

REGIONAL WATER QUALITY CONTROL BOARD - SAN FRANCISCO BAY
BOARD MEETING MINUTES

July 16, 2003

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Item 1 - Roll Call and Introductions

The meeting was called to order on July 16, 2003 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; Doreen Chiu; Shalom Eliahu; John Reininga; William Schumacher; and Mary Warren.

Board members absent: Kristen Addicks and Josephine De Luca.

Item 2 - Public Forum

Chris Schlies, attorney representing a homeowners association and a Happy Valley homeowner, talked about the proposed Happy Valley Golf Course and the City of Pleasanton. He discussed annexation issues and potential impacts the golf course might have on groundwater.

Mr. Schumacher noted extension of water and sewer services was part of the annexation plan and asked why homeowners near the proposed golf course voted against annexation.

Mr. Schlies said homeowners might have opposed annexation because of the cost to connect to water and sewer services.

Mrs. Warren suggested the City of Pleasanton be given an opportunity to be heard.

Ms. Barsamian said she would look into the situation and give a report to the Board.

Item 3 - Minutes of the June 18, 2003 Board Meeting

Motion: It was moved by Mrs. Warren, seconded by Mr. Eliahu, and it was unanimously voted to adopt the minutes.

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

John Muller reported attending a Chairs meeting in Sacramento on June 30.

Clifford Waldeck reported the Senate recently confirmed Kristen Addicks and Josephine De Luca as Region 2 Board Members.

Loretta Barsamian and Steve Morse discussed proposals by the State Board to increase fees for dischargers.

In response to a question, Mr. Morse described how fees are allocated to fund State Board and Regional Board programs.

Item 5 - Uncontested Calendar

Ms. Barsamian recommended adoption of the uncontested calendar.

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

Item 6 – Raytheon Company, 350 Ellis Street, Mountain View, Santa Clara County – Hearing to Consider Mandatory Minimum Penalty for Discharge of Partially Treated Wastewater to Waters of the State

Ms. Barsamian said Raytheon Company 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 \$6,000. She noted \$6,000 would be used for a supplemental environmental project.

Item 7 – City of Burlingame, Wastewater Treatment Plant, Burlingame, 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 Burlingame 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 \$15,000. She noted \$15,000 would be used for a supplemental environmental project.

Item 8 – City and County of San Francisco, Oceanside Water Pollution Control Plant, and the Westside Combined Sewer System, San Francisco – Reissuance of NPDES Permit

Abigail Smith said San Francisco operates a combined sewer system that includes domestic sewage, industrial wastewater, and stormwater.

Ms. Smith said two wastewater facilities are operated on San Francisco's west side: (1) the Oceanside Water Pollution Control Plant, and (2) the Wet Weather Facilities. She said during the dry weather the Oceanside Plant operates as a regular municipal treatment plant providing secondary treatment to effluent. She said during wet weather the Plant provides secondary treatment to some effluent and primary treatment to the balance.

Ms. Smith said the Wet Weather Facilities consist of a series of underground storage boxes and transport structures. She said wastewater from the Facilities is discharged only during wet weather when influent exceeds treatment, storage, and transport capacities of

the Oceanside Plant and the Wet Weather Facilities. She said wastewater discharged from the Wet Weather Facilities receives primary treatment.

Ms. Smith said the proposed tentative order is a joint effort by the Regional Board and the U.S. EPA. She said the Oceanside Plant discharge is under federal jurisdiction and the Wet Weather Facilities discharge is under state jurisdiction. She said wastewater from the Oceanside Plant is discharged into federal waters more than 3 miles offshore. She said wastewater from the Wet Weather Facilities is discharged into state waters at 7 shoreline locations.

Ms. Smith said testimony would be received at today's public hearing and the Board would consider adoption of the tentative order at the August Board meeting.

Ms. Smith said San Francisco contests use of a 76:1 dilution factor for the ocean outfall. She reiterated the outfall is located in federal waters under U.S. EPA's jurisdiction.

In response to a question, Lila Tang said capital improvements are not needed for San Francisco to comply with the tentative order.

Clifford Waldeck commended staff for preparation of the tentative order. He asked why San Francisco's wastewater treatment facilities process stormwater along with sewage.

Ms. Barsamian and Ms. Smith said older cities like San Francisco tend to use combined systems.

Nancy Yoshikawa, U.S. EPA, said San Francisco recently submitted a dilution report that U.S. EPA is reviewing. She said the agency would reach a decision in about 12 months as to whether the 76:1 dilution factor should be revised.

Ms. Yoshikawa said the tentative order does not include pollutant limits, and the 76:1 dilution factor was used in the calculation. She said a re-opener clause had been added to the tentative order to allow modification of the permit if compliance issues using the dilution factor occur.

Board members and staff discussed issues regarding dilution factors.

In response to a question, Ms. Yoshikawa said a dilution factor of 76:1 means that water quality limits must be met after 1 part effluent is diluted 76 times.

Ms. Barsamian said the reason many cities do not process wastewater and stormwater together is because their wastewater treatment plants lack sufficient capacity.

John Roddy, Deputy City Attorney for City and County of San Francisco, requested the dilution factor in the tentative order be recalculated using current modeling techniques. He asked for a 2-month delay in adopting the tentative order to resolve the dilution issue.

Mr. Reininga asked about the cost to San Francisco if dilution is calculated at 76:1 instead of 250:1.

Mr. Roddy said he was not able to give cost estimates. He said San Francisco is concerned about its ability to meet future pollutant limits.

Ms. Barsamian said there would be a public hearing if staff recommended San Francisco's permit be amended to include new limits.

Mr. Roddy said San Francisco would like certainty as to provisions in the tentative order.

Sara Hilbrick, San Francisco BayKeeper, discussed an environmental standard known as the precautionary principle. She spoke in support of the tentative order.

Motion: It was moved by Mr. Schumacher, seconded by Mrs. Warren, and it was unanimously voted to close the public hearing.

[The Board took a break at approximately 10:40 a.m. and resumed at 10:50 a.m.]

Item 9 – Cities of San Jose and Santa Clara, Water Pollution Control Plant, Santa Clara County – Hearing to Receive Testimony on Reissuance of NPDES Permit

Item 10 – City of Palo Alto, Regional Water Quality Control Plant, Santa Clara County – Hearing to Receive Testimony on Reissuance of NPDES Permit

Item 11 – City of Sunnyvale, Water Pollution Control Plant, Santa Clara County – Hearing to Receive Testimony on Reissuance of NPDES Permit

Ms. Barsamian said testimony would be received at today's public hearing and adoption of the tentative orders would be considered at the August Board meeting.

Linda Rao said the Board issued NPDES permits in 1998 to the South Bay dischargers. She said the dischargers are: the City of Palo Alto, the City of Sunnyvale, and the Cities of San Jose and Santa Clara.

Ms. Rao said the Basin Plan prohibits discharge of effluent south of the Dumbarton Bridge to dead end sloughs and to shallow waters receiving less than 10:1 dilution. She said the water depth in the South Bay is shallow.

Ms. Rao said in 1990 the State Board issued a Remand Order regarding the South Bay NPDES permits. She said the Remand Order allowed effluent to be discharged into the South Bay if the Regional Board made a finding of "equivalent protection." She described factors that must be considered to find equivalent protection.

Ms. Rao said the Regional Board made a finding of equivalent protection when it issued NPDES permits in 1998. She said the three wastewater treatment plants discharge effluent to sloughs that are tributaries to the South Bay.

Ms. Rao said staff recommends that the Board again make a finding of equivalent protection. She said staffs' recommendation would allow the wastewater treatment plants to continue to discharge effluent to sloughs.

Ms. Rao said the tentative orders include interim mercury mass limits and requirements for pollution prevention studies. She said the tentative orders include limits for a newly listed pollutant, enterococcus. She discussed copper and nickel limits.

Ms. Rao said effluent discharged from San Jose's wastewater treatment plant had converted salt marsh to fresh water marsh. She said the 1990 State Board Remand Order instructed the Regional Board to require San Jose to restore 380 acres of salt marsh habitat by 2004. She said San Jose is developing mitigation on property known as Baumberg Tract and is in the process of identifying another mitigation project.

Carl Mosher, City of San Jose, thanked staff for their work on the tentative order. He said San Jose's concerns center on: (1) limits for copper and nickel, (2) the interim mercury mass limit, and (3) development of marsh mitigation. He said he might need more time to review the tentative order with the City Council because the Council is in recess during July. He requested the Board delay taking action until September.

In response to a question, Mr. Mosher said, as part of its mitigation efforts, San Jose contributed to the purchase of Bair Island.

Mrs. Warren asked if Board action on the tentative order could be delayed until September. Ms. Barsamian said staff would work with San Jose regarding the schedule.

Lorrie Gervin, City of Sunnyvale, commended staff for their participation in the stakeholder process leading to the tentative order. She said Sunnyvale's concerns center on: (1) the interim mercury concentration limit, (2) monitoring frequency for chronic toxicity, and (3) copper and nickel limits.

Ms. Barsamian noted Sunnyvale operates under an exception to the Basin Plan prohibition against discharges to shallow water. She said chronic toxicity monitoring is required to ensure the exception does not foster water quality problems.

Shin-Roei Lee said the same monitoring frequency for chronic toxicity is required for all South Bay plants.

Ms. Gervin said the monitoring frequency for chronic toxicity is greater for South Bay plants than for plants located elsewhere in the Bay Area.

Phil Bobel, City of Palo Alto, said the issue regarding an interim mercury mass limit that he discussed at the May Board meeting was resolved.

Teresa Pichay, California Dental Association, said scientific research has shown that the use of amalgam is safe for the patient and for the environment.

James Stephens, Mid Peninsula Dental Society, said the professional organization is working with dentists to reduce amalgam waste.

Joanna Woolman, San Francisco BayKeeper, discussed the mercury TMDL. She opposed having a single wasteload allocation for all wastewater treatment plants.

Sara Hilbrick, San Francisco BayKeeper, suggested the Board use a precautionary approach in addressing mercury limits.

Ms. Barsamian said staff would continue negotiating the tentative orders with the dischargers. She said the Board would consider adoption of the tentative orders at the August Board meeting. She noted the tentative order for San Jose might be heard in September because of a City Council recess.

Nancy Sutley, State Board member, introduced herself to the Regional Board, and discussed the State's budget problems.

Item 12 – Fairfield-Suisun Sewer District, Solano County – Hearing to Receive Testimony on Reissuance of NPDES Permit

Gina Kathuria said testimony would be received at today's public hearing and the Board would consider adoption of the tentative order at the August Board meeting.

Ms. Kathuria said Fairfield-Suisun Wastewater Treatment Plant discharges effluent to Boynton Slough and Suisun Slough. Although Boynton Slough was classified as freshwater in the 1998 NPDES Permit, she said recent studies have shown it is estuarine in nature. She said water quality limits were calculated to protect the slough's estuarine uses.

Ms. Kathuria said the tentative order includes a mercury mass limit and a mass trigger. She said the mass limit is the same as the limit in the 1998 permit. She said the mass trigger is more stringent than the 1998 trigger because of the availability of better effluent sampling data.

Larry Bahr, Fairfield-Suisun Sewer District, thanked staff for their work on the tentative order. He said the District's main concern centers the cost to complete a dioxin special study.

In response to a question, Shin-Roei Lee said the State Implementation Policy requires dischargers to complete dioxin monitoring twice a year. She said monitoring data would be sent to the State Board to be used to develop a dioxin strategy.

In response to a question, Ms. Barsamian said dioxin appears to be an air deposition issue.

Mr. Bahr said monitoring costs could be expensive. He said monitoring for special studies is more expensive than routine monitoring costs.

Item 14 – Closed Session – Personnel

At approximately 12:20 p.m., the Board went into closed session to discuss personnel issues. At the completion of the closed session, the meeting was adjourned.

Adjournment

The meeting was adjourned at approximately 12:40 p.m.

