

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

August 12, 2009

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Item 1 – Roll Call and Introductions

The meeting was called to order on August 12, 2009 at 9:06 a.m. in the State Office Building Auditorium, First Floor, 1515 Clay Street, Oakland.

Board members present: John Muller, Chair; Terry Young, Vice-Chair; Shalom Eliahu; James McGrath; Steven Moore; William Peacock; Rameshwar Singh.

Board members absent: None.

Item 2 – Public Forum

Tam M. Doduc, Member, State Water Resources Control Board, and liaison to Region 2, addressed the Board.

Item 3 – Minutes of the April 8, 2009 Board Meeting

Motion: It was moved by a Board member, seconded by Mr. Peacock, and it was voted unanimously to adopt the Minutes of the April 8, 2009 Board Meeting.

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

Bruce H. Wolfe said the State Water Resources Control Board recently passed a resolution approving an amendment to the Water Quality Control Plan for San Francisco Bay Region to establish a Total Maximum Daily Load and Implementation Plan for Pathogens in Richardson Bay.

Mr. Wolfe said the State of the Estuary Conference will be held September 29 – October 1, 2009 in Oakland. He said the San Francisco Estuary Institute RMP Annual Meeting will be held October 6, 2009 in Oakland. He said a Water Quality Coordinating Committee Meeting will be held October 26 – 27, 2009 in Sacramento.

## Item 5 – Consideration of Uncontested Items

Mr. Wolfe recommended adoption of the uncontested items.

Motion: It was moved by Mr. Peacock, seconded by Mr. Eliahu, and it was voted unanimously to adopt the uncontested items as recommended by the Executive Officer.

## Item 6 – City of Sunnyvale, Sunnyvale Water Pollution Control Plant and Collection System, Sunnyvale, Santa Clara County – Reissuance of NPDES Permit

Mr. Wolfe introduced the Item.

John Madigan discussed the Revised Tentative Order. He briefly discussed written comments received by staff.

Dr. Young said the permittee experienced violations of chronic toxicity triggers during the last permit term. She said she would like to understand what happened.

Lila Tang said the Revised Tentative Order requires the permittee to make a focused effort to identify and to remove sources that cause or contribute to chronic toxicity.

In reply to a question from Mr. McGrath, Ms. Tang said the Revised Tentative Order gives the City two years to investigate possible sources of chronic toxicity and to develop a reduction plan. She said the City is given the following three years to implement the plan. She said the chronic toxicity limit included in the Revised Tentative Order may serve as an incentive for the permittee to reduce sources sooner.

Tom Hall, Consultant, speaking on behalf of the City of Sunnyvale, thanked Mr. Wolfe and staff for addressing the City's concerns during the preparation of the Revised Tentative Order. He said the concentration of dioxin in the City's effluent is below water quality objectives and spoke in favor of the Bay Area Clean Water Agencies' written comments regarding dioxin effluent limits. He encouraged the Board to adopt the Revised Tentative Order.

Mike Connor, General Manager, East Bay Dischargers Authority, speaking on his own behalf, discussed generally the issue of chronic toxicity Bay wide.

Dr. Young referred to Table 10 "Chronic Toxicity Identification and Reduction Tasks and Schedule" on pages 18 and 19 of the Revised Tentative Order. She said too much time is scheduled for the permittee to address the chronic toxicity problem. She recommended the problem be corrected within two years unless large capital expenditures are required.

Ms. Tang said the goal of the toxicity identification and reduction effort is to reduce toxicity as soon as possible. She distributed a handout to Board members that included proposed language to amend VI.C.2.d.i., including Table 10.

Mr. Moore, Mr. Peacock, Dr. Singh, Mr. Muller, Dr. Young, and staff discussed the proposed language.

Mr. Hall said the City is committed to determining and to resolving causes of chronic toxicity.

Mr. McGrath discussed the proposed language. Referring to a separate issue, he said reclaimed water standards apply to wastewater reclamation and not to wastewater disposal.

After discussion of the proposed language, Mr. Wolfe recommended adding the following language to paragraph VI.C.2.d.i. on page 18 of the Revised Tentative Order: "The deadlines established below are not construed as a compliance schedule or an allowance by the Regional Water Board of any toxicity violations that occur during the course of the toxicity identification and reduction efforts." He recommended adding the following language to Table 10, Task (3), page 19: "If at anytime the discharger identifies and confirms a cause or causes of toxicity, it shall immediately initiate all reasonable efforts to reduce that toxicity and shall not delay or wait until required to do so by the tasks and deadlines identified below."

Mr. McGrath made a motion to adopt the Revised Tentative Order with amendments recommended by the Executive Officer.

Dr. Young seconded the motion.

Mr. Wolfe replied to a question from Mr. Peacock regarding language amending Table 10, Task (3).

Dr. Young reiterated concerns about chronic toxicity.

Mr. Moore concurred with Dr. Young.

Roll Call:

Aye: Mr. Eliahu; Mr. McGrath; Mr. Moore; Mr. Peacock; Dr. Singh; Dr. Young;  
Mr. Muller

No: None

Motion passed 7 – 0.

Item 7 – City and County of San Francisco, Oceanside Water Pollution Control Plant (Southwest Ocean Outfall) and Collection System, Including Westside Wet Weather Facilities, San Francisco, San Francisco County – Reissuance of NPDES Permit

Mr. Wolfe said the proposed permit will be issued jointly by the United States Environmental Protection Agency, Region IX and the Regional Water Board.

Derek Whitworth discussed the Revised Tentative Order. He briefly discussed written comments staff received.

Alexis Strauss, Director, Water Division, United States Environmental Protection Agency, Region IX, spoke in favor of adoption of the Revised Tentative Order.

Arleen Navarret, Regulatory Manager, San Francisco Public Utilities Commission, Wastewater Enterprise, spoke in favor of adoption of the Revised Tentative Order. She thanked Mr. Wolfe and Ms. Strauss for efforts made by Mr. Whitworth and Mr. Bill Johnson of the Regional Water Board and Ms. Nancy Yoshikawa of the United States Environmental Protection Agency, Region IX. She also thanked Mr. Chris Beegan of the State Water Resources Control Board. She said the permittee is looking forward to continuing discussions concerning combined sewer system policy and regulation.

Mr. McGrath spoke in favor of the permittee's effort to conduct pollutant load reduction studies at the Wet Weather Facilities.

Mr. Moore concurred with Mr. McGrath.

Mr. Muller congratulated all parties for their efforts in developing the Revised Tentative Order.

Mr. Wolfe thanked the agencies for working together. He recommended adoption of the Revised Tentative Order.

Dr. Singh made a motion to adopt the Revised Tentative Order as recommended by the Executive Officer.

Mr. Moore seconded the motion.

Dr. Young asked whether the last sentence of Item VI.C.7., page 28 of the Revised Tentative Order should be changed from stating: "...to eliminate or relocate CSODs to sensitive areas..." to stating "...to eliminate or relocate CSODs from sensitive areas..." or to stating "...away from sensitive areas..."

Mr. Wolfe concurred with Dr. Young and said he would change his recommendation to include modifying language in the last sentence of Item VI.C.7., page 28 of the Revised Tentative Order to state "...to eliminate or relocate CSODs from sensitive areas..."

Mr. Muller said the recommended change was minor and there was a motion to adopt the staff recommendation.

Roll Call:

Aye: Mr. Eliahu; Mr. McGrath; Mr. Moore; Mr. Peacock; Dr. Singh; Dr. Young;  
Mr. Muller

No: None

Motion passed 7 – 0.

Item 8 – Urban Creeks Pesticide Toxicity TMDL – Report on Status of Implementation (Continued from the July 2009 Board Meeting)

Mr. Wolfe introduced the Item.

Mr. Muller left the meeting at 11:05 a.m.

Dr. Young began serving as Chair.

Jan O'Hara said the types of pesticides used in the Bay Area have changed in recent years. She said the Water Board is working collaboratively with other parties to reduce adverse impacts of pesticides on water quality in urban creeks.

Staff replied to Board members' questions and comments.

Item 13 – Adjournment

The meeting was adjourned at 11:24 a.m.