

REGIONAL WATER QUALITY CONTROL BOARD - SAN FRANCISCO BAY  
BOARD MEETING MINUTES  
March 17, 2004

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Item 1 - Roll Call and Introductions

The meeting was called to order on March 17, 2004 at 9:09 a.m. in the State Office Building Auditorium, First Floor, 1515 Clay Street, Oakland.

Board members present: Clifford Waldeck, Chair; Doreen Chiu; Shalom Eliahu; John Muller; and William Schumacher.

Board members absent: Kristen Addicks; Josephine De Luca; John Reininga; and Mary Warren.

Nancy Sutley, State Board member, asked if Board members had questions about State Board activities. There were no questions.

Item 2 - Public Forum

On behalf of the Board, Lila Tang presented a Resolution of Appreciation to Dan Glaze who has served as Shell Oil Company's Environmental Program Representative for the past 24 years. She said Mr. Glaze would retire soon and thanked him for his efforts to protect and improve water quality in the Bay Area.

Mr. Glaze thanked the Board and said he has enjoyed working with staff. He said he felt privileged to be involved in policy decisions, many controversial, which affected the most magnificent water body in the world. He also said he was proud to have been involved in the formation of the San Francisco Estuary Institute.

Mr. Muller wished Mr. Glaze well in future endeavors. Mr. Waldeck thanked Ms. Tang for her presentation.

Item 3 - Minutes of the February 18, 2004 Board Meeting

Motion: It was moved by Mr. Schumacher, seconded by Mr. Muller, and it was unanimously voted to adopt the minutes of the February 18, 2004 Board Meeting.

Mr. Eliahu recused himself because he did not attend the February Board meeting.

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

Bruce Wolfe said the written Executive Officer’s Report included summaries of legislative bills that staff is watching.

Clifford Waldeck said Terwilliger Marsh in Mill Valley would be dedicated in the near future to honor Elizabeth Terwilliger, a noted Bay area naturalist.

Item 5 - Uncontested Calendar

Mr. Wolfe recommended adoption of the uncontested calendar with the following change: supplemental material for Item 5I be received.

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

Item 6 – Sausalito-Marin City Sanitary District, Wastewater Treatment Plant, Sausalito, Marin County – Hearing to Consider Mandatory Minimum Penalty for Discharge of Partially Treated Wastewater to Waters of the State

Mr. Wolfe said Sausalito-Marin City Sanitary District 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 \$12,000. He said \$12,000 would be used for a supplemental environmental project.

Mr. Waldeck commended the discharger for using supplemental environmental funds for public education programs at the Sausalito Bay Model.

Item 7 – City of Palo Alto, Santa Clara County – Hearing to Consider Mandatory Minimum Penalty for Discharge of Partially Treated Wastewater to Waters of the State

Mr. Wolfe said the City of Palo Alto 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 \$15,000. He said \$15,000 would be used for a supplemental environmental project.

Item 8 – Town of Yountville/California Veterans Home Joint Wastewater Reclamation Facility, Yountville, Napa County – NPDES Permit Reissuance

Mr. Wolfe recommended the tentative order be adopted and said the discharger did not contest it.

Mr. Schumacher complimented staff for taking into account the cost to buy a diffuser, and allowing the discharger additional time to buy and install one.

Replying to a question, Ms. Tang said the tentative order allows treated effluent to be discharged to the Napa River at a rate of 25:1. She said the volume of effluent discharged is measured. She said the tentative order provides for a 10:1 dilution credit applicable to effluent limits.

Motion: It was moved by Mr. Eliahu, seconded by Mr. Schumacher, and it was unanimously voted to adopt the tentative order as recommended by the Executive Officer.

Item 9 – U.S. Fish & Wildlife Service and California Department of Fish & Game, South San Francisco Bay Low Salinity Salt Ponds, Alameda, Santa Clara and San Mateo Counties – Adoption of Waste Discharge Requirements

Robert Schlipf said South Bay pond areas are clustered in four areas: Alviso (Santa Clara County); West Bay (San Mateo County); Coyote Creek (Alameda County); and Baumberg (Alameda County). He said the California Department of Fish and Game will manage the Baumberg area and U.S. Fish and Wildlife Service will manage the Alviso, Coyote and West Bay areas.

Mr. Schlipf said the tentative order regulates initial release of pond water to the Bay, followed by continuous circulation of bay water through the ponds. He estimated bay water would circulate through the pond systems for about 5 years.

Mr. Schlipf said staff discussed the tentative order at a February 25, 2004 public workshop.

Mr. Schlipf estimated pond water initially would be released from Alviso and Baumberg early this summer or in Spring 2005, from Coyote Creek in 2 to 3 years, and from West Bay Ponds in about 5 years.

Mr. Schlipf said when calcium sulfate precipitates, water becomes more toxic and should not be discharged. He said calcium sulfate drops out of water when salinity levels are 146 parts per thousand or more. He said the tentative order allows pond water to be discharged when salinity levels are 135 parts per thousand or less in order to provide for a safety factor. He said the tentative order allows for some variance in salinity levels to allow for operational flexibility.

Mr. Schlipf said it was important that pollutant levels in sediments released with pond water be lower than pollutant levels in adjacent bay sediments. He said a study showed that mercury levels in pond sediments are lower than in adjacent bay sediments.

Mr. Schlipf said dischargers are required to prepare Operation Plans to show how they will review self-monitoring data and provide corrective actions in managing pond operations. He showed a slide of a North Bay pond where salinity levels increased because corrective actions were not taken.

Mr. Schlipf said lowering salinity levels in the ponds is the focus of the tentative order. However, he said the long-term goal is to restore the ponds to tidal wetlands. He said a Long Term Management Plan would be prepared before the restoration begins.

Mr. Waldeck asked why management of the pond areas was divided between state and federal agencies.

Carl Wilcox, California Department of Fish & Game's Project Manager for Initial Stewardship Phase, said the Alviso and West Bay areas are adjacent to federally managed refuge lands and the Baumberg area is adjacent to State managed lands. He said ponds were allocated to the agency that had a management presence in the area. He said discharging pond water back to the Bay is important in keeping the ponds in a healthy condition. He thanked Robert Schlipf, Steve Moore, and Lila Tang for their help.

Marge Kolar, U.S. Fish and Wildlife Service and Manager of San Francisco Bay National Wildlife Refuge, said the agencies worked amicably in allocating management of the ponds. She said it would take a long time to restore ponds to tidal wetlands. She said the Initial Stewardship Phase, involving the initial release of saline pond water and the continuous circulation of bay waters through the ponds, is an important first step. She thanked Robert Schlipf, Steve Moore, and Lila Tang for their help.

Replying to a question, Ms. Kolar said a long-term restoration plan has been prepared for the North Bay ponds.

Mr. Wolfe said staff would bring a tentative order regulating discharge from the North Bay ponds to the Board in the near future.

Replying to a question, Mr. Moore said dischargers would install tide gates and weirs to manage the release of pond water and the circulation of bay water through the South Bay ponds. He said BCDC and the U.S. Army Corps of Engineers would issue permits for tide gate and weir construction. He said many agencies, including the Water Board and BCDC, are working together to develop the long-term restoration plan.

Briggs Nisbet, Restoration Campaigns Manager for Save the Bay, said it would take years to restore 15,000 acres of South Bay salt ponds to wetlands. She said the tentative order is an important first step to ensure water quality is protected during planning and implementation of the restoration.

Steve Ritchey, Executive Project Manager for South Bay Salt Pond Restoration Project, said the project is one of the great things that will be taking place in the Bay Area. He said many public agencies are participating in the planning process. He said restoration would be a joint effort between the State Coastal Conservancy and the U.S. Fish and Wildlife Service and California Department of Fish and Game.

Mr. Muller said while people involved in the project may change, the tentative order would provide direction in a permanent way. He thanked Mr. Wolfe for his part in moving the project forward.

Mr. Eliahu complimented staff for their work.

Mr. Wolfe recommended adoption of the tentative order.

Motion: It was moved by Mr. Muller, seconded by Mr. Schumacher, and it was voted to adopt the tentative order as recommended by the Executive Officer.

Roll Call:

Aye: Mrs. Chiu; Mr. Eliahu; Mr. Muller; Mr. Schumacher; and Mr. Waldeck.

No: None.

Motion passed 5 – 0.

Item 10 – Municipal Stormwater Programs and Their 2002-2003 Annual Reports – Status Report

Christine Boschen said countywide stormwater programs are carried out in Alameda County, Contra Costa County, Santa Clara County, and San Mateo County. She said each stormwater program has five components: (1) New Development and Construction; (2) Public Education; (3) Municipal Maintenance; (4) Business Inspections and Illicit Discharge Control; and (5) Monitoring Activities.

Ms. Boschen said staff's review of the 2002-2003 Countywide Stormwater Annual Reports focused on two components: New Development and Construction; and Business Inspections and Illicit Discharge Control. She said in general, the Countywide Programs are in compliance with these components. She said some areas of concern exist, and staff and the Programs are working to address them.

Ms. Boschen discussed activities the Countywide Programs have in common. She said every year Programs choose categories of businesses, such as auto shops and dry cleaners, to inspect for stormwater compliance. She said "illicit discharge" is illegal discharge that is found in locations not looked at as part of business inspections. She said construction sites are inspected to make sure erosion control measures are installed.

Ms. Boschen said in 02/03, the Alameda Countywide Clean Water Program inspected 2,472 businesses and found 80% to 90% of the businesses complied with stormwater requirements. She said most the common illicit discharges were automotive fluid, paint, and wash water. She said a number of cities are anticipating development of large projects and post construction treatment measures will need to be addressed.

Ms. Boschen said the Contra Costa County Clean Water Program contracts with Central Contra Costa Sanitary District for stormwater inspections of Central County businesses. She said next year the Program would contract with East Bay Municipal Utility District for inspections of West County businesses and with Delta Diablo Sanitary District for inspections of East County businesses. She said trash dumped in creeks was the most common type of illicit discharge. She said the Annual Report described activities several permittees have taken to prepare to implement requirements for post construction treatment measures.

Ms. Boschen said in 02/03, the San Mateo Countywide Stormwater Pollution Prevention Program inspected over 2,000 businesses and found about 200 minor stormwater violations. She said construction materials, wash water, and automotive fluids were the most common illicit discharges. She said more than one-half of the major construction projects in the county incorporated a post construction stormwater treatment measure.

Ms. Boschen said since October 2003 the Santa Clara Valley Urban Runoff Pollution Prevention Program has been required to see that Group 1 projects, those constructing one acre or more of impervious surface, install post construction stormwater treatment

measures. She said the City of Santa Clara determined that 75% of industrial businesses repeat a stormwater violation when only given a verbal warning. She said the City now gives first time offenders written notices.

Replying to a question, Mr. Wolfe said cities and counties are training more and more staff on ways to conduct stormwater inspections.

Replying to a question, Wil Bruhns said tests show that biodegradable soap takes a few days to degrade. He said it is not safe to send the soap down a storm drain or a creek because until it degrades it is toxic.

#### Item 13 – Closed Session – Litigation

At approximately 10:35 a.m., the Board went into closed session to discuss litigation issues. The meeting was adjourned at the completion of the closed session.

#### Adjournment

The Board meeting was adjourned at approximately 10:55 a.m.