

REGIONAL WATER QUALITY CONTROL BOARD - SAN FRANCISCO BAY
BOARD MEETING MINUTES
April 21, 2003

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Item 1 - Roll Call and Introductions

The meeting was called to order on April 21, 2003 at approximately 9:00 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; and Mary Warren.

Board members absent: Doreen Chiu and William Schumacher.

Item 2 - Public Forum

Gary Carlton, State Board liaison to Region 2, discussed current statewide water quality issues of concern. He discussed how the state budget might affect staffing levels at the Regional Board.

John Reininga asked about staff training to ensure statewide consistency in the regulation of stormwater runoff.

Mr. Carlton said staff from all the regional boards participate in statewide Stormwater Roundtable meetings to discuss stormwater issues.

Item 3 – Minutes of the March 19, 2003 Board Meeting

Motion: It was moved by Mrs. Warren, seconded by Mrs. Addicks, and it was unanimously voted to adopt the minutes.

Mrs. De Luca and Mr. Waldeck recused themselves because they did not attend the March Board Meeting.

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

John Muller noted Board members are required under state law to complete ethics training during this calendar year.

Mr. Muller said Clifford Waldeck would speak at the ABAG Spring General Assembly in San Francisco on April 24, 2003.

Loretta Barsamian discussed possible impacts of the state budget process on Region 2.

Mr. Muller asked about a Request for Grant Concept Proposals that the State Board recently released. He noted the Request was described in the written Executive Officer's Report.

Ms. Barsamian said Regional Board staff have held two workshops to help potential grant recipients with the application process.

Mrs. Addicks asked whether Regional Board members could participate in the State Board's taskforce set up to deal with grant programs.

Ms. Barsamian said Regional Board members could participate.

Mr. Muller said he would be interested in serving on a taskforce committee if the committee deals with agricultural issues.

Item 5 - Uncontested Calendar

Ms. Barsamian recommended adoption of the uncontested calendar. She said there was supplemental material for Item 5B and Item 5C.

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

Item 6 – Hewlett-Packard Company, 640 Page Mill Road, Palo Alto, Santa Clara County – Hearing to Consider Mandatory Minimum Penalty for Discharge of Partially Treated Wastewater to Waters of the State

Ms. Barsamian said Hewlett-Packard 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 Mandatory Minimum Penalty was in the amount of \$3,000. She noted \$3,000 would be used for a supplemental environmental project.

Item 7 – Fairfield-Suisun Urban Runoff Management Program, Solano County – Reissuance of NPDES Permit to Discharge Stormwater Runoff from Municipalities

Stephen Berger gave the staff presentation. He said the Fairfield-Suisun Urban Runoff Management Program includes the City of Fairfield, the City of Suisun, and the Fairfield-Suisun Sewer District. He said the tentative order reissues the entire stormwater permit, and it includes the updated new development and redevelopment provision.

Mrs. Addicks asked whether provisions in the tentative order are enforceable.

Mr. Gervason said the tentative order requires implementation of best management practices to the maximum extent practicable. He said the MEP standard is enforceable even though it is not a numeric standard.

In response to a question from Mrs. Warren, Ms. Barsamian said the tentative order is consistent with the other municipal stormwater orders the Board adopted recently.

Kevin Cullen, Fairfield-Suisun Urban Runoff Management Program, spoke in support of the tentative order. He thanked Stephen Berger, Bill Hurley, and Ron Gervason for their work in developing the tentative order.

Shana Lazerow, San Francisco BayKeeper, said the tentative order was incomplete because it did not include a management plan or a monitoring plan.

Mr. Gervason noted the permittees have developed a management plan and the tentative order requires them to develop a monitoring program.

In response to a question, Yuri Won said the tentative order complies with federal requirements.

Mrs. Addicks suggested annual reports submitted to the Regional Board by permittees include numeric counts of activities they have undertaken.

Ms. Barsamian noted staff would present annual stormwater reports to the Board for consideration.

Ms. Barsamian recommended adoption of the tentative order.

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

Roll Call:

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

No: None.

Motion passed: 7 – 0.

Item 8 – Union Pacific Railroad Company, Daniel C. and Mary Lou Helix, Elizabeth Young, John V. Hook, Nancy Ellicock, Steven Pucell, and Contra Costa County Redevelopment Agency, for the property referred to as Hookston Station and located at 228 Hookston Road, Pleasant Hill, Contra Costa County – Adoption of Site Cleanup Requirements

Sampath Rangarajan gave the staff presentation. He said the site covers about 8 acres and is currently used for commercial and light industrial purposes.

Mr. Rangarajan said former tenants at the site used TCE in manufacturing operations. He said groundwater has been impacted with TCE. He noted the impacted groundwater has migrated beneath a residential development located adjacent to the site. He said PCE and petroleum hydrocarbons also have been detected in the groundwater.

Mr. Rangarajan said the tentative order requires implementation of interim remedial actions and development of a final remedial action plan and cleanup standards.

In response to a question, Mr. Rangarajan said a former tenant at the site was the most likely source of TCE.

Dave Mount, Colony Park Neighbors Association, spoke in support of the tentative order.

Mrs. Addicks thanked the community for working cooperatively with staff.

Ms. Barsamian recommended adoption of the tentative order as supplemented.

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

Roll Call:

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

No: None.

Motion passed: 7 – 0.

Item 9 – Stream and River Protection and Proposed Basin Plan Amendments – Status Report

Ann Riley and Steve Moore gave staff presentations.

Ms. Riley discussed a Technical Reference Circular she wrote to help government personnel recognize the linkage between water quality and healthy stream channels. She showed slides of a number of creeks to illustrate effective ways to stabilize channels.

In response to a question, Ms. Riley recommended native vegetation like willows be used in stream corridors.

In response to a question, Ms. Riley said the Circular uses concepts that were developed by a number of federal agencies, including the Environmental Protection Agency, the Natural Resources Conservation Service, and the Army Corps of Engineers. She noted the Circular reflects changes that have been made to an Army Corps of Engineers memorandum regarding design of river projects.

Mr. Eliahu commended Ms. Riley for her work in developing the Circular.

Mrs. De Luca commended work being done on the Napa River Flood Control and Restoration Project.

Ms. Barsamian said copies of the Technical Reference Circular are available on our Regional Board website.

Steve Moore discussed possible Basin Plan amendments that would incorporate stream protection issues.

In response to a question, Mr. Moore said local jurisdictions establish setback requirements for projects constructed near creeks.

Ellen Johnck, Bay Planning Coalition, thanked Ms. Riley for her presentation. She noted the importance of stabilizing creek channels.

Ella Foley-Gannon, Sheppard, Mullin, asked for public participation in the Basin Plan amendment process and in the development of the Technical Reference Circular.

Ms. Barsamian said the Circular does not have regulatory effect. She said it has been prepared to provide technical assistance to people responsible for protecting stream channels.

Item 10 – Wetlands Development at former Hamilton Army Airfield, Novato, Marin County – Status Report

Curtis Scott and Naomi Feger gave staff presentations.

Mr. Scott discussed a proposal to convert more than 600 acres at the former Hamilton Army Airfield to tidal and seasonal wetlands. He said there are some contaminants on the property that need to be remediated before restoration takes place.

Mr. Scott discussed why the “early transfer” process is applicable. He said an early transfer is involved because military property would be transferred to the State Coastal Conservancy before completion of site cleanup. He said the Governor must approve an early transfer. He noted the parties involved hoped to complete the transfer by September 30, the end of the federal fiscal year.

Upon transfer of the property, Mr. Scott said the Regional Board would be the lead regulatory agency. He said the Board would adopt site cleanup requirements to oversee remediation activities and waste discharge requirements to oversee placement of dredged material. He said the U.S. Army (BRAC) would carry out site cleanup activities and the U.S. Army Corps of Engineers would implement the restoration project.

Naomi Feger said most of the property has been protected by a levee, and over time the property has subsided. She said sediment from dredging operations would be placed on the property in order to bring it up to grade. After that, she said wetland channels would be cut through the property. She noted some of the channels would be cut through existing runways.

In response to a question, Ms. Feger said only portions of the runways that impede channel development would be removed.

In response to a question, Ms. Barsamian said the City of Novato would have responsibility for housing developments on the former Airfield. She said the State would own the wetlands development.

In response to a question, Ms. Feger said potential nuisance concerns like odor would be addressed.

In response to a question, Ms. Feger said the U.S. Army has developed a list of contaminants and potential contaminants of concern on the property.

In response to a question, Mr. Scott and Ms. Barsamian said portions of runways that remain on the property would be covered by sediment.

Item 11 – Sediment TMDLs in the San Francisco Bay Region – Status Report

Sandia Potter gave the staff presentation. She said one reason sediment TMDLs are being developed is to ensure native fish have healthy stream environments in which to live. She noted sediment is a naturally occurring component of a healthy stream. However, she said too much sediment could have a negative impact on fish populations.

Ms. Potter said nine Bay Area streams are on the 303(d) list as impaired by too much sediment. She said erosion is a major cause of excessive sediment.

Ms. Potter said staff are using Limiting Factor Analyses to identify factors that contribute to reduction of fish populations in streams. She said Sediment Budget Analyses are conducted when excessive sediment is identified as a limiting factor. She said Sediment Budget Analyses identify sediment sources and sediment movement, starting at its point of origin.

In response to a question, Tom Mumley said preparation of TMDLs is progressing in a timely manner.

In response to a question, Dr. Mumley said sediment TMDLs would focus on the use of best management practices to control sources of excessive sediment. He did not anticipate assigning sediment mass loadings to source locations.

Heather Gustafson, Bay Planning Coalition, expressed interest in participating in the TMDL stakeholder process.

Item 13 – Closed Session – Personnel

At approximately 12:10 p.m. the Board went into closed session to discuss personnel issues. At the completion of the closed session, the meeting was adjourned.

Adjournment

The meeting was adjourned at approximately 12:30 p.m.