

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

January 23, 2002

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Item 1 - Roll Call and Introductions

The meeting was called to order on January 23, 2002 at 9:03 a.m. in the State Office Building Auditorium, First Floor, 1515 Clay Street, Oakland.

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

Board member absent: Doreen Chiu.

John Muller welcomed John Reininga to the Regional Board. Mr. Reininga made introductory remarks.

Ms. Barsamian said Richard Katz had been reappointed to the State Board.

Item 2 - Election of Chair and Vice-Chair

As Chair of the Nominating Committee, Shalom Eliahu nominated John Muller as Chair and Clifford Waldeck as Vice-Chair for the year 2002.

The Board unanimously voted to elect Clifford Waldeck as Vice-Chair. The Board unanimously voted to elect John Muller as Chair.

Mr. Muller and Mr. Waldeck thanked Board members for giving them the honor to serve.

Item 3 - Public Forum

There were no public comments.

Item 4 - Minutes of the November 28, 2002, Board Meeting

The minutes were adopted by the Board.

Item 5 - Chairman's, Board Members' and Executive Officer's Reports

Clifford Waldeck described a meeting conducted by the League of California Cities during which he spoke up about stormwater issues. Mrs. De Luca commended Mr. Waldeck for presenting the Regional Board's point of view.

Larry Kolb said he attended a meeting with Alameda County officials regarding the County's stormwater permit.

Ms. Barsamian said she would be attending a meeting of the Santa Clara Valley Watershed Management Initiative. She said representatives from Cal/EPA would hold an open staff forum on February 13, 2002 in Oakland.

Mr. Muller commended Ann Riley for a recent presentation to an audience that included members of the Central Coast farming community. Mr. Muller noted he attended a meeting concerning agricultural interests that was held at Cal/EPA in Sacramento.

Ms. Barsamian reported the North Bay Watershed Association would hold a meeting on March 15, 2002 to discuss water reclamation and reuse issues. Ms. Barsamian discussed a recent settlement reached in the Sonoma Valley Water District litigation. She also noted the State Board is expected to remand the Kelly Engineer case back to the Regional Board for further clarification. She discussed the Proposition 13 grant program.

Ms. Barsamian reported the City of Richmond recently contracted with a private company to operate its wastewater treatment plant. Mrs. Warren asked if the company had a history of problems. Dr. Kolb replied that staff was not aware of past problems.

Mr. Eliahu, referring to the written Executive Officer's Report, asked if the City of Richmond was in violation of its NPDES permit. Ms. Barsamian replied affirmatively, noting staff was considering penalty actions.

Kristen Addicks asked about a report prepared by Marin County that dealt with septic tank systems. Bruce Wolfe said Board staff had worked with the County on the issues discussed in the report. Ms. Barsamian noted that many years ago the Board delegated authority to counties to regulate septic systems.

Item 6 - Uncontested Calendar

Ms. Barsamian recommended adoption of the uncontested calendar, excepting Item 6E. She recommended Item 6E be considered immediately after the uncontested calendar.

Motion: It was moved by Mrs. De Luca, seconded by Mr. Schumacher, and it was voted to adopt the uncontested calendar as recommended by the Executive Officer. Mrs. Warren recused herself from consideration of Item 6A.

Item 6E – California Department of Transportation, San Francisco-Oakland Bay Bridge East Span Seismic Safety Project, City and County of San Francisco and City of Oakland, Alameda County – Adoption of New Waste Discharge Requirements

Keith Lichten gave the staff presentation. He described Caltrans' plans to replace the east span of the Bay Bridge with a structure that would withstand a major earthquake. He noted the Board adopted in October 2001 a water quality certification for the new bridge under the federal Clean Water Act. He said today's tentative order is brought under authority of the State of California's Porter-Cologne Water Quality Control Act.

Mr. Lichten said about 3.24 acres of eelgrass habitat and about 4.19 acres of sand flat habitat would be filled due to bridge construction. As mitigation, he said Caltrans would contribute \$10.5 million toward restoration of wetlands at Skaggs Island and East Shore State Park. He said the tentative order requires that Caltrans prepare a dredging operations plan to address the timing of dredging and the disposal of material. Mr. Lichten said the tentative order also requires Caltrans to comply with construction and post-construction stormwater treatment requirements.

Mrs. De Luca asked about the term "conceptual mitigation" used in some of the material. Mr. Lichten said the tentative order provides a framework for mitigation. He said final mitigation plans would be developed later.

Mr. Lichten introduced Caltrans' staff that were present in the audience.

Mr. Waldeck asked about recent contracts awarded for construction of the east span.

Mr. Eliahu noted construction activities might take place in areas of groundwater contamination. He asked whether dewatering effluent would be treated. Mr. Lichten replied affirmatively and noted Region 2 has an existing General NPDES Permit regulating the discharge of polluted groundwater.

Mr. Muller asked about the success of an eelgrass project at the Port of Oakland. Ms. Barsamian spoke about the difficulty of replacing eelgrass, and noted the project is ongoing.

Ms. Barsamian recommended adoption of the tentative order.

Motion: It was moved by Mr. Eliahu, seconded by Mrs. Warren, to adopt the tentative order as recommended by the Executive Officer.

Roll Call:

Aye: Mrs. Addicks, Mrs. De Luca, Mr. Eliahu, Mr. Reininga, Mr. Schumacher, Mr. Waldeck, Mrs. Warren and Mr. Muller

No: none

Motion passed 8 – 0.

Item 7 – GTE Operations Support, Inc., 100 Ferguson Drive, Mountain View, Santa Clara County – Hearing to Consider Imposition of Mandatory Minimum Penalty for Discharge of Partially Treated Wastewater to Waters of the State

Loretta Barsamian said GTE Operations Support, Inc. 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 \$3,000, all of which would be used for a supplemental environmental project.

Item 8 – 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

Loretta 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 \$3,000, all of which would be used for a supplemental environmental project.

Item 9 – City of Pinole, Wastewater Treatment Plant, Pinole, Contra Costa County – Hearing to Consider Mandatory Minimum Penalty for Discharge of Partially Treated Wastewater to Waters of the State

Loretta Barsamian said the City of Pinole 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 \$9,000, of which \$3,000 would be used for a supplemental environmental project.

Item 10 – Fairfield Sanitary District, Subregional Wastewater Treatment Plant, Fairfield, Solano County – Hearing to consider Mandatory Minimum Penalty for Discharge of Partially Treated Wastewater to Waters of the State

Loretta Barsamian recommended this be continued to the February Board meeting.

Item 11 – Delta Diablo Sanitation District, Wastewater Treatment Plant, Pittsburg, Contra Costa County – Hearing to Consider Mandatory Minimum Penalty for Discharge of Partially Treated Wastewater to Waters of the State

Loretta Barsamian said Delta Diablo Sanitation District 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, of which \$3,000 would be used for a supplemental environmental project.

Item 12 – The Dow Chemical Company, Pittsburg, Contra Costa County – Adoption of Site Cleanup Requirements

Mrs. Warren recused herself from consideration of this item.

Ms. Barsamian said the discharger did not contest this item. However, she said staff would like to describe the innovative technology being used to cleanup polluted groundwater.

Alec Naugle said since 1934 Dow Chemical has manufactured industrial chemicals at its facility located adjacent to New York Slough. He noted groundwater had been polluted by spills of chlorinated hydrocarbons used in past manufacturing activity. He said Dow currently is using a bioremediation system for pollution cleanup.

Mr. Naugle explained that bioremediation relies upon naturally occurring microbial organisms that degrade pollution and leave two bi-products: carbon dioxide and water. He said use of bioremediation technology involves injecting nutrients into groundwater in order to optimize conditions for the growth and multiplication of microbes.

Mr. Waldeck asked about treating groundwater polluted with MTBE through bioremediation. Mr. Naugle and Larry Kolb said that while it would be difficult to treat such a compound through bioremediation, it would be possible.

Mrs. Addicks asked about the status of microbes after degradation of the pollutants. Dr. Kolb replied the microbes are naturally occurring bacteria that would remain in the soil.

Mr. Eliahu asked whether other parties at different locations had used bioremediation technology. Stephen Morse said the technique had been used many times.

Mr. Reininga said the technology looked like an impressive solution to groundwater pollution. He asked why the technology had not been used sooner. Staff noted the technology is evolving. It was also noted that the Dow site presented a good opportunity to use the technology.

Mr. Eliahu asked about the nutrients injected into the groundwater. Mr. Naugle said the nutrients include simple substances like molasses that can be easily broken down in the ground. He said the nutrients would disappear long before the groundwater discharged to New York Slough.

Mrs. Addicks asked about monitoring requirements. Mr. Naugle said the monitoring program in the tentative order is key to evaluating the success of the bioremediation technology. He said the tentative order includes requirements for numerous wells and surface water sampling locations. Ms. Barsamian noted staff would bring a follow-up report to the Board.

Randy Fischback, The Dow Chemical Company, thanked staff for allowing use of bioremediation technology rather than a pump and treat system.

Craig Johns, Partnership for Sound Science in Environmental Policy, spoke in support of the tentative order.

Mr. Muller referred to Finding 33 of the tentative order and asked about the amount of cleanup that would take place. Ms. Barsamian noted cleanup would continue so that water quality levels established in the order could be achieved.

Ms. Barsamian recommended adoption of the tentative order.

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

[The Board took a break at 10:39 a.m. and resumed at 10:47 a.m.]

Item 13 – Status Report on Pretreatment and Pollution Prevention Programs

Shin-Roei Lee said the source control program consists of pretreatment and pollution prevention programs. She said these programs are designed to control pollutants at the location of their source instead of allowing the pollutants to be discharged into a sanitary sewer system.

Michael Chee described the Board's pretreatment program. He said federal regulations require pollutants be removed from effluent of industrial facilities before the effluent is discharged into a municipal sewage treatment system. He said under the federal regulations, 27 Publicly Owned Treatment Works (POTWs) in the Bay Area are required to develop pretreatment programs to regulate industrial dischargers. Mr. Chee noted the federal regulations require that Board staff inspect and audit POTW pretreatment programs. He explained the success of the pretreatment programs has been demonstrated by a decrease in loadings of metals discharged by the 27 POTWs into the Bay.

Timothy Potter, Central Contra Costa Sanitary District, described the District's pretreatment program. He also described the District's pollution prevention program, and its participation in interagency partnerships.

Selina Louie described the Board's pollution prevention program. She said the program is designed to eliminate or to reduce pollutants before such pollutants get into wastewater. She said the Board's program requires POTWs to regulate businesses not covered under federal pretreatment regulations. She said POTWs also conduct public outreach activities. Ms. Louie noted the State Implementation Policy includes requirements for pollutant minimization programs. She noted recent Migden legislation includes requirements for pollution prevention plans.

Stephanie Hughes, City of Palo Alto, described a school science program, conducted over a seven day period, that focuses on wastewater treatment.

Adjournment

The meeting was adjourned at 11:28 a.m.