

REGIONAL WATER QUALITY CONTROL BOARD - SAN FRANCISCO BAY  
BOARD MEETING MINUTES  
May 18, 2005

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Item 1 - Roll Call and Introductions

The meeting was called to order on May 18, 2005 at 9:04 a.m. in the State Office Building Auditorium, First Floor, 1515 Clay Street, Oakland.

Board members present: John Muller, Chair; Mary Warren, Vice-Chair; Kristina Brouhard; Margaret Bruce; Shalom Eliahu; Clifford Waldeck; and Gary Wolff.

Board member absent: Josephine De Luca.

John Muller introduced Margaret Bruce who recently was appointed to the Board.

Mrs. Bruce made introductory remarks. She read aloud the Oath of Office to serve as a regional board member.

Mr. Muller introduced Tam Dudoc who recently was appointed to the State Water Resources Control Board and will serve as the State Board liaison to Region 2.

Ms. Dudoc said she looked forward to working with the regional board, staff and stakeholders on water quality issues. She reported Cal/EPA Secretary Lloyd recently designated Department of Toxic Substances Control as lead oversight agency for the Zeneca and Richmond Field Station sites. She discussed funding for the Bay Delta Authority. She talked about recent legislative activity regarding the regional boards.

Clifford Waldeck commended the Board and staff for their many years of work to ensure sites are effectively cleaned up. He said staff would continue to work with DTSC on the clean up of the Zeneca and Richmond Field Station sites.

Mr. Muller said Kristen Addicks had submitted a letter of resignation from the regional board.

Mr. Wolfe said staff would prepare a Certificate of Appreciation for Mrs. Addicks in recognition of her many years of service on the Board.

Item 2 - Public Forum

Richard Lymp, Right2Know.org, said auto shredder waste should not be used or disposed of in Bay Area landfills.

Mr. Wolfe said staff would reply to Mr. Lymp about regulation of auto shredder waste and landfills.

Robert Falk, Santa Clara Valley Urban Runoff Program, said staff recently circulated for comment a tentative order to modify the new and redevelopment component of the Santa Clara Valley stormwater permit. He requested the Board not consider the tentative order at the June Board meeting. He said staff is working on a regional stormwater permit, and he suggested the Board consider modifications to the new and redevelopment component when it considers the regional permit.

Mr. Wolfe said the substance of the tentative order should not be discussed because it is not on today's agenda. He said staff would like to talk to the Program and co-permittees about their concerns. He said staff thought the Program and co-permittees agreed with the proposed modifications.

Molly Dent, Senior Deputy City Attorney, City of San Jose, said nine months are left to run on Santa Clara Valley's permit. She suggested the Board consider modifications to the new and redevelopment component when it considers the regional permit.

Dorothy Dickey said the Board today could consider the procedural question of whether to hear the tentative order at the June Board meeting. She said it would not be appropriate for the Board to consider substantive issues regarding the tentative order.

Mr. Wolfe reiterated that staff would like to talk to the Program and co-permittees about their concerns.

#### Item 3 – Minutes of the April 20, 2005 Board Meeting

The Board adopted the minutes of the April 20, 2005 Board meeting.

Mrs. Bruce abstained because she did not attend the April 20, 2005 Board meeting.

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

Mr. Wolfe reiterated that Cal/EPA Secretary Lloyd designated DTSC as the lead regulatory agency for the Zeneca and Richmond Field Station sites, and that staff would continue to work cooperatively with DTSC to ensure site clean up. He discussed the importance of developing a public participation process when carrying out regulatory work.

Mr. Wolfe said the State Board is developing a statewide Enforcement Plan. He said implementation of the plan should improve consistency in enforcement among the regional boards. He said the plan would include recommendations on how to prioritize enforcement cases.

Mr. Wolfe said the State Board would consider three options concerning the San Francisco Bay Mercury TMDL at its June 1 Workshop: (1) adoption as submitted; (2) adoption with direction that the regional board adopt a Bay specific fish tissue standard; and (3) adoption as submitted and State Board adoption of a statewide fish tissue standard. He said the State Board would consider action at its June 16 meeting.

Gary Wolff said he recently resigned as a Board member of BayKeeper. He said he resigned to avoid an appearance of a conflict of interest.

Mr. Muller said Board members recently were sent a memo on ex-parte communications.

Mr. Muller said he attended the Chairs meeting held in San Diego on April 26, 2005. He said a Water Quality Coordinating Committee meeting would be held on September 19 and 20, 2005 in Sacramento. He encouraged all Board members to attend the WQCC meeting.

Mr. Muller asked Margaret Bruce and Gary Wolff to serve on a stormwater subcommittee. They both agreed to serve.

Mr. Wolfe said it was important to consider the ways Board action on stormwater issues impacts local agencies.

#### Item 5 – Consideration of Uncontested Items Calendar

Mr. Wolfe recommended the Board consider the uncontested calendar in two segments. He recommended adoption of Items 5A – 5D.

Motion: It was moved by Mrs. Warren, seconded by Mr. Eliahu, and it was unanimously voted to adopt Items 5A – 5D as recommended by the Executive Officer.

Mr. Wolfe recommend adoption of Item 5E as supplemented. Mrs. Bruce said she would abstain from voting on Item 5E.

Motion: It was moved by Mrs. Warren, seconded by Mrs. Brouhard, and it was unanimously voted to adopt Item 5E as supplemented and recommended by the Executive Officer. Mrs. Bruce abstained.

#### Item 6 – California Groundwater Awareness Month – Status Report on the Importance of Groundwater to all Californians

Mary Rose Cassa gave the staff report. She said Assembly Concurrent Resolution No. 99 established May as California Groundwater Awareness Month. She said there are substantial challenges in sustaining, protecting, and managing California's groundwater.

Ms. Cassa estimated on average 20% to 40% of the drinking water in the Bay Area is from groundwater. She said almost all of the region's groundwater is considered a potential drinking water source.

Ms. Cassa said the principal pollutants in Bay Area groundwater are nitrate, boron, total dissolved solids, and organic compounds. She said staff provides cleanup oversight on many sites where contaminants have been released and groundwater pollution has resulted or may result.

Ms. Cassa said the Water Board's Strategic Plan indicates a goal to ensure "groundwater is safe for drinking and other beneficial uses." She said the Department of Health Services also addresses statewide groundwater issues.

In reply to a question, Ms. Cassa said petroleum contamination presents the largest threat to the region's groundwater. She said contaminants from septic systems also are a threat.

Stephen Hill said groundwater management agencies are taking steps to prevent salt-water intrusion from being a problem in Bay Area groundwater.

In reply to questions, Ms. Cassa said the concept of using recycled water to recharge groundwater is controversial to some people. She said stormwater contains pollutants that might infiltrate groundwater.

Mr. Wolfe said groundwater is a precious resource. He said staff is concerned with clean up of groundwater and also protection of groundwater.

Larry Kolb said leakage from sanitary sewers recharges East Bay aquifers. He said soil serves as a good medium for cleaning water because microbes in the soil break down pollutants.

#### Item 7 – Overview of Department of Energy (DOE) and Department of Defense (DOD) Cleanup Programs

John Kaiser gave the staff report. He said staff provides oversight of cleanup activities at four Department of Energy facilities: Lawrence Berkeley National Laboratory; Lawrence Livermore National Laboratory; Sandia National Laboratory; and Stanford Linear Accelerator Center. He said staff oversight of the DOE facilities is funded through a federal grant that is renewed every three years. He said Sandia Laboratory is nearing completion of cleanup activities required under its Board order.

Mr. Kaiser said staff provides oversight and technical support for 28 Department of Defense facilities. He said staff provides lead oversight for five facilities: Point Molate Naval Fuel Depot; Hamilton Army Air Field; Moffett Field; Presidio; Hamilton Army Air Field; and a portion of Oakland Army Base under development by the Port and the City of Oakland.

Mr. Kaiser said cleanup orders sometimes are issued for "early transfer" sites. He said these sites are properties where cleanup has not been completed before title is transferred from DOD to a receiving agency. He said DOD and a receiving agency negotiate the amount of funds DOD will provide to ensure cleanup is completed after property transfer.

Mr. Kaiser said nine employees currently provide Board oversight of DOE and DOD facilities. He said two additional staff would be hired in the near future to work on DOD oversight.

Mr. Wolfe said staff is required to negotiate with federal agencies to ensure agencies take responsibility for cleanup activities. He said it is important to identify how much cleanup eventually must be completed on a site before an early transfer occurs.

Item 8 – San Francisco Estuary Institute – Update on Regional Monitoring Program for Trace Substances and Other Institute Programs – Information Presentation by Mike Connor, Executive Director of the Institute

Mike Connor said about 15 years ago, the Executive Officer of the Water Board found that a number of groups were monitoring the Bay and gathering disparate data. He said the Executive Officer believed regional monitoring of the Bay was needed in order to provide a consistent basis for decision-making.

Dr. Connor said the San Francisco Estuary Institute was formed to address concerns raised by the Executive Officer. He said the Institute conducts a number of programs. He said he would talk about one program, the Regional Monitoring Program.

Dr. Connor said the Regional Monitoring Program collects monitoring data in order to describe patterns and trends of water quality in the Bay. He said the RMP measures the effect of contaminants on sensitive parts of the ecosystem. He said the RMP has started to investigate sources of contaminants.

Dr. Connor said dischargers that are regulated by the Water Board fund the RMP. He said the dischargers and Board staff serve on the steering committee that directs RMP activities. He said the discharger community and Board staff have developed confidence in the RMP's monitoring data.

Dr. Connor said sediments were deposited in the Bay during the gold rush era as a result of hydraulic mining used at the time. He said although the legacy sediments are slowly being washed out of the Bay, much of the sediments still remain. He said the amount of contaminants in the legacy sediments is significant.

Dr. Connor said where there are high levels of sediments in the Bay, there also is pollution due to other contaminants. He said one contaminant is mercury.

Dr. Connor said in the past sediment loads from the Delta exceeded sediment loads from local tributaries to the Bay. He said current monitoring shows that sediment loads from local tributaries, Napa River, Petaluma River, and Guadalupe River, now exceed Delta sediment loads. He said urban stormwater contributes to loads in the local tributaries.

Dr. Connor said while a good monitoring program of the Bay now has been established, there is a lack of coordinated monitoring of watersheds that drain into the Bay. He said it would be helpful if local watershed groups used standardized monitoring or assessment methodologies in order to allow agencies to use watershed data in decision-making processes.

Mr. Eliahu commended Dr. Connor for the work the RMP has done. He said it is essential that water quality monitoring use scientifically valid methods.

Dr. Wolff asked whether it would be better to place a cover on legacy sediments in order to impede their movement, or allow them to be uncovered and washed out of the Bay.

In reply, Dr. Connor said the natural processes of winds and tides would cause sediments to move around the Bay.

In reply to a question, Mr. Wolfe said some parties have expressed concern that the TMDL process is not based on sound science. He said staff takes pride in being able to use RMP data that has been obtained using the best science available.

#### Item 9 – Watershed Changes and Stormwater

Larry Kolb gave the staff report. He said creek channels often are not able to absorb increased runoff brought on by urbanization. He said reducing runoff is important. He said new development and redevelopment could be designed with features like vegetated swales that promote infiltration of rainfall on site.

Dr. Kolb said the Board's current generation of stormwater permits refers to the problem of ever-increasing stormwater runoff as hydromodification. He said permits require jurisdictions prepare Hydromodification Plans. He said staff has received a final HMP proposal from the Santa Clara stormwater program, and draft HMPs from Contra Costa, San Mateo, and Alameda programs.

In reply to a question, Dr. Kolb said the various stormwater programs are not all using the same approach in their HMPs.

Dr. Wolff asked if stormwater permits require that the hydrograph produced after project development matches the hydrograph that existed before project development.

Dr. Kolb answered in the affirmative. Mr. Wolfe said stormwater permits only address the hydrograph produced by new development and redevelopment projects. He said the hydrograph for existing development is not affected.

Mr. Wolfe said staff encourages regional approaches to controlling hydromodification. He said the problem of a whole creek system cannot be solved by a single new development project. He said flood control districts might take the lead on regional approaches.

Dr. Wolf said studies show that including stormwater controls in new construction projects is more economical than retrofitting existing development.

#### Adjournment

The Board meeting was adjourned at approximately 1:10 p.m.

