

REGIONAL WATER QUALITY CONTROL BOARD - SAN FRANCISCO BAY
BOARD MEETING MINUTES
September 16, 2002

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Item 1 - Roll Call and Introductions

The meeting was called to order on September 16, 2002 at approximately 9:05 a.m. in the State Office Building Auditorium, First Floor, 1515 Clay Street, Oakland.

Board members present: John Muller, Chair; Clifford Waldeck, Vice-Chair; Josephine De Luca; Shalom Eliahu; John Reininga; and Mary Warren.

Board members absent: Kristen Addicks, Doreen Chiu [Note: Mrs. Chiu arrived at 9:27 a.m.], and William Schumacher [Note: Mr. Schumacher arrived at 9:20 a.m.].

Item 2 - Public Forum

This item was heard after Item 4.

Item 3 - Minutes of the June 19, 2002 and the August 20 – 21, 2002 Board Meetings

Motion: It was moved by Mrs. Warren, seconded by Mr. Reininga, and it was unanimously voted to adopt the minutes of the June 19, 2002 and August 20 – 21, 2002 Board Meetings. Mrs. De Luca abstained from voting on the June 19, 2002 minutes because she did not attend the meeting.

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

Loretta Barsamian said the State Board is considering a proposal to increase fees for board programs. She asked Shin-Roei Lee and Bruce Wolfe to discuss the proposed changes in fee schedules.

~~Ms. Lee discussed proposals affecting NPDES and land disposal programs.~~

~~Shalom Eliahu asked if the fee increases would be assessed annually or on a one-time basis. Ms. Lee said the increases would be imposed annually.~~

~~Josephine De Luca asked how the proposed fees would affect refineries regulated under the NPDES program. Ms. Lee replied fees for refineries would increase and would be based upon the amount of permitted flow.~~

~~Bruce Wolfe discussed proposals affecting stormwater programs and water quality certifications.~~

~~Clifford Waldeck asked if the State Board was the regulatory agency that would adopt the proposed fee increases. Staff answered affirmatively.~~

[Mr. Schumacher arrived at 9:20 a.m.]

Larry Kolb discussed a meeting he attended with representatives from the County of San Mateo stormwater program. He described their concern about substantial fee increases anticipated for municipal stormwater programs.

Ms. Barsamian reported on AB 2351, legislation that is currently on the Governor's desk. She said the legislation would make significant changes to the Mandatory Minimum Penalty law and would increase the amount of funds that could be used for supplemental environmental projects.

[Mrs. Chiu arrived at 9:27 a.m.]

Ms. Barsamian noted the Petaluma mushroom farm may move from Sonoma County to Colusa County. She discussed waste discharge issues relating to Cargill Salt Company's ponds. Ms. Barsamian said East Bay Municipal Utilities District filed a lawsuit against the State Board and Region 2. She discussed a letter William Bagley wrote to the San Francisco Chronicle.

Mr. Waldeck talked about a recent article in National Geographic that deals with global water issues.

John Muller discussed salmon fisheries and the Columbia River.

Mrs. De Luca praised a new publication entitled "Watershed: Working with Local Partnerships."

Ms. Barsamian discussed statewide planning and watershed management.

Item 2 – Public Forum

Leo O'Brien introduced himself to the Board. He said he is the new director of WaterKeepers of Northern California.

Item 5- Uncontested Calendar

Ms. Barsamian recommended Item 5C be placed on the contested calendar because a member of the public wished to speak in opposition.

Ms. Barsamian said there was a supplemental for Item 5F. She said Item 5H, 5I, and 5J require Board action and should be considered as part of the uncontested calendar.

Ms. Barsamian then recommended adoption of the uncontested calendar.

Motion: It was moved by Mrs. Warren, seconded by Mr. Schumacher, and it was unanimously voted to adopt the uncontested calendar as recommended by the Executive Officer.

Item 5C – City of American Canyon, Wastewater Treatment Plant, Napa County – Amendment of NPDES Permit

Lisa Viani, WaterKeepers of Northern California, opposed removing copper and nickel mass limits from the discharger's NPDES permit. She also opposed granting the discharger an exemption from complying with the Statewide Industrial Stormwater General Permit.

Shin-Roei Lee said the tentative order includes concentration limits for copper and nickel. She said removing mass limits for these constituents is consistent with the State Board's ruling in the Tosco Remand Order. She also said the discharger would process stormwater at the wastewater facility through its treatment works.

Mrs. De Luca asked about mass and concentration limits for copper and nickel. Staff explained that the NPDES permit contains concentration limits for these constituents that are adequate to protect against toxicity. Staff said removal of mass limits for copper and nickel would not change the quality of water discharged from the treatment plant.

George Harris, engineering consultant for American Canyon, spoke in support of the tentative order.

Mr. Reininga asked if the discharger worked with environmental groups when it designed the treatment plant and developed pollution prevention programs. Ms. Barsamian answered affirmatively.

Mr. Eliahu asked if the discharger would have a wastewater reclamation program. Ms. Barsamian answered affirmatively.

Mr. Harris noted the control of odor was considered in the design of the wastewater treatment plant.

Ms. Barsamian recommended adoption of the tentative order.

Motion: It was moved by Mrs. De Luca, seconded by Mr. Eliahu, and it was unanimously voted to adopt the tentative order as recommended by the Executive Officer.

Item 6 – Alpine Road Winery, LLC, La Honda, San Mateo County – Hearing to Consider Imposition of Administrative Civil Liability or Referral to the Attorney General for Discharge of Waste to Waters of the State

Loretta Barsamian said Alpine Road Winery, LLC signed a waiver of its right to a hearing on the proposed ACL. She noted no Board action was necessary. Ms. Barsamian said the discharger agreed to pay an Administrative Civil Liability in the amount of \$18,000, of which \$10,000 would be used for a supplemental environmental project.

Item 7 – Romic Environmental Technologies Corporation, 2081 Bay Road, East Palo Alto, San Mateo County – Hearing to Consider Mandatory Minimum Penalty for Discharge of Partially Treated Wastewater to Waters of the State

Loretta Barsamian recommended this item be continued.

Item 8 – California Department of Parks and Recreation, Angel Island State Park, Marin County – Hearing to Consider Mandatory Minimum Penalty for Discharge of Partially Treated Wastewater to Waters of the State

Loretta Barsamian said California Department of Parks and Recreation, Angel Island State Park signed a waiver of its right to a hearing on the proposed MMP. She noted no Board action was necessary. Ms. Barsamian said the discharger agreed to pay a Mandatory Minimum Penalty in the amount of \$33,000, of which \$3,000 would be used for a supplemental environmental project.

Item 9 – City and County of San Francisco, San Francisco International Airport, Water Quality Control Plant, San Mateo County – Hearing to Consider Mandatory Minimum Penalty for Discharge of Partially Treated Wastewater to Waters of the State

Loretta Barsamian said City and County of San Francisco, San Francisco International Airport signed a waiver of its right to a hearing on the proposed MMP. She noted no Board action was necessary. Ms. Barsamian said the discharger agreed to pay a Mandatory Minimum Penalty in the amount of \$27,000, of which \$3,000 would be used for a supplemental environmental project.

Item 10 – Marin County Sanitary District No. 5, Tiburon Treatment Plant Tiburon, Marin County – Reissuance of NPDES Permit

Ken Katen gave the staff presentation. He said the Tiburon Treatment Plant has a dry weather design flow of 0.98 million gallons per day. He said effluent from the plant is combined with effluent from Sewerage Agency of Southern Marin and discharged 840 feet offshore.

Mr. Katen discussed two issues raised by the discharger regarding the tentative order: (1) the lack of dilution credits for bioaccumulative pollutants, and (2) the use of a 10:1 dilution ratio for non-bioaccumulative pollutants.

Mr. Schumacher asked if the discharger had incurred permit violations because of increased flows in wet weather. Mr. Katen said the Tiburon Treatment Plant has the capacity to handle wet weather flows and the discharger had not had any violations.

Mr. Waldeck asked if effluent from Tiburon Treatment Plant is considered part of the effluent of Sewerage Agency of Southern Marin because the two dischargers share an outfall pipe.

Mr. Katen said each discharger is regulated under separate NPDES permits and each discharger treats its own effluent.

Mr. Waldeck asked if wastewater from the Tiburon Plant is reclaimed. Mr. Katen said wastewater is not reclaimed.

Henrik Olsgaard, Marin County Sanitary District No. 5, said when SASM changed outfall locations, it constructed a discharge pipe that ran near the Tiburon Treatment Plant. At the time, he said facilities at the Tiburon Treatment Plant were being upgraded and the Tiburon Plant began using SASM's discharge and outfall pipes.

Mr. Eliahu asked about the discharger's future plans to reclaim water.

Mr. Olsgaard noted the Sanitary District is part of the North Bay Watershed Association, and the Association is developing a reclamation program.

Mr. Schumacher asked about opportunities to irrigate public properties in the Tiburon area.

Mr. Olsgaard replied the public might not accept the use of reclaimed water.

Ms. Barsamian offered help from Board staff to encourage public acceptance.

Mr. Reininga asked if the discharger opposed a requirement in the tentative order to increase the frequency of sampling.

Mr. Olsgaard replied he was not opposed to increased sampling and estimated the cost would be \$3,00 to \$4,000 a year.

Jim Kelly, Bay Area Clean Water Agencies, said BACWA opposed imposition of mass limits, imposition of numeric limits based on narrative criteria in the Basin Plan, and the lack of dilution credit for bioaccumulative pollutants. He noted BACWA supports the development of TMDLs and is one of three partners in the Clean Estuary Partnership.

Loretta Barsamian recommended adoption of the tentative order as supplemented.

Motion: It was moved and seconded, and it was unanimously voted to adopt the tentative order as supplemented and recommended by the Executive Officer.

Item 11 – Status Report on Total Maximum Daily Load (TMDL) Program

Tom Mumley gave the staff report. He described pollutants and water bodies that are included on the 303(d) list for the San Francisco Bay Area. He described what constitutes a TMDL Project: assessment of water quality impairment; establishment of numeric targets; identification of pollutant sources; allocation of pollutant loads; and implementation of regulatory action.

Dr. Mumley presented a schedule for completing TMDL projects for the Bay Area. He noted wastewater and urban runoff management agencies have joined with Board staff to form the Clean Estuary Partnership.

Mrs. De Luca asked how the TMDL program in the Bay Area compares with similar programs around the country.

Dr. Mumley said our TMDLs would be more complete because they will include an implementation program.

Ms. Barsamian said our partners in the Clean Estuary Partnership – wastewater treatment plants and urban runoff management agencies – are funding scientific studies used in the development of TMDLs. She emphasized the important role of the partnership in developing TMDLs.

[The Board took a break at 11:01 a.m. and resumed at 11:12 a.m.]

Item 12 – Status Report on TMDL for Diazinon and Pesticide-Related Toxicity in San Francisco Bay Area Urban Creeks

Ms. Barsamian said the State and Regional Boards have agreed that funds for the TMDL program will not be reduced even though general fund money to the Boards is being cut.

Bill Johnson gave the staff report. He said the preliminary project report for the TMDL for Diazinon and Pesticide-Related Toxicity recently had been completed.

Mr. Johnson said urban creeks provide freshwater habitat to wildlife. However, he said urban creeks in the Bay Area often are toxic to organisms representing the bottom of the food web.

Mr. Johnson said the primary cause of the toxicity is a pesticide known as diazinon. He noted approximately 85 tons of diazinon are used annually in the Bay Area. He said homeowners account for about 50% of the diazinon sold in the Bay Area. He noted the pesticide is also used in structural pest control, agriculture, and landscape maintenance. He said rainfall and irrigation pick up diazinon residue from pavement and landscaping and carry the pesticide to stormdrains and then to urban creeks.

Mr. Johnson said one goal of the TMDL would be to keep the level of diazinon in urban creeks below the water quality criteria for diazinon developed by the California Department of Fish and Game.

Mr. Johnson noted agencies that regulate pesticides are not the same agencies that regulate water quality. He said this leads to gaps in the regulatory process. He noted municipalities are accountable for pesticides discharged through their storm drains, but they lack the authority to regulate pesticide use.

Mr. Schumacher said various types of pests have created problems in California during recent years. He asked about balancing the need to limit pesticides in water with the need to manage serious pest problems.

Mr. Johnson said an Integrated Pest Management approach provides flexibility to use pesticides when necessary.

Mr. Muller noted diazinon is no longer used in horticulture.

Mr. Eliahu asked whether diazinon seeps into groundwater. Mr. Johnson replied diazinon does not seep far below the surface, and said the pesticide presents a problem in surface runoff.

Mr. Eliahu asked if diazinon could be removed from stormwater. Larry Kolb said the pesticide is not removed when wastewater is processed in sewage treatment plants.

Mr. Schumacher asked about products that could be used in place of diazinon.

Dr. Kolb said almond growers are using a product called BT that is effective but costs more than diazinon.

Mr. Waldeck said many municipalities use an Integrated Pest Management approach in an effort to minimize the use of pollutants.

Mr. Reininga congratulated Tom Mumley and the TMDL staff for their work. He asked about funding for the TMDL program.

Dr. Mumley said general fund money from the State budget is used to fund the program. He said the federal government contributes grant dollars. He also said our partners in the Clean Estuary Partnership are contributing funds.

Mrs. Warren asked what other states are using to control mosquito problems. Ms. Barsamian said staff would investigate.

Mr. Eliahu asked if a target of the TMDL is to reduce the use of diazinon by a given percentage.

Mr. Johnson said control measures reduce the amount of diazinon that gets into the water from land. He said TMDL targets for diazinon are concentration based and are stated in parts per trillion.

Dr. Mumley reiterated that most diazinon applied to land does not get into waterways.

Item 14 – Closed Session – Litigation

The Board took a lunch break at 11:53 a.m. and went into closed session with legal counsel to discuss the following: *Communities for a Better Environment and San Francisco Baykeeper v. State Water Resources Control Board and California Regional Water Quality Control Board, San Francisco Bay Region.*

The Board reconvened in open session at approximately 1:20 p.m. ~~and did not have a report from the closed session.~~

Adjournment

The meeting was adjourned at approximately 1:20 p.m.

