

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

January 22, 2003

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Item 1 - Roll Call and Introductions

The meeting was called to order on January 22, 2003 at approximately 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; Doreen Chiu; Josephine De Luca; Shalom Eliahu; William Schumacher; and John Reininga.

Board members absent: Kristen Addicks and Mary Warren.

Item 2 – Election of Chair and Vice-Chair

As a member of the nominating committee, John Reininga recommended John Muller serve as Chair and Clifford Waldeck serve as Vice-Chair for the year 2003.

The Board unanimously elected John Muller as Chair. The Board unanimously elected Clifford Waldeck as Vice-Chair.

Mr. Muller and Mr. Waldeck thanked Board members for the privilege to serve.

Mr. Muller appointed Clifford Waldeck as the Board's representative to the San Francisco Bay Conservation and Development Commission. Kristen Addicks was designated the alternate representative.

Mr. Muller appointed Mary Warren as the Board's representative to the Association of Bay Area Governments. John Reininga was designated the alternate representative.

Item 3 – Water Quality Excellence Award – Recognition to Bhupinder S. Dhaliwal, Central Contra Costa Sanitary District, for Innovative and Pro-Active Analytical and Monitoring Excellence

Lila Tang gave the staff presentation. She said Bhupinder Dhaliwal has been a leader in developing ways to comply with monitoring requirements. She noted he has worked cooperatively with Board staff on many issues.

John Muller presented the Water Quality Excellence Award to Mr. Dhaliwal.

Mr. Dhaliwal thanked the Board for the honor of receiving the Excellence Award. He thanked Central Contra Costa Sanitary District for opportunities given him in his employment.

Item 4 - Public Forum

There were no public comments.

Item 5 – Minutes of the December 18, 2002 Board Meeting

The Board unanimously approved the minutes.

Item 6 – Chairman’s, Board Members’ and Executive Officer’s Reports

There was no discussion.

Item 7 - Uncontested Calendar

Ms. Barsamian recommended adoption of the uncontested calendar.

Motion: It was moved by Mrs. De Luca, seconded by Mr. Eliahu, and it was unanimously voted to adopt the uncontested calendar as recommended by the Executive Officer.

Item 8 – City of Calistoga, Wastewater Treatment Plant, Napa County – Hearing to Consider Mandatory Minimum Penalty for Discharge of Partially Treated Wastewater to Waters of the State

Ms. Barsamian said the City of Calistoga 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 \$69,000. She noted \$42,000 would be used for a supplemental environmental project and \$27,000 would be used for a compliance project.

Item 9 – Vallejo Sanitation and Flood Control District, Wastewater Treatment Plant, Solano County – Hearing to Consider Mandatory Minimum Penalty for Discharge of Partially Treated Wastewater to Waters of the State

Ms. Barsamian said the Vallejo Sanitation and Flood Control 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 \$18,000. She noted \$16,500 would be used for a supplemental environmental project.

Item 10 – General Electric Company, Vallecitos Nuclear Center, Alameda County – Hearing to Consider Mandatory Minimum Penalty for Discharge of Partially Treated Wastewater to Waters of the State

Ms. Barsamian said General Electric 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 \$18,000. She noted \$16,500 would be used for a supplemental environmental project.

Item 11 – East Bay Municipal Utilities District, Orinda Water Treatment Plant, Orinda, Contra Costa County – Hearing to Consider Mandatory Minimum Penalty for Discharge of Partially Treated Wastewater to Waters of the State

Ms. Barsamian said East Bay Municipal Utility 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 \$9,000. She noted the \$9,000 would be used for a supplemental environmental project.

Item 12 – Fairfield Suisun Sanitary District, Fairfield, Solano County – Hearing to Consider Mandatory Minimum Penalty for Discharge of Partially Treated Wastewater to Waters of the State

Ms. Barsamian said Fairfield Suisun Sanitary 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 \$9,000. She noted the \$9,000 would be used for a supplemental environmental project.

Item 13 – Rodeo Sanitary District, Sewage Treatment Plant, Rodeo, Contra Costa County – Hearing to Consider Mandatory Minimum Penalty for Discharge of Partially Treated Wastewater to Waters of the State

Ms. Barsamian recommended this item be continued to the February Board meeting.

The Board unanimously voted to continue the item as recommended by the Executive Officer.

Item 14 – Ashland Chemical Company, for the property located at 8610 Enterprise Drive, Newark, Alameda County – Adoption of Final Site Cleanup Requirements

John Wolfenden said groundwater is located less than 5 feet below the Ashland Chemical site. It is noted the Newark Aquitard is located below the shallow groundwater, and the Newark Aquifer is located below the aquitard.

Cherie McCaulou said in the past Ashland Chemical used significant amounts of 1,2-DCA. She said the pollutant is found below the site in the soil, in the shallow groundwater, and in the Newark Aquifer. She said the aquitard located below the site is not very thick and its effectiveness to act as a barrier is limited. She said a pump test showed a hydraulic connection between the shallow groundwater and the Newark Aquifer.

Ms. McCaulou said the tentative order requires the discharger: (1) to evaluate and propose soil remediation measures, and (2) to cleanup contamination in the Newark

Aquifer if FMC, a down gradient neighbor, stops remediation. She said the following are unresolved issues: (1) the standards applicable to soil and shallow groundwater cleanup and (2) whether contamination from the Ashland Chemical site has impacted the Newark Aquifer.

Ms. McCaulou said the Alameda County Water District will use the Newark Aquifer as a drinking water source. She said it was important to set cleanup standards for the shallow groundwater and the Newark Aquifer at drinking water levels. She said it was important to set cleanup standards for soil at a level that would minimize pollutants leaching into groundwater.

Mr. Reininga asked if Ashland Chemical had agreed to remediate the soil and shallow groundwater. Ms. McCaulou answered affirmatively.

Mr. Reininga asked whether property owners located near the Ashland Chemical site agreed to cleanup the Newark Aquifer. Ms. McCaulou said FMC agreed to cleanup the aquifer.

Stephen Hill said unresolved issues regarding cleanup of soil and groundwater center around what cleanup standards should be required.

David Anderson, Principal Engineer, Ashland, Inc., asked the Board not to take action for 30 days. He said such a continuance would give Ashland Chemical time to propose alternative cleanup standards. He requested Ashland Chemical's response to the tentative order, received by Board staff on January 21, 2003, and his power point presentation be entered into the record.

Mr. Schumacher asked why the discharger was requesting a 30-day continuance. Mr. Anderson said to negotiate with staff.

Paul Ryan, URS, on behalf of Ashland Chemical, said the discharger would like to develop site-specific cleanup goals for soil and shallow groundwater. He said the discharger does not believe there is a hydraulic connection between the shallow groundwater and the Newark Aquifer. He said the discharger would like to evaluate pump test data relied upon by Board staff to reach the conclusion that a hydraulic connection exists. He talked about the cost to remediate soil to the standards required in the tentative order.

Mr. Schumacher asked about the results of the pump test relied upon by Board staff.

Mr. Ryan said a technical report on the pump test was not prepared, but raw data is available.

Mr. Wallace, URS, on behalf of Ashland Chemical, said the pump test relied upon by Board staff was conducted in the mid-1980's by the Alameda County Water District. He said the discharger would like to investigate technical issues regarding the test. He said a hydraulic connection between the shallow groundwater and the Newark Aquifer could result from improperly constructed wells or abandoned wells that are located in the area.

Mr. Schumacher noted pump test data has been available and thought the discharger could have analyzed it by now.

Mr. Wallace said a pump test conducted by another party did not show a hydraulic connection between the shallow groundwater and the Newark Aquifer. He reiterated the Water District did not prepare a report analyzing its test.

In response to a question from Mr. Eliahu, Mr. Wallace said wells that may have been improperly constructed and later abandoned are located between the Ashland Chemical site and the wells used by Alameda County for its pump test.

In response to a question from Mrs. Chiu, Mr. Wallace said the discharger would like to conduct pump tests at the Ashland Chemical site.

Mrs. De Luca asked if contamination of the Newark Aquifer presents a potential public health risk. Mr. Hill answered affirmatively, noting the aquifer would be used for drinking water. Mrs. De Luca noted the Board's responsibility to protect public health.

Steven Inn, Alameda County Water District, spoke in support of the tentative order. He said the Newark Aquifer would be used as a drinking water source. He said the Water District's pump test showed that in the area of the Ashland Chemical site the shallow groundwater is connected hydraulically to the Newark Aquifer.

Steve and Tamara Bennett, residents of Newark, described health problems potentially caused by groundwater contamination.

Mr. Waldeck noted in September 2002 staff gave Ashland Chemical the option of recommending cleanup standards. He pointed out the tentative order does not include that option.

Stephen Hill said in 1999 Ashland Chemical submitted a Remedial Action Plan, but it did not include soil and groundwater cleanup standards. He said in 2000 staff notified the discharger of the deficiency. He said in September 2002 staff again notified the discharger that the RAP did not include cleanup standards.

Mr. Waldeck asked if a 30-day continuance would help parties resolve issues. Ms. Barsamian replied negotiations have been ongoing since 1999. She questioned whether an additional 30 days would help.

David Anderson said a risk assessment concluded that less stringent cleanup standards would be appropriate. He said the Board's September 2002 letter gave Ashland Chemical the option to develop cleanup standards. However, he said there was not enough time to complete all the requirements set out in the letter.

Mrs. De Luca spoke in support of the tentative order.

Mr. Eliahu thought the discharger has had enough time to drill a new well and obtain data if it contested the 1985 pump test.

Mr. Reininga asked Mr. Andersen whether it would help resolve issues if the tentative order included a reopener clause.

Mr. Andersen said a reopener clause would not resolve all issues. He said a 30-day continuance would give Ashland Chemical time to negotiate with staff the requirement that it cleanup 1,2-DCA in the Newark Aquifer if FMC stops remediation. He said Ashland Chemical does not believe the 1,2-DCA in the Newark Aquifer originated at its facility.

Ms. Barsamian noted staff could bring permits back to the Board when dischargers present new evidence.

Yuri Won asked if the Board accepted into the record Ashland Chemical's response to the tentative order, received by staff on January 21, 2003. Mr. Muller concluded the Board did not accept the response.

Ms. Barsamian recommended adoption of the tentative order.

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

Roll Call:

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

No: Mrs. Chiu

Motion passed 6 – 1.

Item 15 – Alameda Countywide Clean Water Program, Alameda County – Continued Public Hearing on Reissuance of NPDES Permit to Discharge Stormwater Runoff from Municipalities – No Action Scheduled

John Muller said public hearings on Items 15, 16, and 17 were opened at the December Board meeting and were continued until today.

At today's meeting, Mr. Muller said the Board first would hear testimony on aspects of the Alameda County tentative order that do not deal with the updated new development and redevelopment provision. Mr. Muller said the Board then would hear testimony in a joint hearing for Alameda County, San Mateo County, and Contra Costa County on the updated new development and redevelopment provision.

Myriam Zech said the tentative order for the Alameda County municipal stormwater permit updates the present permit and requires better annual reporting (1) of public information and participation and (2) of industrial inspection/illicit discharge controls. She said the tentative order requires that pesticide plans be updated and that a Dioxin Reduction Plan be prepared.

James Scanlin, Program Manager, Alameda Countywide Clean Water Program, expressed concern about the cost to implement additional tasks. He said he would like to work with staff and environmentalists to develop an efficient, streamlined program.

Gary Grimm, Counsel for Alameda Countywide Clean Water Program, generally agreed with the tentative order. He requested time extensions for report submittals because of delays in adopting the tentative order.

Ms. Barsamian said time extensions were reasonable.

Leo O'Brien, WaterKeepers Northern California, said there is no evidence that pollutants in stormwater runoff have been reduced in Alameda County during the last 10 years, even though the discharger has been regulated by NPDES permits. He suggested the tentative order include: numeric effluent limits; performance standards for each stormwater component; and monitoring requirements to determine if water quality standards are being met.

Mrs. De Luca asked about performance standards.

Bruce Wolfe said municipal stormwater permits require dischargers to prepare management plans. He said the plans become part of stormwater permits. He said performance standards are set out in management plans. He said dischargers submit annual reports that detail progress made in implementing management plans.

Shana Lazerow, Staff Attorney for San Francisco BayKeeper, discussed a recent U.S. Ninth Circuit Court of Appeals decision regarding stormwater permits for small municipalities. She suggested the public should have an opportunity to review management plans, and the plans should be subject to Board approval. She recommended the Alameda County tentative order include more monitoring activities. She thought non-stormwater discharges of chloramine should not be exempt from the tentative order.

Jonathan Kaplan, Gina Solomon, Diane Bailey, Heather Hoecherl, Natural Resources Defense Council, were concerned about dioxins in stormwater runoff. They suggested stormwater programs should try to reduce dioxins emitted from diesel engines because the engines are a large source of dioxins.

Rebecca Stager, Environmental Specialist, Chiron Corporation, said her firm generally agrees with the tentative order. She said firms regulated under municipal stormwater permits might also be regulated under the State Board's General Permit for Stormwater Discharges from Industrial Activities. She was concerned that the regulatory programs might have duplicative reporting requirements. She also was concerned that the Regional Board and the co-permittees might have overlapping enforcement authority.

Peter McGaw, Environmental Task Force, Contra Costa Council, recommended that the Basin Plan be amended to include the updated new development and redevelopment requirements. [Note: Mr. McGaw was not able to be present to testify in the joint public hearing on the updated provision held later.]

Mrs. De Luca said it was important to manage dioxin emissions from diesel engines.

Ms. Barsamian said a task force at the Air Resources Board is studying the use of diesel fuel as well as alternative types of fuel.

Mr. Waldeck noted the positive effect a region-wide reduction in stormwater pollution would have on the water quality of the Bay.

Ms. Barsamian said TMDLs would include strategies to reduce stormwater pollution.

Mr. Reininga agreed with the idea that an efficient, streamlined program should be developed. He noted duplicative reporting requirements should be avoided. He said time extensions for reporting requirements might be appropriate because of delays in the permit process.

Mr. Muller agreed with the idea that duplicative reporting requirements should be avoided.

Mr. Muller closed the public hearing on all components of the tentative order for Alameda County except the updated new development and redevelopment provision.

[The Board took a lunch break at approximately 12:00 p.m. and resumed the meeting at approximately 12:50 p.m.]

Item 15 – Alameda Countywide Clean Water Program, Alameda County – Continued Public Hearing on Reissuance of NPDES Permit to Discharge Stormwater Runoff from Municipalities – No Action Scheduled

Item 16 – Contra Costa Clean Water Program, Contra Costa County – Continued Public Hearing on Amendment of Order 99-058, NPDES Municipal Stormwater Permit – No Action Scheduled

Item 17 – San Mateo Countywide Stormwater Pollution Prevention Program, San Mateo County – Continued Public Hearing on Amendment of Order 99-059, NPDES Municipal Stormwater Permit – No Action Scheduled

Bruce Wolfe commented on issues raised in the public hearing held in December. He said the following issues were raised: (1) the adequacy of outreach efforts; (2) the need to amend the Contra Costa County and San Mateo County permits in midterm; (3) whether the stormwater program in Contra Costa County would be regulated by 2 regional boards; (4) the need for greater flexibility in the definition of Group 2 projects; (5) whether the updated provision would hinder infill and smart growth projects; (6) whether the updated provision should apply to road reconstruction projects; (7) the need to work with vector control agencies; and (8) the need to develop stormwater programs that can be implemented within the constraints of municipal budgets.

Jan O'Hara discussed steps Santa Clara County co-permittees are making to implement the updated new development and redevelopment provision. She described training the City of San Jose held to teach staff about treatment controls.

Keith Lichten said stormwater treatment controls typically would account for 1-2% of total project costs. He gave estimates of what it would cost to develop a detention basin and a grassy swale in an office park located in Alameda County.

Mr. Eliahu asked whether the estimates included land costs. Mr. Lichten answered affirmatively.

Dale Bowyer said local planning rules often require landscaping on 10-15% of a commercial project site. He said no additional land costs would be incurred for treatment controls developed as part of landscaping.

Bob Davidson, Program Coordinator, San Mateo Countywide Stormwater Pollution Prevention Program, opposed amending the permit in midterm. He estimated it would cost about \$2-3 million to implement the updated provision in San Mateo County. He suggested the tentative order cap costs of treatment controls at 2% of total project costs.

Norman Dorais, Public Works Maintenance Manager, City of Foster City, requested the Board delay its decision on whether to adopt the updated provision. He said municipalities are facing budget difficulties.

Cynthia Royer, Manager of Technical Services, City of Daly City, requested the Board delay taking action on the tentative order. She suggested staff and stakeholders continue to work to resolve issues.

Fred Jarvis, EOA, Inc., on behalf of San Mateo Countywide Stormwater Pollution Prevention Program, opposed amending the stormwater permit in midterm. He discussed working with Santa Clara County to implement a hydromodification management plan for the San Francisquito Creek Watershed.

Ms. Barsamian said the tentative orders allow for a period of lead-time before treatment measures are required. She noted Contra Costa County and San Mateo County stormwater permits expire in July 2004.

Mr. Schumacher commented upon budget constraints facing municipalities. He noted uncertainty about the State budget. He questioned whether the time was right to impose the updated provision.

In response to a question from Mr. Waldeck, staff said Senator Jackie Speier and Assemblyman Leland Yee had written letters concerning the updated provision.

James Scanlin, Program Manager, Alameda Countywide Clean Water Program, said it was difficult to incorporate treatment controls in road reconstruction projects. He noted staff held a stakeholder workshop to discuss the updated provision and has scheduled several more workshops. He said the first workshop was very productive. He requested Group 2 projects not be subject to numeric sizing criteria.

Ms. Barsamian said co-permittees could develop an alternative Group 2 Project definition that is based on local conditions.

Mr. Eliahu said it might be costly to incorporate treatment controls in road projects.

Ms. Barsamian said staff probably would make revisions to the portion of the updated provision dealing with roads.

Gary Grimm, Counsel representing Alameda Countywide Clean Water Program, requested the definition of Group 2 projects and road projects be changed.

Martha Berthelsen and Ventura Negrete, San Pablo Watershed Neighbors Education Society, spoke in support of the updated provision. They noted it would protect streams from degradation by controlling peak run-off.

Adele Ho, Public Works Division Manager, City of San Pablo, opposed amending Contra Costa County's stormwater permit in midterm. She suggested staff and stakeholders discuss issues collaboratively. She expressed concern about the cost to develop treatment controls and whether space was available in San Pablo to construct them. She estimated San Pablo would spend about \$300,000 a year to implement the updated new provision.

Mike Vogan, Public Works Director, City of Concord, estimated Concord would have to hire additional staff at an expense of \$250,000 a year to implement the updated new development and redevelopment provision. He said implementation of Group 2 projects represents a major expense.

Laura Hoffmeister, Council Member, City of Concord, and Stormwater Manager, City of Clayton, discussed municipal budget constraints. She estimated the City of Clayton would spend \$218,000 to implement the updated provision. She discussed problems with using grassy swales as treatment controls.

Mr. Waldeck said it would be helpful to have the specific number of recent developments in Concord and in Clayton that would be classified as Group 1 Projects or Group 2 Projects.

Ms. Hoffmeister said legislation was needed to give municipalities authority to collect revenue to cover stormwater costs. She said it would take time to get the legislation.

Mrs. De Luca asked what would happen if the Board adopted the updated provision and municipalities were not able to fund stormwater activities.

Ms. Barsamian said the waiver section allows municipalities to prioritize work. She said municipalities could describe stormwater work that could and could not be done feasibly. She said municipalities might not be able to carry out some stormwater activities because of budget constraints. She said co-permittees would request waivers from the Board.

Mr. Wolfe said co-permittees might prioritize activities and describe what feasibly could and could not be done in the annual stormwater reports that are submitted to staff.

Mrs. De Luca asked if the waiver process would be cumbersome in light of municipal budget problems.

Mr. Wolfe said staffs' goal is to streamline stormwater programs.

Ms. Hoffmeister described Clayton's cost recovery program.

Mr. Schumacher did not think the Board should review budgets of the many municipalities as part of the waiver program.

Newell Arnerich, Vice-Mayor, Town of Danville, opposed amending the Contra Costa County permit in midterm. He said staff and stakeholders should work to resolve outstanding issues. He described budget constraints Danville faces.

Joseph Calabrigo, Town Manager, Town of Danville, requested the updated new development and redevelopment provision not be imposed until Contra Costa County's stormwater permit is reissued in July 2004. He talked about the financial crisis currently facing municipalities. He said the cost to implement stormwater requirements in Contra Costa County might differ from the costs cited by staff for Santa Clara County.

Steve Lake, Development Services Director/City Engineer, Town of Danville, requested adoption of the updated provision be delayed. He said Danville does not have the financial means to add the 1.7 employees needed to implement the provision.

Mitch Avalon, Contra Costa County Flood Control District, estimated the number of detention basins that could be required in Contra Costa County to implement the updated provision. He estimated the cost to construct and to maintain the detention basins.

Tom Dalziel, Senior Watershed Management Planning Specialist, Contra Costa Clean Water Program, requested a delay in adoption of the updated provision. He said the waiver section of the provision is not a solution to all of the questions raised. He said staffs' recent stakeholder workshop was helpful. He estimated costs to implement the updated provision in Contra Costa County. He said the effectiveness of the treatment controls and the cost to install them are not known.

Mr. Reininga asked if Mr. Dalziel had suggestions of activities that might be undertaken to control erosion and reduce pollutants in stormwater runoff.

Mr. Dalziel recommended pollution prevention activities, source control activities, and site design measures be carried out.

Don Freitas, Manager, Contra Costa Clean Water Program, was concerned about the cost to implement the updated provision. He said funding for the operation and maintenance of treatment controls is a concern. He recommended the definition of Group 2 Projects be changed. He recommended the updated provision not apply to road projects. He suggested staff and stakeholders discuss stormwater issues collaboratively.

Randolph Shipes, Deputy Director, Environmental Services Department, City of San Jose, discussed implementation of the updated provision. He noted the Board might adopt stormwater permits that contain different time lines than the time lines adopted in the Santa Clara County permit. In such case, he requested Santa Clara County's permit be amended to be consistent with other stormwater permits.

[Mr. Schumacher left the meeting at 3:25 p.m.]

Shana Lazerow, Staff Attorney, San Francisco BayKeeper, said the City of Santa Monica implemented stormwater requirements similar to the updated provision. She said a State Board decision determined the type of stormwater controls that meet the standard

“maximum extent practicable.” She noted constructing treatment controls in new projects is less expensive than retrofitting existing projects.

Mr. Muller did not think staffs’ comments at the hearing were adversarial.

Mr. Reininga said developers’ costs to construct treatment controls did not appear to be a problem. However, he said the cost to municipalities to implement the updated provision appears to be a problem.

Mrs. Chiu suggested a delay in adopting the updated provision might be appropriate. She was concerned about municipal budget problems.

Mr. Waldeck asked municipalities to work with staff and focus on cost effective stormwater activities that municipalities could implement.

Mrs. De Luca was concerned about costs to municipalities to implement the updated provision.

Mr. Muller said it was his understanding that the Board would vote on the stormwater tentative orders at the February Board meeting.

Mr. Reininga concurred with Mr. Waldeck about the need for cost effective stormwater activities. He thought some stormwater activities for new development and redevelopment projects could be undertaken. However, he suggested the updated new development and redevelopment provision might need to be simplified.

Yuri Won said an environmental group filed a lawsuit claiming Contra Costa County’s stormwater permit is not stringent enough. She discussed the recent decision by the U.S. Ninth Circuit Court of Appeals regarding stormwater permits for small cities.

Mrs. De Luca asked whether there should be a Basin Plan amendment that includes the updated provision.

Ms. Barsamian said U.S. EPA requires the Regional Board to impose municipal stormwater permits. She said the State Board’s Bellflower decision sets standards that municipalities must meet when implementing stormwater activities.

Ms. Barsamian discussed the report submitted by the City of Walnut Creek at the December Board meeting. She said it would have been helpful to have the number of building permits recently issued that would be classified as Group 1 Projects and Group 2 Projects.

Ms. Barsamian discussed changes that might be made to the updated new development and redevelopment provision.

Mr. Muller spoke about having a cost effective stormwater program.

Mr. Eliahu discussed municipal budget difficulties.

Mr. Reininga expressed hope that outstanding issues could be resolved and the updated provision would be simple and streamlined.

Mr. Waldeck noted there are legal rules requiring that stormwater programs be developed. He recognized stormwater programs would be implemented within the constraints of municipal budgets.

Mrs. De Luca concurred with Mr. Waldeck. She said there might be a need to streamline the updated new development and redevelopment provision.

Ms. Barsamian said more workshops with stakeholders would be held.

Mr. Muller closed the public hearing on the updated new development and redevelopment provision for Alameda County, San Mateo County, and Contra Costa County.

Adjournment

The meeting was adjourned at 4:06 p.m.