

REGIONAL WATER QUALITY CONTROL BOARD - SAN FRANCISCO BAY
BOARD MEETING MINUTES
May 19, 2004

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Item 1 - Roll Call and Introductions

The meeting was called to order on May 19, 2004 at 9:03 a.m. in the State Office Building Auditorium, First Floor, 1515 Clay Street, Oakland.

Board members present: Clifford Waldeck, Chair; Mary Warren, Vice-Chair; Kristen Addicks; Doreen Chiu; Shalom Eliahu; John Reininga; and William Schumacher.

Board members absent: Josephine De Luca and John Muller.

Item 2 - Public Forum

There were no public comments.

Item 3 - Minutes of the March 17, 2004 Board Meeting

Replying to a question, Dorothy Dickey said when a quorum of Board members are present to conduct a meeting, the Board may vote on a motion to accept minutes of a prior meeting. She said members who did not attend the prior meeting could abstain from voting on the motion.

Motion: It was moved by Mr. Schumacher, seconded by Mr. Eliahu, and it was unanimously voted to adopt the minutes of the March 17, 2004 Board Meeting.

Mrs. Addicks, Mr. Reininga, and Mrs. Warren abstained because they did not attend the March Board meeting.

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

Kristen Addicks expressed hope that Marin County's stormwater plan would take into account that many new developments are occurring in the Novato area.

Mr. Wolfe said Marin County's stormwater program was initiated over 10 years ago and said the County is moving forward to implement all program components. He said the County recently prepared a stormwater management plan under Phase II requirements. He said BayKeeper requested a hearing on the plan.

Replying to a question, Mr. Wolfe said developers of one acre or more must implement stormwater measures under the statewide General Permit for Construction Activities. He said both Board staff and municipal staff enforce stormwater measures. He said municipal staff conducts inspections when carrying out municipal stormwater permits.

Mr. Schumacher asked how the Governor's revised budget would affect this Board.

Mr. Wolfe said the Board might lose one and one-half staff positions that are paid from the General Fund. He anticipated staff reductions could be met through attrition.

Mr. Schumacher asked about the status of the Governor's California Performance Review.

Mr. Wolfe said the review process currently is underway and the Governor is expected to receive proposals by June 30.

Mr. Waldeck thanked staff for the excellent Executive Officer's Report.

Mr. Wolfe said he spoke at the groundbreaking ceremony for Rhodia Inc.'s Peyton Slough Remediation Project. He said the Slough is contaminated with copper and zinc, and the project involves placing an engineered cap on the channel and excavating a new channel to the east. He thanked Priya Ganguli, Tina Low, Terry Seward, Curtis Scott, and Steve Morse for their help in moving the project forward.

Item 5 - Uncontested Calendar

Mr. Schumacher requested Item 5I be removed from the uncontested calendar.

Mr. Eliahu recused himself from consideration of the uncontested calendar.

Mrs. Addicks expressed concern about the proposed mitigation for Item 5L.

In reply, Mr. Wolfe said the proposed project avoids impacts to jurisdictional waters as much as possible and includes controls to minimize stormwater impacts to creeks.

Mr. Wolfe recommended adoption of the uncontested calendar with the following changes: Item 5G and Item 5I be removed from the uncontested calendar; Item 5H be continued to the June Board meeting; and supplemental material for Item 5L be received.

Motion: It was moved by Mrs. Warren, seconded by Mr. Schumacher, and it was unanimously voted to adopt the uncontested calendar as recommended by the Executive Officer. (Mr. Eliahu recused himself from consideration of the uncontested calendar.)

Item 5I – Update to Nonpoint Source Procedures Attachment to Memorandum of Understanding between San Francisco Bay Conservation and Development Commission, State Water Resources Control Board, and San Francisco Bay Regional Board – Adoption of Amended Memorandum of Understanding

Mr. Waldeck said Lisa Sniderman of San Francisco Bay Conservation Development Commission was present in the audience.

Mr. Schumacher asked staff to clarify jurisdictional responsibility of the Water Board and BCDC in regard to nonpoint source pollution control.

Mr. Wolfe said in 2001 U.S. EPA adopted the *Plan for California's Nonpoint Source Pollution Control*. He said under the Plan, agencies are required to address long-term nonpoint source pollution control.

Mr. Wolfe said the proposed Attachment to the Memorandum of Understanding spells out the current understanding of how the Water Board and BCDC will work together to control the pollution. He said the Water Board and BCDC have overlapping responsibilities. He said the Water Board has authority to issue permits regulating stormwater and BCDC has authority to regulate land use.

Mr. Schumacher asked whether the Air Board would be involved in the regulation of nonpoint source pollution.

Mr. Wolfe said staff is concerned about airborne pollutants being deposited on land and would like to coordinate with the Air Board.

Mr. Waldeck said the proposed Attachment to the MOU would help dischargers understand how the Water Board and BCDC are working together to control nonpoint source pollution.

Mr. Wolfe recommended adoption of the proposed Attachment to the Memorandum of Understanding.

Motion: It was moved by Mr. Schumacher, seconded by Mrs. Addicks and it was unanimously voted to adopt the proposed Attachment to the Memorandum of Understanding as recommended by the Executive Officer.

Item 5G – United Technologies Corporation, for the property located at 600 Metcalf Road, San Jose, Santa Clara County – Revision of Final Site Cleanup Requirements

Keith Roberson gave the staff report. He said United Technologies owns 5,000 acres located southeast of San Jose. He said the land is located upstream from Anderson Reservoir, and three creeks from the property drain into the Reservoir. He said Anderson Reservoir is the largest drinking water reservoir in Santa Clara County.

Mr. Roberson said the discharger has used the property since 1959 to produce solid rocket motors, and since the 1980's, has conducted remediation to remove organic solvents from soil and groundwater.

Mr. Roberson said perchlorate is now a significant concern. He said groundwater and stormwater containing perchlorate have been detected to discharge into creeks draining the property. However, he said the pollutant has not been detected in Anderson Reservoir.

Mr. Roberson said the tentative order includes perchlorate cleanup standards and prohibits perchlorate migration to offsite areas.

Mr. Roberson said staff has received a letter from the Santa Clara Valley Water District in support of the tentative order. He said the tentative order is the first one in this region to include perchlorate cleanup standards for surface water, groundwater, and soil.

Mr. Wolfe said there are a number of perchlorate pollution problems in Region 3, just to the south of our region.

Mr. Wolfe recommended adoption of the tentative order.

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

Item 6 – U.S. Navy, Naval Support Activity, Treasure Island, San Francisco County – Reissuance of NPDES Permit

Ann Powell gave the staff report. She said Treasure Island was built in 1939 to accommodate the Worlds Fair Exhibition. She said the U.S. Navy owns the Island. She said the Island currently is included in the Base Realignment and Closure Program and ownership is expected to be transferred at some time in the future to the City of San Francisco.

Ms. Powell said the Navy owns the Wastewater Treatment Plant on the Island. She said since 1997 the City has operated the plant.

Ms. Powell said the plant's design capacity is greater than the amount of treated wastewater. She said wastewater accounts for about one-fifth of the plant's design capacity.

Ms. Powell said the Navy requests the City be named discharger and the Navy not be a named discharger. She said she was told this morning that the Navy would not send a representative to make a statement at the meeting.

Ms. Powell said the Navy owns the wastewater plant and applied for reissuance of the NPDES Permit. She said the City operates the plant under a Cooperative Agreement with the Navy and could terminate the Agreement at anytime.

Mr. Eliahu asked why the City requested a dilution credit higher than 10:1.

Mr. Wolfe said the City might have made the request in anticipation of owning the plant at some future time. He said effluent limits would be less stringent if a higher dilution credit were granted. He said staff does not think there is a technical basis to increase the credit.

Mr. Schumacher asked if stormwater is treated in the wastewater plant.

Mr. Wolfe said stormwater is not treated and drains directly to the Bay. He said treatment of stormwater runoff might at times of heavy rainfall exceed plant capacity, even though the plant currently operates at less than full capacity.

Mr. Wolfe recommended adoption of the tentative order.

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

Item 7 – Schaefer Heights Associates, Schaefer Ranch Project, Dublin, Alameda County
– Issuance of Waste Discharge Requirements and Water Quality Certification

Keith Lichten gave the staff report. He said the proposed Schaefer Ranch project would consist of a residential, commercial and open space development. He said about 294 single family homes would be built. He said the residential and commercial portion of the project would be built on about 142 acres.

Mr. Lichten said the applicant proposes to deed about 95 acres to the East Bay Regional Park District to mitigate environmental impacts of the project.

Mr. Lichten said there would be other mitigation activities would take place on the project site and on an adjacent site referred to as the Machado site. He said over 600 acres would be preserved as permanent open space. He said the intensity of livestock grazing on the open space lands would be reduced and most creeks would be fenced.

Mr. Lichten said the applicant proposes to construct 1.1 acres of seasonal wetlands and 2 new ponds.

Mr. Lichten said the applicant's mitigation proposal to create frog habitat has been accepted in a Biological Opinion issued by the U.S. Fish and Wildlife Service.

Mr. Lichten said the applicant proposes to address impacts from the project's post construction runoff by treating runoff in two sets of ponds. He said the upper ponds would provide water quality treatment and the lower ponds would provide flow detention during floods.

Mr. Waldeck asked why the applicant proposes to build fewer homes than in previous applications.

Mr. Lichten said a number of resource agencies and the City of Dublin had concerns with previous applications.

Mr. Wolfe said it is not staff's goal to reduce the number of homes to be built. He said staff is trying to protect the watershed from adverse impacts.

Mrs. Addicks spoke positively about developing projects that promote healthy watersheds.

Robert Uram, attorney representing Schaefer Ranch Associates, thanked Mr. Lichten for his help in reviewing the proposed project. He said Schaefer Ranch Associates is a group of Bay Area investors who have owned the project site since 1989. He said Robbie Yohai, President of Schaefer Heights Associates; Ed Ballman, Balance Hydrologics; Jim Parson, P/A Design Resources; and Malcolm Sproul, LSA Associates were present in the audience.

Mr. Uram said the proposed project originally was designed to include more housing. However, he said Schaefer Ranch Associates took a flexible approach in preparing the application in order to meet concerns of the City of Dublin and various resource agencies. He said the project would provide excellent watershed protection.

Howard Beckman, Friends of San Lorenzo Creek, requested the Board not approve the proposal. He said the original stormwater management plan did not adequately address project impacts on the lower reaches of San Lorenzo Creek. He said he had not had enough time to review a revised plan that he received a few days ago.

Mr. Reininga asked if staff had considered the project's impacts to the lower reaches of San Lorenzo Creek.

Mr. Wolfe said staff recognizes the importance of understanding project impacts on the upper and lower portions of the watershed. He said the applicant has prepared a conceptual stormwater management plan. He said staff believes the project can address flooding problems in San Lorenzo Creek. He said Provision 9 of the tentative order requires that a final stormwater plan be prepared before project construction begins. He said staff would like stakeholders to be involved in the development of the final plan.

Frank Delfino, Citizens Committee to Complete the Refuge, said he lives in the area of the proposed project. He said the project involves construction of a road that would eliminate a pond located just north of Interstate 580. He suggested an alternate route for the road would be more appropriate and concurred with Mr. Beckman's request that the Board not approve the proposal today.

Janice Delfino, Ohlone Audubon Society, said she lives in the San Lorenzo Creek watershed. She was concerned that the project would result in excess sediment in San Lorenzo Creek. She also was concerned that project mitigation include adequate habitat for the red-legged frog.

Mr. Wolfe said the tentative order sets out a process to ensure the discharger complies with environmental requirements. He said the process would be in place once the tentative order is adopted.

Replying to a question, Mr. Wolfe said the red-legged frog is a special status species.

Mr. Eliahu made a motion to approve the tentative order. He said the proposed project appears to be well planned and the mitigation measures appear to be adequate.

Mr. Schumacher seconded Mr. Eliahu's motion.

Mrs. Addicks said she hoped staff would be able to take the speakers comments into consideration before approving final plans.

Mr. Wolfe said staff would consider the comments. He said final documents submitted to staff for approval would be made available for stakeholder review. He said staff is concerned that mitigation for the project be successful over the long term.

Mr. Reininga complimented staff and the applicant for working together on the proposed project. He encouraged staff to work with Friends of San Lorenzo Creek to minimize project impacts to the watershed. He also encouraged staff to consider whether it was appropriate to find an alternate route for the road proposed to be built north of Interstate 580.

Mr. Wolfe said the road was required to be built in order to provide emergency access to the project. He said the proposed alignment is close to developed areas and parallels the freeway.

Mrs. Warren spoke in support of the proposal. She complimented staff and the applicant for their cooperative efforts.

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

Roll Call:

Aye: Mrs. Addicks; Mrs. Chiu; Mr. Eliahu; Mr. Reininga; Mr. Schumacher; Mrs. Warren and Mr. Waldeck

No: None

Motion passed 7 – 0.

Item 7A – Student Education Programs: Water Wizards and Sewer Science – Informational Presentation by the Central Contra Costa Sanitary District

Harriette Hiebel, Communication Services Manager for Central Contra Costa Sanitary District, described three student education programs that the District conducts. She said the District works with Heather Farms in Walnut Creek to present an interactive Water Wizards program for third and fifth graders. She said students are taught about the importance of water and what they can do to prevent water pollution.

Ms. Hiebel said the District conducts a wastewater treatment laboratory program for high school students. She said students are taught basic concepts about wastewater treatment. She said the program links science and technology to environmental impacts and issues.

Ms. Hiebel said the District provides an on-site plant tour for middle school students, high school students, and adults. She said tour participants receive information on career opportunities in the wastewater industry.

Board members discussed the positive benefits of conducting educational programs.

Replying to a question, Ms. Hiebel said information on septic systems is included in written material given to high school students attending the wastewater treatment program.

Adjournment

The Board meeting was adjourned at approximately 11:09 a.m.