

REGIONAL WATER QUALITY CONTROL BOARD - SAN FRANCISCO BAY
BOARD MEETING MINUTES
March 19, 2003

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Item 1 - Roll Call and Introductions

The meeting was called to order on March 19, 2003 at approximately 9:03 a.m. in the State Office Building Auditorium, First Floor, 1515 Clay Street, Oakland.

Board members present: John Muller, Chair; Doreen Chiu; Shalom Eliahu; John Reininga; William Schumacher; and Mary Warren.

Board members absent: Kristen Addicks [Note: Mrs. Addicks arrived at 9:15 a.m.]; Josephine De Luca; and Clifford Waldeck.

Item 2 - Public Forum

There were no public comments.

Item 3 - Minutes of the February 19, 2003 Board Meeting

The Board unanimously approved the minutes.

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

Loretta Barsamian reminded Board members that they are required under state law to complete ethics training during this calendar year.

Item 5 - Uncontested Calendar

Ms. Barsamian recommended adoption of the uncontested calendar.

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

Item 6 - Diablo Foreign, 580 W. 10th Street, Pittsburg, Contra Costa County – Hearing to Consider Imposition of Administrative Civil Liability or Referral to the Attorney General

for Failure to Submit Annual Monitoring Report Required by the State Board's General NPDES Permit for Discharges of Stormwater Associated with Industrial Activities

Ms. Barsamian said Diablo Foreign signed a waiver of its right to a hearing on the proposed ACL. She noted no Board action was necessary. Ms. Barsamian said the Administrative Civil Liability was in the amount of \$7,000. She said the discharger proposed to use \$5,600 for a supplemental environmental project.

Item 7 – Siemens Corporation, 10950 North Tantau Avenue, Cupertino, Santa Clara County – Hearing to Consider Mandatory Minimum Penalty for Discharge of Partially Treated Wastewater to Waters of the State

Ms. Barsamian said a supplemental to this item provides for a change in the name of the responsible party. The supplemental states: The March 6, 2003 Amended Complaint is hereby changed to replace “Siemens Corporation” with “SMI Holding LLC” in all instances.

Ms. Barsamian said SMI Holding LLC 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 \$24,000.

Item 8 – City of San Mateo, Wastewater Treatment Plant, San Mateo County – Hearing to Consider Mandatory Minimum Penalty for Discharge of Partially Treated Wastewater to Waters of the State

Ms. Barsamian said the City of San Mateo 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 \$39,000. She noted \$27,000 would be used for a supplemental environmental project.

Item 9 – West County Agency, West County Wastewater District and City of Richmond Municipal Sewer District, Richmond, Contra Costa County – Hearing to Consider Mandatory Minimum Penalty for Discharge of Partially Treated Wastewater to Waters of the State

Ms. Barsamian said West County Agency 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 \$180,000. She said \$97,500 would be used for a supplemental environmental project.

Mr. Eliahu noted the discharger violated effluent limits for almost two years. He asked if staff was looking at the underlying cause of the violations.

Ms. Barsamian said fines imposed under the MMP law would serve as an incentive for the discharger to correct the underlying problem. She noted loan and grant funds are available.

Mrs. Warren asked about changes in the management of the wastewater treatment plant.

Larry Kolb said the City of Richmond recently hired a private firm to run the plant.

Item 10 – Status Report on Cargill Salt Ponds Purchase, Initial Stewardship and Permitting, and Restoration Planning Process – South Bay and North Bay

Steve Moore said he would give an update on the wetlands restoration project being undertaken in South San Francisco Bay. He said ponds that at one time produced salt would be restored to tidal marsh wetlands.

In response to a question, Mr. Moore said restoration of ponds located in Alameda and Santa Clara Counties would take place before restoration of ponds located in San Mateo County.

[Mrs. Addicks arrived at 9:15 a.m.]

In response to a question, Mr. Moore said many of the South Bay ponds have low salinity levels.

Mr. Moore said an initial goal is to reduce the salinity concentration in some ponds so that the pond water can be discharged into the Bay without causing impairment.

In response to a question from Mr. Eliahu, Mr. Moore said Cargill Salt discharged wastewater from its salt production into waste ponds and not into the Bay. He added that pond water is not being discharged into the Bay at the present time.

In response to a question from Mrs. Addicks, Mr. Moore said Bay water would be circulated through some of the ponds in order to reduce salinity levels.

Mr. Moore said the wetlands restoration project includes three phases: property acquisition, initial stewardship, and long term restoration. He said on March 6, 2003 the state and federal governments bought 16,500 acres of ponds from Cargill Salt. He said the restoration project now has entered the Initial Stewardship Phase.

Mr. Moore said there would be two types of discharges into the Bay during the Initial Stewardship Phase: (1) initially some pond water would be discharged, and then, (2) bay water would be circulated through some ponds and discharged.

In response to a question from Mr. Reininga, Ms. Barsamian said Cargill Salt, the Department of Fish and Game, and the U.S. Fish and Wildlife Service would carry out project activities during the Initial Stewardship Phase. She said the California Coastal Conservancy would lead the long term restoration planning process.

Mr. Moore noted Cargill Salt, the Department of Fish and Game, and the U.S. Fish and Wildlife Service are responsible for funding various activities. Amy Hutzler, California Coastal Conservancy, reviewed governmental funding programs that might be used in the restoration process.

Mr. Moore described how ponds would be managed during the next 3 to 10 years when Bay water would be circulated through them.

Mr. Moore said the Regional Board has been requested to issue waste discharge requirements for pond water and for Bay water that will be discharged back to the Bay. He said the Regional Board also would be requested to issue water quality certifications for levee maintenance and for construction of water control structures.

Mr. Moore said development of the wetlands restoration project raises a central water quality question: whether discharges from the ponds will cause numeric water quality objectives in the Bay to be exceeded.

In response to a question, Mr. Moore said dredging of the ponds is not anticipated.

Mr. Reininga asked if the restoration project would require removal of levees. Mr. Moore said levee removal is not anticipated. Mr. Eliahu noted levees might be breached.

Mrs. Addicks asked whether Cargill Salt would be named as a party on permits that will be issued by the Regional Board.

Board staff said the Department of Fish and Game and the U.S. Fish and Wildlife Service recently submitted a waste discharge requirements application for regulation of discharges to the Bay. Staff said negotiations are underway as to whether Cargill Salt would be included as a party on the permit to be issued.

Ms. Barsamian asked whether Board members would like to receive updates on the project as the Initial Stewardship Phase progresses.

Mr. Muller, Mr. Eliahu, Mrs. Addicks, and Mr. Reininga replied affirmatively. Mr. Eliahu expressed hope that the updates would include some technical information.

Amy Hutzel, California Coastal Conservancy, said the state and federal governments bought Cargill Salt ponds located both in the South Bay and the North Bay. Ms. Hutzel said 1,500 acres of ponds are located at Cargill Salt's former Napa River plant. She said the goals of the North Bay restoration project include wetlands restoration, flood management, and wildlife-oriented public recreation. She said the North Bay project might use recycled water to circulate through ponds.

Ms. Barsamian talked about proposals to recycle wastewater through the ponds.

In response to a question, Ms. Hutzel said the California Coastal Conservancy is a state agency.

Mr. Muller asked staff to explain the process by which mercury becomes methylated. Larry Kolb explained.

Mr. Muller said he would leave the meeting shortly and John Reininga would serve as Chair. At that point, Mr. Reininga began serving as Chair.

[Mr. Muller left the meeting at 10:25 a.m.]

Item 11 – Status Report on State’s General NPDES Permit for Discharges of Stormwater Associated with Industrial Activities and Annual Monitoring Reports Required by the General Permit

Rico Duazo said the State Board has issued a General Permit that regulates stormwater discharged from industrial facilities. He said the General Permit requires facilities to: (1) implement a stormwater pollution prevention plan, (2) implement a stormwater monitoring plan, and (3) submit an annual report to the Regional Board.

Mr. Duazo said industrial facilities are required to use Best Management Practices to reduce pollutant levels in stormwater runoff. He showed slides illustrating BMPs that are used at auto dismantler facilities and concrete batch plants.

Mr. Duazo said there are a number of industrial facilities in the Bay Area that have not filed for coverage under the General Permit even though they are required to file. He said staff are trying to notify non-filers of their responsibilities.

Mr. Duazo said the Federal Clean Water Act regulates stormwater discharges in several ways. He said industrial facilities are regulated under the General Permit. Also, he said municipalities are regulated under NPDES stormwater permits issued by the Regional Board. He said Regional Board staff work with municipal inspectors to ensure industrial facilities comply with stormwater requirements.

Mr. Reininga asked what percentage of industrial facilities in the Bay Area are non-filers.

Larry Kolb estimated 50% of the industrial facilities fail to file as required by the General Permit. Bruce Wolfe said the non-filers generally include smaller facilities.

Mrs. Warren asked how non-filers are identified.

Mr. Wolfe said staff receive information from a number of sources, including municipalities, citizens, businesses, and even competitors.

Mrs. Warren said the Regional Board recently adopted municipal stormwater permits that have more stringent requirements than in the past. She thought it was important that industrial facilities comply with stormwater requirements.

Mrs. Addicks said field inspections are an important way to ensure facilities comply with stormwater requirements. She expressed concern about the amount of work placed on local inspectors.

Ms. Barsamian noted Board staff are working cooperatively with local inspectors.

Alexa La Plante reiterated the fact that industrial facilities are required to submit annual reports to the Regional Board. She said the reports include: (1) analyses of samples taken during 2 rain events in the wet season, (2) visual observations during rain events, and (3) a self-audit certification.

Ms. La Plante said stormwater samples are analyzed for several parameters. For each parameter, she said analytical results are compared to a benchmark level established by

U.S. EPA. For example, she said 26% of the industrial facilities submitting 2001/2002 annual reports had sample results that exceeded U.S. EPA's benchmark level for Total Suspended Solids. She said comparing benchmark levels to a facility's sample results offers a way to see whether the facility is making effective use of best management practices.

After reviewing 2001/2002 annual reports, Ms. La Plante said staff sent compliance letters to a number of industrial facilities. She said letters were sent to facilities that: (1) did not submit an annual report, (2) did not submit sample results, and (3) submitted sample results exceeding U.S. EPA's benchmark levels.

In response to a question, Ms. Barsamian said industrial facilities covered under the General Permit are required to submit annual reports to the Regional Board.

In response to a question, Mr. Wolfe reviewed the information contained in annual reports.

Mrs. Warren noted the economic advantage non-filers might gain over filers. She suggested in fairness to filers, non-filers should be identified.

In response to a question, Larry Kolb said staff have developed an Annual Report Database to store and track data. He said staff are able to analyze facility performance over time.

Mrs. Addicks asked about the accuracy of information in annual reports. Dr. Kolb said annual reports are self-certified by the industrial facilities.

Adjournment

The meeting was adjourned at approximately 11:05 a.m.