

REGIONAL WATER QUALITY CONTROL BOARD - SAN FRANCISCO BAY
BOARD MEETING MINUTES
April 12, 2006

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Item 1 - Roll Call and Introductions

The meeting was called to order on April 12, 2006 at 9:04 a.m. in the State Office Building Auditorium, First Floor, 1515 Clay Street, Oakland.

Board members present: John Muller, Chair; Mary Warren, Vice-Chair; Kristina Brouhard; Margaret Bruce; Shalom Eliahu; Clifford Waldeck; and Gary Wolff.

Board member absent: Josephine De Luca.

There was introduction of new staff. John Wolfenden introduced Marcia Liao. John Kaiser introduced Brian Thompson. Gina Kathuria introduced Agnes Farris.

Item 2 - Public Forum

Dave Lewis, Executive Director, Save the Bay, said his organization has developed a survey to highlight the fact that pollution from homes, cars, and neighborhoods threatens the Bay. He encouraged people to take the survey to learn how they may be causing pollution without knowing it. He said the survey is posted at www.ikeepitclean.org

Greg Karras, Senior Scientist, Communities for a Better Environment, expressed concern that the tentative order for the Potrero Power Plant does not include available information. He said, for example, the tentative order does not include Dr. Peter Raimondi's review of the Mirant-Potrero 316B document. He said the tentative order is scheduled to be heard by the Board in May.

Jake Lubarsky, Certified Law Student, Bayview Hunters Point Community Advocates, requested staff consider comments on the Potrero Power Plant tentative order submitted by the Community Advocates, Communities for a Better Environment, the City of San Francisco, and U.S. EPA. He recommended the Board consider all the options that are available for the Potrero Power Plant to comply with federal 316B regulations.

Gary Wolff asked staff to give special attention to findings in NPDES permits being developed under the reissuance schedule.

Item 3 – Minutes of the March 8, 2006 Board Meeting

Motion: It was moved by Mrs. Warren, seconded by Mrs. Bruce, and it was unanimously voted to adopt the minutes of the March 8, 2006 Board meeting.

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

Clifford Waldeck reported attending the Governor's Climate Summit held in San Francisco on April 11, 2006. He said he has been nominated for a U.S. EPA Region 9 Environment Award.

John Muller said he and Bruce Wolfe attended a ceremony held on March 20, 2006 celebrating the breaching of the levee between Coyote Slough and Salt Pond A19 in the Alviso Salt Pond complex in South San Francisco Bay.

Mr. Muller said State Board Chair Tam Dudoc held an April telephone conference call with Regional Board Chairs.

Bruce Wolfe said staff is working on developing a stream and wetland system protection policy. He said six workshops will be held to receive public comment on the development of the policy.

Margaret Bruce urged staff to consider stream protection work done in the Santa Clara Valley area.

Mr. Wolfe said on March 29, 2006 he attended a steering committee meeting for a Climate Protection Summit anticipated to be held in September. He said the Bay Area Air Quality Management District initiated the idea to hold the summit to develop a regional approach on climate protection with participation by interested agencies and parties.

Mr. Wolfe discussed pending legislation affecting transportation, air quality, and water quality issues.

Mr. Wolfe said the written Executive Officer's Report describes recent activities concerning the Tesoro Coke Terminal. He said staff expects a letter from Tesoro by May 15, 2006 proposing an effective solution to the fugitive coke dust problem and a schedule to address the solution.

Gary Wolff said the stormwater subcommittee will hold a workshop after the May Board meeting. He said information would be gathered from interested parties regarding urban stormwater management and land use as it affects water quality planning and permitting. He said the subcommittee would report its findings to the full Board at a regularly scheduled Board meeting.

Mr. Muller asked Kristina Brouhard to serve as an alternate member on the stormwater subcommittee. Ms. Brouhard agreed to serve.

Item 5 – Consideration of Uncontested Items Calendar

Mr. Wolfe recommended adoption of the uncontested calendar.

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

Item 6 – Livermore-Amador Valley Water Management Agency (LAVWMA), Dublin San Ramon Services District, and City of Livermore, LAVWMA Export and Storage Facilities, Pleasanton, Alameda County – Reissuance of NPDES Permit

Farhad Azimzadeh said the Livermore-Amador Valley Water Management Agency is a Joint Powers Agency and the Dublin San Ramon Services District and the City of Livermore are member agencies. He said LAVWMA receives treated wastewater from the Dublin San Ramon wastewater treatment plant and the City of Livermore water reclamation plant and pumps the combined flow to the East Bay Dischargers Authority system. He said EBDA transports LAVWMA wastewater along with treated wastewater from EBDA member agencies to a deepwater outfall in Lower San Francisco Bay.

Mr. Azimzadeh said the tentative order applies only during extreme wet weather when (1) the LAVWMA pipeline is at capacity and wastewater must be discharged to Alamo Canal or (2) the EBDA pipeline is at capacity and wastewater in the LAVWMA pipeline must be discharged to San Lorenzo Creek. He said the need for wet weather discharge to the creek and canal has not occurred yet. He said continued population growth increases the likelihood that the need might occur.

In reply to questions, Mr. Azimzadeh said LAVWMA, Dublin San Ramon Services District, and City of Livermore use storage facilities during wet weather. He said inflow and infiltration of groundwater during wet weather increases the amount of wastewater in the member agencies' sewer lines.

Mr. Wolfe said wastewater discharged to the creek and canal must meet limits in the tentative order. He said the tentative order names Dublin San Ramon Services District and the City of Livermore because the municipalities have opportunities to control wet weather discharges into the LAVWMA system.

Dr. Wolff said technology currently is available to reduce residential water use. He encouraged municipalities to promote efficient water use and reduce wastewater.

Vivian Housen, General Manger, LAVWMA, thanked staff for work on the tentative order. She said LAVWMA is not contesting the order although it does not agree with all provisions. She said LAVWMA has completed a facilities expansion and repair program to meet projected growth to the year 2030. She said member agencies are required to plan for water storage and recycling when the system reaches 75% of capacity. She said member agencies are regulated

by individual wastewater permits, and issues of water conservation and inflow and infiltration could be addressed in the permits.

Flordeliza Misra, Acting Operations Manager, Dublin San Ramon Services District, concurred with Ms. Housen's comments.

Mr. Wolfe recommended adoption of the tentative order as supplemented.

Motion: It was moved by Mrs. Bruce, seconded by Mrs. Warren, and it was voted to adopt the tentative order as supplemented and recommended by the Executive Officer.

Roll Call

Aye: Mrs. Brouhard; Mrs. Bruce; Mr. Eliahu; Mr. Waldeck; Mrs. Warren; Dr. Wolff; and Mr. Muller

No: None

Motion passed 7 – 0.

Item 7 – Proposed Amendment to the Water Quality Control Plan (Basin Plan) for the San Francisco Bay Region to Establish a Sonoma Creek Watershed Pathogen Total Maximum Daily Load (TMDL) and Implementation Plan – Hearing to Consider Adoption of Proposed Basin Plan Amendment

Item 8 – Proposed Amendment to the Water quality Control Plan (Basin Plan) for the San Francisco Bay Region to Establish a Napa River Watershed Pathogen Total Maximum Daily Load (TMDL) and Implementation Plan – Hearing to Consider Adoption of Proposed Basin Plan Amendment

Dyan Whyte said staff would give a combined presentation for the two items because pathogen problems are similar in the Sonoma Creek watershed and the Napa River watershed. She said the basic premise of the presentation is that animal and human waste must be kept out of waters where people swim, fish, and boat.

Peter Krottje said pathogens enter waters through fecal contamination from humans and animals. He said E. coli bacteria are used in the proposed TMDLs to indicate pathogen presence.

Mr. Krottje said staff identified pathogen sources through a weight of evidence approach. He said land use patterns, soils, topography and results from water sampling were considered. He said waters in the Sonoma Creek watershed and the Napa River watershed were sampled during 2002, 2003, 2004, and 2005.

Mr. Krottje discussed pathogen sources. He said during the wet season municipal runoff is a widespread problem because it may include pet waste and human waste. He said leaking sanitary sewer lines or failing on-site septic systems present localized problems. He said runoff from grazing lands and confined animal facilities present localized problems.

Mr. Krottje said results of sampling data indicate that pathogen impairment in the watersheds is moderate, with some localized “hot spot” problem areas. He said hot spots in the Sonoma Creek watershed include: Sonoma Creek below Kenwood; Nathanson Creek; and Schell Creek. He said hot spots in the Napa River watershed include: Murphy Creek; Browns Valley Creek; Salvador Creek; Sheehy Creek; and American Canyon Creek.

Tina Low said the proposed TMDLs establish the following water quality targets:

1. Zero discharge of human waste;
2. Geometric mean E. coli density less than 126 CFU/100mL; and
3. 90th percentile E. coli density less than 320 CFU/100mL.

Ms. Low said pathogen loads are allocated to source categories in the proposed TMDLs. She said septic systems and sanitary sewer lines are allocated a zero load. She said the load allocation for municipal runoff, grazing land, confined animal facilities, wastewater treatment plants, and wildlife is the same as the values of the density based targets. She said wastewater treatment plants and wildlife are not significant pathogen sources.

Ms. Low said to implement the TMDLs:

1. Counties would take action to ensure failing septic systems are corrected and county action would focus on hot spots and other high priority areas.
2. Agencies managing sanitary sewer lines would conduct inspection and repair programs as required by Sewer System Management Plans.
3. Owners of confined animal facilities and grazing lands would take action to reduce animal waste runoff.
4. Municipalities would comply with stormwater management plans that include measures to reduce pet and human waste.

Ms. Low said an adaptive approach for implementation will be used to allow for immediate action to be taken while additional information is gathered. She said staff will use monitoring data to evaluate whether implementation actions are effective.

Dyan Whyte said today's public hearing provides an opportunity for stakeholders to comment on the proposed TMDLs. She anticipated a second public hearing would be scheduled in June 2006. She said the Board could consider adopting the TMDLs upon close of the second hearing.

Ms. Whyte said in February 2006 the proposed TMDLs were distributed for public review. She said staff received four comment letters regarding the proposed TMDL for the Sonoma Creek watershed and six comment letters regarding the proposed TMDL for the Napa River watershed.

Ms. Whyte addressed stakeholder comments. She said Sonoma County and Napa County representatives suggested more studies be conducted to verify source categories. She said there were questions whether septic systems and sewer lines are significant sources. In reply, she said staff's water quality studies show that leaking septic systems and sewer lines are significant sources of contamination.

Ms. Whyte said Sonoma County and Napa County representatives expressed concern about costs to government agencies to improve the septic system permitting process and costs to homeowners to repair septic systems. In reply, she said over the next two years the counties would be required to evaluate existing permitting processes and propose schedules to address deficiencies. She said homeowners would be required to upgrade only the septic systems that cause contamination.

Ms. Whyte said representatives from the counties requested the proposed TMDLs be delayed until the State Board adopts septic system regulations currently under development. In reply, she said the regulations are not expected to conflict with the proposed TMDLs.

Ms. Whyte said U.S.EPA suggested the targets and allocations in the proposed TMDLs be revised. In reply, she said the existing Basin Plan contains several outdated bacteria water quality objectives and the proposed TMDLs are based on current U.S. EPA guidance for bacteria objectives. She said staff plans to revise the proposed TMDLs to include the outdated objectives, along with a sunset clause providing the old objectives and associated targets will terminate when the new objectives are adopted.

Ms. Whyte said Friends of Napa River, Sierra Club, and Sonoma Ecology Center expressed support for the proposed TMDLs.

Mr. Muller said the Board would hear public comments regarding Item 7.

Don Seymour, Principal Engineer, Sonoma County Water Agency, spoke against adoption of the proposed TMDL for the Sonoma Creek watershed. He said staff should develop a thorough study program that describes the pathogen loading and life cycle in the watershed. He said the Water Agency is willing to participate in developing the study program.

Randy Leach, Well and Septic Division Manager, Sonoma County Permit and Resource Management Department, recommended staff conduct a comprehensive investigation to determine if contamination in the Sonoma Creek watershed is from human sources or other sources. He recommended that the investigation use microbial source tracking. He recommended staff investigate the costs homeowners and regulatory agencies will bear in order to comply with the proposed TMDL.

Mr. Leach gave staff a copy of a report that concluded marine animals, not humans, were the source of E. coli contamination on a tidal beach in Sonoma County. He said the study illustrates the importance of identifying a pollutant source before beginning an abatement program.

Kathy Hayes, Government Affairs Director, North Bay Association of Realtors, concurred with the comments made by Mr. Seymour and Mr. Leach. She said residential property owners are fearful of regulatory requirements regarding septic systems and the cost to comply.

Mr. Muller said the Board would hear public comments regarding Item 8.

Michael Abramson, General Manager, Napa Sanitation District, spoke in favor of implementation requirements for wastewater treatment plants. He said using Sewer System Management Plans to implement the proposed TMDL is an efficient use of government resources.

Jill Pahl, Acting Director, Napa County Environmental Management, said the County is concerned that pathogen contamination be controlled through reasonable implementation measures and in a reasonable timeframe. She submitted a letter from the Chair of the Napa County Board of Supervisors outlining implementation measures the County proposes to take. She recommended implementation measures for the few grazing operations and confined animal facilities in Napa County include educational outreach and Best Management Practices.

Sandra Elles, Executive Director, Napa County Farm Bureau, said the agricultural community is committed to developing economically robust, environmentally wise, and socially equitable practices. She said the profit margin for grazing operators is small or non-existent and the implementation requirements for them are not economically sustainable. She said the agricultural community would like to work with staff to develop implementation measures for grazing operations and confined animal facilities that include educational outreach. She said site specific programs are appropriate for hot spot areas.

Kathy Hayes, Government Affairs Director, North Bay Association of Realtors, offered to help staff provide community outreach on septic systems.

Gary Wolff asked where compliance for the septic system allocation would be measured.

Ms. Whyte said compliance would be based on the operation of individual septic systems and on downstream monitoring. She said the allocation is zero discharge of human waste.

Dr. Wolff said actions to reduce pathogen impairment also could reduce other impairment. He suggested the proposed TMDLs discuss other pollutants that impair the waters.

Dr. Wolff suggested that strategic decision points be identified during the adaptive management process. He suggested a section be added to the proposed TMDLs to allow property owners, maybe by watershed, to participate as a group in order to meet requirements.

Mr. Wolfe thanked stakeholders for their comments. He said staff will review comments made at today's hearing and would like to work with stakeholders to ensure implementation actions are appropriate. He said the goal is to have waters attain pathogen standards.

Item 11 – Closed Session – Litigation

The Board went into closed session to discuss litigation. The meeting was adjourned at the completion of the closed session.

Adjournment

The Board meeting was adjourned at 1:05 p.m.