11/C.12 provisions is to demonstrate that the Permittees are doing everything possible to address POCs, as stated in the Basin Plan (e.g., implement “doable things in a timely manner”) and that updating the TMDL would be contingent on this. [Note, text from Basin Plan: *“Subsequent permits will include requirements and a schedule to implement technically feasible, effective and cost efficient control measures to attain allocations. If, as a consequence, allocations cannot be attained, the Water Board will take action to review and revise the allocations and these implementation requirements as part of adaptive implementation.”*]
  - RWB staff stated that the “guiding principal” of the programmatic approach is that there is a “stipulated load” reduction associated with specific actions. The estimated load reduction associated with programmatic actions should be included in the permit fact sheet. “Elements that go into stipulation of load reduction” should also be in the fact sheet (i.e., assumptions, inputs).
  - Regional Water Board staff indicated that there should be an “accountable metric” associated with the programmatic actions that can be tied to the stipulated load reduction. We need to “Goldilocks version” for the metric. Not all metrics will be simple.
  - RWB staff stated that the TMDL Control Measure Plan should lay out the schedule of implementation and describe how implementation is reviewed and adaptively managed.
  - RWB staff stated (via email) that they may want to have a fallback plan if the programmatic approach doesn’t work or an individual Permittee does not want to

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<sup>1</sup> State Water Resources Control Board Order in the Matter of Review of Approval of Watershed Management Programs and an Enhanced Watershed Management Program Submitted Pursuant to Los Angeles Regional Water Quality Control Board Order R4-2012-0175.

participate or does not perform. The suggestion was for a specific load reduction which could be allocated to the Permittee based on population. Questions – would this appear in the permit? Would this be by Permittee, countywide program, or only for applicable Permittees?

- RWB staff stated that there will be numerics in the permit, but the goal is to make the programmatic approach work. The numeric values will be based on the load reduction accounting and the programmatic load reductions will add up to the required load reduction. The workgroup discussed how the programmatic approach means that implementing the programmatic actions would constitute compliance, even if the programmatic actions did not result in the level of load reduction that was projected in the fact sheet (i.e., don't punish the Permittee for doing the action even if the action didn't result in the desired outcome).
- MRP 3 Schedule:
  - Ideally by July, no later than September 2020: Complete Administrative Draft
  - MRP expected to be effective July 1, 2021.
- Implement a Tracking and Reporting System
  - RWB staff stated that a list of accountable, trackable elements should be identified that ties directly to "stipulated" load reductions in the fact sheet.
  - RWB staff stated that updating the RAA models need not be automatic but should be based on an assessment of the need for updating the modeling. RWB staff would like to understand the level of effort needed to update the RAA modeling to help craft flexible permit language. The assessment of the need to update the RAA models may be done locally to update the level of control measure implementation but should be informed at the regional level. One caveat is that recalcitrant Permittees may be ordered to do a thorough update if enforcement is needed.
  - RWB staff stated that they need a tracking method that will allow the RWB to conduct audits and easily identify non-compliant Permittees.
  - When asked if the current load reduction reporting format is sufficient, RWB staff stated that they need an effective summary at the county level.
  - The Tiering/Cost Sharing column should indicate where there is countywide-based approach (team analogy: allow for Permittees to support each other). The RWB stated that they need a metric to audit so that they can see who is getting a "free ride".
- Source Property Identification and Abatement Program
  - The proposed programmatic approach to identify additional source properties was presented to the RWB using the draft C.11/C.12 issue matrix and an additional handout prepared by Chris Sommers (see attached).
  - There is uncertainty in how much load (and therefore load reduction) remains to be discovered in the Old industrial areas.
  - Not all Permittees have Old Industrial areas, not Permittees need to be triaged in or out. Narrow to "applicable Permittees."

- RWB agrees with general approach of summarizing the reconnaissance completed thus far, understanding all drainages with respect to their level of PCBs, identifying areas of elevated PCBs, and a programmatic approach to address elevated areas.
- Permittee expressed concern about data gaps that could limit the ability to characterize all drainages. Mapping storm drains and direct discharge properties could be an action that is implemented in these areas (also potential monitoring actions for C.8). RWB suggests a commitment to figuring this out by the end of MRP 3, including a reasonable pace of actions and stated that they don't want to mandate too much in this permit term and should plan for the future (MRP 4, ongoing). RWB staff stated that they would like to understand what stands in the way of implementing programmatic actions for certain Permittees. There needs to be an understanding of what constitutes MEP.
- Permittees emphasized that what source property investigations are worth with respect to expected load reduction cannot necessarily be tied to the LOE for actions due to high uncertainty.
- RWB staff suggested that "investigations" be defined, including steps. The expectation for the percentage of area investigated should be clear, and trackable metrics are needed for RWB to understand the level of effort or action taken.
- RWB staff suggested that direct discharge properties be left on the table.
- The potential for future redevelopment would be used as a criterion for prioritization.
- RWB staff stated that we need to find ways to go around barriers to encourage control measure implementation to move towards the TMDL goals. Don't disincentivize source property investigation on direct discharge properties.
- RWB staff requested that we define "investigation", establish the metric, and the expected load reductions now (i.e., prior to reissuance).
- RWB staff questioned how Caltrans could be incentivized to implementation for PCBs/mercury, such as through cooperative agreements. What metrics could that be based on? What frame of reference makes sense for Caltrans?
- Add annual reporting of the status of the enhanced O&M for properties that have been referred to the control measure.
- Action item: each program fills out the "example scenario" table presented by Chris Sommers.
- RWB staff stated that they may like to see a process to "correct" WMAs or loading maps.
- Enhanced O&M Program
  - ACCWP mentioned that remediation of a flood control channel could be a suitable control measure to address drainage areas with elevated PCBs, but the load reduction accounting for this type of measure is difficult due to lack of baseline information. RWB staff stated that this could be a "bespoke" type of calculation rather than a baseline vs. enhanced type of calculation.
  - In response to a Permittee question regarding what would be necessary if Permittees don't achieve as much load reduction as stipulated for source properties,

it was suggested that Permittees could commit to implementing Enhanced O&M for elevated areas.

- RWB staff stated that they understand that enhanced O&M is not cost effective from a load reduction perspective.
- Need to revise base maps if data shows that an area is not yielding to Old Industrial levels? No, but use this information to prioritize actions.
- RWB commented that the W/MA maps didn't optimize control measures to address PCBs. Could potentially do a study to see how to enhance inlet-based devices.
- For the metric(s), could there be a threshold value that triggers action? If so, there needs to be guidance on how to interpret this.
- Management of PCBs in Electrical Utilities Program
  - RWB staff stated that they are in support of sending PG&E a 13267 letter and the rest of the proposed program but do not expect it to "bear fruit" given the recent fires and bankruptcy. They don't have high hopes for a response. We should focus the request to what we really need from PG&E for now. RWB needs to discuss internally what their follow-up would be to non-response by PG&E.
  - Permittee question: is this a discharge that can be regulated? Do we need to work with CPUC who does regulate PG&E? RWB responded that they do have the authority to regulate PG&E. Permittee stated that dealing with PG&E should not be put onto the Permittees to deal with.
  - Regarding the metric, we need to consider practicality in estimating loads reduced.
  - Selena Louie is the lead for PG&E; Zach Rokeach is meeting with Staff Council and can provide more details.
- PCBs in Building Materials Management Program
  - The RWB staff brought up concerns about building material disposal that have been raised with them. RWB is working on getting clarity on where wastes are going and how to track this.
  - Bulk waste can go to the MSW landfill per EPA rules, but that conflicts with CA law. RWB can't advocate for changes in law, but others can.
  - Question as to whether we can gather information on how materials are being managed now. Has the implementation of the protocol changed disposal practices?
  - Action item to talk about disposal offline with MPC.
- PCBs in Infrastructure Management Program
  - The RWB staff stated that they agree with the proposal and have proposed the bridge infrastructure demolition specification to Caltrans. They are currently working with Caltrans on their permit, including TMDL implementation requirements.
  - RWB staff suggested that the Permittees pay attention to the Caltrans permit reissuance and provide comments.
  - RWB staff stated that they would like to understand the proportion of the POCs load Caltrans is potentially responsible for.

- Risk Reduction Program
  - RWB staff stated that County Health Departments have indicated they would like risk reduction funding to go to signage.
  - Permittees emphasized that there are funding and safety issues to placing and maintaining the signs.
- Fate and Transport Study of PCBs
  - The workgroup discussed the location of the provision. RWB staff stated that this should be part of C.12 as it is relevant to the TMDL.
  - RWB staff stated that a clear understanding is needed from SFEI on their work conducted over the past 10 years and into the future. This should describe the story of mechanistic transport and uptake of POCs over time.
  - RWB staff stated that the fact sheet for this provision may need to be “refreshed” to describe the current state; this could help make the provision less vague.
  - Chris Sommers (BASMAA RMP TRC rep) stated that we need to explain what we know now versus 10 years ago about PCBs sequestering, movement around the Bay, and out of the Golden Gate. Allocation of RMP dollars to versus other RMP priorities is moving away from legacy pollutants to emerging contaminants.
  - RWB staff stated that there are reasons to continue to fund this RMP effort, which is driven by the TMDL implementation plan. STLS was about finding drainage areas that need actions, trying to show if control measures are having an effect, and gathering further information about “does the Bay care.” How can we use the results of the PMU studies to prioritize actions (e.g., in Emeryville Crescent vs. San Leandro Bay)?

## **V. Action Items, Next Steps, and Meeting Schedule**

### **Action Items**

1. Programs to conduct needed preliminary Source Property Investigation mapping and the description of investigation process.
2. Programs to develop metrics and estimate load reductions associated with all source control measures.
3. Facilitators to schedule next external MRP 3 C.11/12 Workgroup meeting for mid-April. Also schedule an internal workgroup meeting in March.
4. RWB staff to provide an update following Staff Council meeting discussing PG&E.
5. RWB staff to inform Workgroup of any significant concerns with current proposal by the end of February.
6. RWB staff will come to April meeting with preliminary draft provisions and understanding “holes” in provision language to be discussed at the meeting.
7. RAA workgroup to coordinate with Richard to discuss RAA peer review results.