

REGIONAL WATER QUALITY CONTROL BOARD - SAN FRANCISCO BAY  
BOARD MEETING MINUTES  
October 20, 2004

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Item 1 - Roll Call and Introductions

The meeting was called to order on October 20, 2004 at 9:07 a.m. in the State Office Building Auditorium, First Floor, 1515 Clay Street, Oakland.

Board members present: Clifford Waldeck, Chair; Kristen Addicks; Shalom Eliahu; John Muller; and John Reininga.

Board members absent: Doreen Chiu; Josephine De Luca; and Mary Warren.

Item 2 - Public Forum

Paul Lesti, President of Lesti Structured Settlements, talked about environmental structured settlements. He said the settlements could be used to guarantee funding for cleanups.

Mr. Wolfe said funding is an issue in long-term cleanup projects. He said responsible parties generally establish funding on their own without staff involvement.

Item 3 – Minutes of the September 15, 2004 Board Meeting

Motion: It was moved by Mr. Reininga, seconded by Mr. Eliahu, and it was unanimously voted to adopt the minutes of the September 15, 2004 Board meeting.

Mrs. Addicks abstained because she did not attend the September Board meeting.

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

Mr. Waldeck said the Executive Officer's Report did an excellent job in presenting the diverse projects that staff is working on throughout the region.

In reply to a question, Mr. Wolfe said a hearing would be held on November 6 in the Richmond area regarding remediation at the Campus Bay site.

Mr. Waldeck said he has received some telephone calls regarding the Campus Bay project. He said he referred callers to staff that are directly involved in the project.

Mr. Wolfe thanked Mr. Waldeck for his comments regarding the Executive Officer's Report. Mr. Wolfe said Steve Morse compiles the Report.

Mr. Wolfe said elevated levels of mercury and PCBs have been found in fish samples taken from ten reservoirs in the San Francisco Bay Area. He said the sampling results are posted on the Water Board's web site.

In reply to a question, Mr. Wolfe said the levels of mercury and PCBs found in the samples present health concerns.

#### Item 5 - Uncontested Calendar

Mr. Wolfe recommended adoption of the uncontested calendar with the following changes: (1) the United States Department of the Army be deleted from the title of Item 5A; and (2) Appendix A, Attachment to Tentative Resolution, for Item 5B be included.

Mr. Muller commented on Items 5C and 5D and the need for improved sewage systems in the East Shore Community of Tomales Bay and the Community of Pescadero. He asked about the likelihood the communities would receive grant funds being requested.

Mr. Wolfe said the Small Community Grant Program is a competitive, statewide program. He said staff is optimistic that there will be sufficient funds this year to allow both communities to begin study and design work on waste disposal systems.

Mr. Muller asked staff to make quarterly updates on the communities' grant requests.

Mrs. Addicks said staff might consider encouraging use of alternative septic system technologies that have been developed in recent years.

Mr. Wolfe said the Board has entered into memoranda of understanding with counties that allow the counties to regulate local septic systems. He said staff would like to provide technical information about effective technologies when local septic system ordinances are being updated.

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

#### Item 6 – Hanson Aggregates, San Francisco Sand Yard, San Francisco County – Hearing to Consider Mandatory Minimum Penalty for Discharge of Partially Treated Wastewater to Waters of the State

Mr. Wolfe said Hanson Aggregates signed a waiver of the right to a hearing on the proposed MMP. He said no Board action was necessary. Mr. Wolfe said the discharger agreed to pay a Mandatory Minimum Penalty in the amount of \$81,000. He said up to \$48,000 would be used for a supplemental environmental project.

Item 7 – General Chemical Corporation, Contra Costa County – Hearing to Consider Mandatory Minimum Penalty for Discharge of Partially Treated Wastewater to Waters of the State

Mr. Wolfe said General Chemical Corporation signed a waiver of the right to a hearing on the proposed MMP. He said no Board action was necessary. Mr. Wolfe said the discharger agreed to pay a Mandatory Minimum Penalty in the amount of \$45,000. He said \$30,000 would be used for a supplemental environmental project.

Item 8 – C&H Sugar Company, Crockett, Contra Costa County – Hearing to Consider Mandatory Minimum Penalty for Discharge of Partially Treated Wastewater to Waters of the State

Mr. Wolfe said C&H Sugar Company signed a waiver of the right to a hearing on the proposed MMP. He said no Board action was necessary. Mr. Wolfe said the discharger agreed to pay a Mandatory Minimum Penalty in the amount of \$63,000. He said \$39,000 would be used for a supplemental environmental project.

Item 9 – East Bay Municipal Utility District, Special District No. 1, Wet Weather Facilities, Alameda County – Hearing to Receive Testimony on Reissuance of NPDES Permit

Jenny Chen said East Bay Municipal Utility District’s wastewater facilities include a main treatment plant, three wet weather treatment facilities, an interceptor, pumping facilities, and storage facilities. She said today’s hearing would focus on the technology limits to be included in the NPDES permit for the three wet weather facilities.

Ms. Chen said EBMUD’s wastewater facilities serve nine East Bay communities. She said by 1978 most of the combined stormwater and sanitary sewer system that had served the communities had been separated. However, she said many cross connections between stormwater and sewer pipes still remain.

Ms. Chen said in the 1980’s the East Bay communities experienced sewer overflows during winter months. She said EBMUD’s interceptor also overflowed.

Ms. Chen said the dischargers took action to reduce the overflows. She said EBMUD undertook a wet weather program and three wet weather facilities have been built. She said the East Bay communities have undertaken an inflow and infiltration program in which EBMUD serves as the lead agency.

Ms. Chen said in 1986 U.S. EPA determined that discharge from EBMUD’s wet weather overflow structures was not required to meet secondary treatment standards. She said U.S. EPA’s determination was based on the fact the sewers functioned like a combined system due to high inflow and infiltration. However, she said U.S. EPA reconsidered its determination and now states releases from Publicly Owned Treatment Works are subject to secondary treatment standards.

Ms. Chen said the draft tentative order for the wet weather facilities does not require secondary treatment standards. She said the draft time schedule order requires EBMUD

conduct several studies, including an evaluation of currently available wet weather treatment technologies.

In reply to questions, staff said the wet weather facilities currently provide primary treatment. They said secondary treatment usually involves biological treatment, and it is difficult to use bacteria to treat intermittent discharge.

Mr. Wolfe said East Bay communities have spent a significant amount of money to update their collection systems over the last 25 years.

Mr. Eliahu said secondary treatment at the wet weather facilities might not be needed if sewer overflows were reduced. He said one way to reduce overflows would be to further upgrade collection systems to minimize inflow and infiltration.

Mr. Wolfe said upgrading laterals that connect homes to collection systems would reduce infiltration. He said homeowners would have to pay for improvements on private property.

Dr. Kolb said pollutant tradeoffs between wastewater and stormwater programs might be allowed if an NPDES watershed permit were issued.

Dave Williams, Director of Wastewater, East Bay Municipal Utilities District, said EBMUD has spent about \$240 million to complete its wet weather program. He estimated the communities have completed 60-70% of the local inflow and infiltration program. He said only one untreated overflow from the interceptor has occurred during the last ten years.

Mr. Williams said “overflow” refers to untreated wastewater from the interceptor and “discharge” refers to treated wastewater from the wet weather facilities. He said in 1986 U.S. EPA issued a letter stating that overflow points along the interceptor were not required to meet secondary standards. He said in September 2004, U.S. EPA issued a letter stating discharge from EBMUD’s system, including wet weather facilities, must meet secondary standards.

Alexis Strauss, U.S. EPA, discussed U.S. EPA’s letters regarding the EBMUD system. She said the 1986 letter concluded wet weather overflow structures were not subject to secondary treatment requirements because the wastewater system functioned as a combined sewage and stormwater system during wet weather. She said U.S. EPA has since determined that the combined system has been separated and has concluded EBMUD’s sewage system is subject to secondary treatment standards.

Ms. Strauss said reducing inflow and infiltration in the collection system could reduce peak excess flows.

In reply to a question, Ms. Strauss reiterated U.S. EPA concluded in the 2004 letter that the EBMUD’s sewage system must meet secondary treatment standards.

Doug Humphrey, District Manager, Stege Sanitary District, said the District provides the sewage collection system for the communities of El Cerrito, Kenningston, and part of Richmond Annex. He said the wastewater is treated at EBMUD’s facilities.

Mr. Humphrey said the District has completed an inflow and infiltration program. He said there is still a significant amount of inflow and infiltration occurring in laterals that connect private property to the system.

Mr. Humphrey said the District is conducting an ongoing rehabilitation program and will spend about a million dollars a year in improvements.

Sejal Choksi, San Francisco BayKeeper, said federal regulations require that EBMUD's wet weather facilities meet secondary treatment standards. She said BayKeeper takes samples around the Bay as part of a monitoring program. She said pathogen levels in samples taken near Oakland are higher than in other parts of the Bay.

Mr. Wolfe said stormwater runoff and discharge from boats docked in marinas might contribute to the high pathogen levels.

Jeffery Egeberg, Manager of Engineering, City of Berkeley, said the City has spent roughly \$100 million over the last 18 years rehabilitating the local collection system. He said cross connections between sewer and stormwater lines have been eliminated, and inflow and infiltration has been reduced significantly. He said the City has developed a program to address inflow and infiltration from laterals connecting private property to the collection system.

Mr. Egeberg opposed requiring secondary treatment at EBMUD's wet weather facilities and said such a requirement would impose a large financial burden.

Jodene Isaacs, Environmental Advocates, said under the Clean Water Act secondary treatment requirements apply to EBMUD's wet weather facilities. She spoke in favor of imposing water quality based effluent limits in the draft permit and opposed including compliance schedules.

Mr. Reininga spoke in favor of applying the City of Berkeley's program to other areas. He said reducing inflow and infiltration would decrease sewage overflows and secondary treatment at the wet weather facilities might not be needed.

Mr. Wolfe said one way to ensure private laterals are upgraded is to require rehabilitation at the time of property sales. He said rehabilitation costs might be significant for homes located in hillside areas.

In reply to a question, Yuri Won discussed compliance schedules and the State Implementation Policy.

#### Item 10 – Brownfield Site Cleanup and Redevelopment – Status Report

[Mr. Muller left the meeting at approximately 11:00 a.m.]

Gary Riley, Brownfields Coordinator for the Water Board, gave the staff presentation. He said brownfields are properties where real or suspected contamination discourages owners or buyers from redeveloping the properties.

Mr. Riley said staff uses regulatory and technical tools to accomplish investigation and cleanup of brownfields. He said the Water Board could issue a prospective purchaser agreement to a buyer of contaminated property. He said the agreement would provide that the Board would not enforce against a buyer if provisions were in place to ensure that site cleanup would be completed.

Mr. Riley showed slides of brownfield sites that have been redeveloped. Slides included the San Francisco Mission Bay Project, the San Leandro Post Office, and the Eastshore State Park.

Mr. Riley said Cal/EPA Secretary Terry Tamminen recently announced an initiative to improve the way State agencies coordinate regulatory activities at brownfield sites. He said the State Board, the Regional Boards, and the Department of Toxic Substances Control have been directed to complete a Memorandum of Agreement that would limit oversight of a particular site to a single agency.

In reply to a question, Stephen Hill said the MOA would establish procedures to identify the appropriate lead agency for a particular site. He said DTSC would most likely oversee sites that involve threats to human health and the Regional Water Boards would most likely oversee sites that involve threats to surface and groundwater.

In reply to a question, Steve Morse said some informal committees have been established to help develop the MOA.

Mr. Wolfe said originally staff sought to have sites cleaned up to background conditions. He said over time staff has taken a risk based approach and sought to have sites cleaned up to meet standards for a particular land use.

Mrs. Addicks asked about responsibility for site cleanup and prospective purchase agreements.

Mr. Morse described several scenarios where prospective purchaser agreements might be given after purchasers agreed to complete cleanups. He also discussed situations where current owners might be interested in cleaning up sites. He said current owners usually agree to remediation plans and staff then issues No Further Action Letters.

Yuri Won said current owners are not able to receive prospective purchaser agreements.

Mr. Reininga said the cleanup and reuse of brownfields is a terrific program. Mrs. Addicks concurred.

#### Item 11 – Electronic Reporting of Compliance Data – Status Report

Larry Kolb said NPDES permits issued by the Board require dischargers to monitor effluent. He said dischargers are using an electronic reporting system to submit

monitoring data to staff. He said data previously was submitted in the form of paper reports.

Dr. Kolb said Johnson Lam was largely responsible for developing the electronic reporting system and Patrick Wong is a student intern assisting in the effort. Dr. Kolb said currently the system is the only electronic system in the country that is being used for submittal of monitoring data.

Johnson Lam said over 90% of the major dischargers in the San Francisco Bay region file monthly monitoring reports using the electronic system. He said the system has been in place for more than four years.

Mr. Lam gave examples of how electronic data could be analyzed quickly. He said the electronic data is standardized, saves retrieval time, and improves staff productivity. He said five years of monitoring data for Bay Area dischargers could be stored on a single CD disc.

In reply to a question, Mr. Lam said an outside consultant originally helped set up the system and staff has independently developed the system over the last 3 to 4 years.

Mr. Reininga congratulated staff for their work on an electronic system that promotes efficiency.

#### Adjournment

The Board meeting was adjourned at approximately 11:56 a.m.