

REGIONAL WATER QUALITY CONTROL BOARD - SAN FRANCISCO BAY
BOARD MEETING MINUTES
September 17, 2003

Note: Copies of orders and resolutions and information on obtaining tapes or transcripts may be obtained from the Executive Assistant, Regional Water Quality Control Board, 1515 Clay Street, Suite 1400, Oakland, California 94612 or by calling (510) 622-2399. Copies of orders, resolutions, and minutes also are posted on the Board's web site (www.swrcb.ca.gov/rwqcb2).

Item 1 - Roll Call and Introductions

The meeting was called to order on September 17, 2003 at 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 [Note: Mr. Waldeck arrived at 9:04 a.m.]; Doreen Chiu [Note: Mrs. Chiu arrived at 9:16 a.m.]; Josephine De Luca; Shalom Eliahu; John Reininga; William Schumacher [Note: Mr. Schumacher arrived at 9:15 a.m.]; and Mary Warren.

Board member absent: Kristen Addicks.

Item 2 - Public Forum

There were no public comments.

Item 3 - Minutes of the August 20, 2003 Board Meeting

Loretta Barsamian recommended adoption of the minutes.

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

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

There was no discussion.

Item 5 - 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.

[Mr. Waldeck arrived at 9:04 a.m.]

Item 6 – North San Mateo County Sanitation District, Wastewater Treatment Plant, San Mateo County – Hearing to Consider Administrative Civil Liability for Violations of Waste Discharge Requirements

Ms. Barsamian said North San Mateo County Sanitation District signed a waiver of its right to a hearing on the proposed ACL. She said no Board action was necessary. Ms. Barsamian said the discharger agreed to pay an Administrative Civil Liability in the amount of \$35,180. She noted \$30,180 would be used for a supplemental environmental project.

Item 7 – Caterpillar Inc., Grover Cleveland Park at the South End of O'Donnell Avenue, San Leandro, Alameda County – Hearing to Consider Mandatory Minimum Penalty for Discharge of Partially Treated Wastewater to Waters of the State

Ms. Barsamian said Caterpillar Inc. 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 \$6,000. She noted \$6,000 would be used for a supplemental environmental project.

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

Ms. Barsamian said the City of San Mateo 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 \$21,000.

Item 9 – Cities of South San Francisco and San Bruno, Wastewater Treatment Plant, San Francisco County – Hearing to Consider Mandatory Minimum Penalty for Discharge of Partially Treated Wastewater to Waters of the State

Ms. Barsamian said the Cities of South San Francisco and San Bruno signed a waiver of their right to a hearing on the proposed MMP. She noted no Board action was necessary. Ms. Barsamian said the dischargers agreed to pay a Mandatory Minimum Penalty in the amount of \$81,000. She noted \$48,000 would be used for a supplemental environmental project.

Item 10 – Napa Sanitation District, Wastewater Treatment Plant, Napa County – Hearing to Consider Mandatory Minimum Penalty for Discharge of Partially Treated Wastewater to Waters of the State

Ms. Barsamian recommended the item be continued to the October Board meeting.

Item 11 – East Bay Municipal Utility District, Water Pollution Control Plant, Alameda County – Amendment of NPDES Permit

Jenny Chen said EBMUD's existing NPDES permit includes final limits for DDE and dieldrin. She said the State Implementation Policy requires limits be imposed because DDE and dieldrin cause impairment in the receiving water, even though they are not found in the discharger's effluent.

Ms. Chen said EBMUD requested the existing permit be amended to include interim, rather than final, limits. She said staff concurred with the request because detection levels for DDE and dieldrin are above the final limits and compliance cannot be shown. She said the tentative order requires EBMUD to comply with interim limits for DDE and dieldrin, and gives a time schedule for compliance with final limits.

Ms. Chen said she understood WaterKeepers opposed the tentative order and contended (1) EBMUD should have the burden of proof that compliance with final limits is infeasible, and (2) imposition of interim limits conflicts with a recent court ruling. In response, Ms. Chen cited the wide disparity between detection levels and final limits. She said staff believe interim limits do not conflict with the recent court decision.

Ms. Chen and Loretta Barsamian said staff recommended to the State Board the SIP provision, requiring limits when pollutants are found in receiving water and not in effluent, be deleted. They said the recommendation is under review by the State Board.

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

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

Item 12 – Municipal Stormwater Programs and Their 2001-02 Annual Reports – Status Report

Dale Bowyer gave the staff presentation. He summarized staffs' review of 2001-2002 annual reports for (1) Contra Costa Clean Water Program; (2) San Mateo Countywide Stormwater Program; (3) Alameda Countywide Clean Water Program; and (4) Santa Clara Valley Urban Runoff Program.

[Note: Mr. Schumacher arrived at 9:15 a.m. and Mrs. Chiu arrived at 9:16 a.m.]

Mr. Bowyer said the four countywide urban stormwater programs are in substantial compliance with permit requirements. While he noted there were some areas of concern, he said the programs have demonstrated many instances of praise worthy performance.

Nancy Sutley, State Board member, and Wil Bruhns discussed legislation, recently signed by the Governor, regarding requirements for membership on regional water quality control boards. They said the legislation affects board members representing municipal and county government.

Item 14 – Closed Session – Personnel

At approximately 9:25 a.m., the Board went into a closed personnel session to interview candidates for position of Executive Officer. The meeting was adjourned at the completion of the closed session.

Adjournment

The meeting was adjourned at approximately 3:00 p.m.