

REGIONAL WATER QUALITY CONTROL BOARD - SAN FRANCISCO BAY
BOARD MEETING MINUTES

June 13, 2007

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.waterboards.ca.gov/sanfranciscobay).

Item 1 - Roll Call

The meeting was called to order on June 13, 2007 at approximately 9:00 a.m. in Room 15-30A, State Office Building, 15th Floor, 1515 Clay Street, Oakland.

Board members present: John Muller, Chair; Margaret Bruce; Shalom Eliahu; William Peacock; Clifford Waldeck; Terry Young.

Board member absent: Mary Warren.

Item 2 – Closed Session – Personnel

The Board met in closed session and conducted the annual performance review of the Executive Officer.

[The Board took a recess at approximately 11:00 a.m.]

Item 3 - Introductions

The Board resumed the meeting at 11:12 a.m. in the First Floor Auditorium, 1515 Clay Street, Oakland.

New staff was introduced: Kent Aue, Carolina Silva, and Priya Ganguli.

Bruce Wolfe said Tom Mumley and Dyan Whyte had been appointed Assistant Executive Officers effective July 2, 2007. Mr. Wolfe thanked Sandi Potter, Shin-Roei Lee, Wil Bruhns, and Stephen Hill for serving as Acting Executive Officers at various times during the last year.

Gary Wolff, State Board Member, discussed the following: notification to the public and Regional Boards regarding State Board decisions on petitions; development of teams of staff from the State and Regional Boards that will consider current issues; a guidance document prepared by the Blue Green Algae Work Group; and the State Board's data management system. He discussed upcoming topics that will be considered by the State Board.

Mr. Wolff and Clifford Waldeck discussed streamlining the NPDES permit issuance process.

Item 4 – Public Forum

David Lewis, Executive Director, Save the Bay, said Bay Area counties are monitoring bacteria levels in beach waters. He said the monitoring data are compiled and serve as a basis for giving the public notice about beaches that are not safe for swimming. He said if problems reoccur at some beaches, Save the Bay would like to work with stakeholders to find remedies.

Mr. Lewis said Save the Bay is committed to reducing the amount of trash that is getting into the Bay through stormwater runoff. He said 800 people recently participated in ten Save the Bay sponsored shoreline cleanup events and collected 8,000 pounds of trash and recyclables. He said a regulatory component also is necessary to reduce trash levels in measurable ways.

Michele Plá, Executive Director, Bay Area Clean Water Agencies, gave Board members copies of an issue paper prepared by BACWA entitled “Importance of Recycled Water to the San Francisco Bay Area.” She said the paper reviews economic concerns, implementation challenges, and potential benefits of using recycled water.

Ms. Plá said the issue paper discusses a number of concepts including the following: The Bay Area’s current sources of water are inadequate to meet challenges of population growth and climate change. Recycled water is affordable and cost competitive when compared with other water supply options. State and federal participation is essential for implementation of a large-scale regional recycling program. Recycled water projects must protect public health and the public must have confidence in the projects.

Mrs. Bruce thanked Ms. Plá for presenting information on water recycling and suggested the business community be involved in developing recycled water programs.

In reply to a question from John Muller, Ms. Plá said the level of technology used to treat recycled water would depend on the intended re-use of the water.

Item 5 – Minutes of the May 9, 2007 Board Meeting

Motion: It was moved by Mr. Peacock, seconded by Mrs. Bruce, and it was unanimously voted to adopt the Minutes of the May 9, 2007 Board Meeting.

Item 6 – Chairman’s, Board Members’, and Executive Officer’s Reports

John Muller said on June 20, 2007 he would be hosting an Associate Administrator of U.S. EPA in Half Moon Bay.

Mr. Wolfe elaborated on several items in the Executive Officer’s Report.

Margaret Bruce thanked stakeholders, including Tom Mumley, for their work on pesticide related issues described in the Executive Officer's Report.

Item 7 – City of Martinez, Contra Costa County – Hearing to Consider Imposition of Administrative Civil Liability or Referral to the Attorney General for Late Submittal of the 2004/2005 Annual Report as Required by the Contra Costa Countywide NPDES Municipal Stormwater Permit

Mr. Wolfe said the City of Martinez signed a waiver of the right to a hearing on the proposed ACL and no Board action was necessary. Mr. Wolfe said the City agreed to pay an Administrative Civil Liability in the amount of \$23,000. He said \$20,000 may be used for a supplemental environmental project. He said staff and the City are working on developing a supplemental environmental project.

Item 8 – Proposed Amendment to the Water Quality Control Plan (Basin Plan) for the San Francisco Bay Region to Establish New Water Quality Objectives and Implementation Plan for Copper in San Francisco Bay – Hearing to Consider Adoption of Proposed Basin Plan Amendment

Mr. Looker said in 2002 the Board adopted copper site specific objectives for the segment of the Bay located south of the Dumbarton Bridge. He said, at today's hearing, the Board would consider adoption of a resolution amending the Basin Plan to establish site specific water quality objectives for copper in San Francisco Bay north of the Dumbarton Bridge, including San Pablo Bay and Suisun Bay.

Mr. Looker said methods approved by U.S. EPA were used to develop the site specific objectives in the Basin Plan Amendment. He said the objectives take the chemistry and biology of the Bay into account. He said, by contrast, current copper objectives were developed using laboratory water.

Mr. Looker replied to three comments made at the public hearing on the Basin Plan Amendment held during the May 2007 Board meeting. He said a representative from the National Marine Fisheries Service requested timely completion of studies of olfaction impacts on salmonids in marine water.

Mr. Looker concurred with the request. Mr. Looker said, as part of future NPDES permits, permittees will each be required to prepare a workplan with a time schedule for completing a study. He said federal agencies may be involved in development of studies.

Mr. Looker said a Board member asked if staff considered the need to reevaluate site specific objectives after completion of salt pond restoration projects and implementation of TMDLs. In reply, Mr. Looker said staff will continue to review annual Regional Monitoring Program data for dissolved organic carbon. He said a new copper toxicity study may be conducted if staff finds data indicate a trend of decreasing amounts of dissolved organic carbon in the Bay.

Mr. Looker said a Board member suggested staff consider the accumulation of copper in environmental media other than the water column. In reply, Mr. Looker said staff reviewed annual monitoring data for the last decade and did not find a trend that copper concentrations in Bay sediments were increasing. He said staff will review future monitoring data to monitor copper trends in bivalves, fish, and sediments.

In reply to a question from Margaret Bruce, Mr. Looker said he anticipated future NPDES permits would include a statement requiring permittees to “conduct or cause to be conducted” a study of olfaction impacts on salmonids. He said a permittee’s workplan submitted to staff would provide detail on how the permittee would conduct a study or would work with other parties to cause a study to be conducted.

Mrs. Bruce spoke in favor of having permittees work in a collaborative and unified way to complete studies.

Dr. Young expressed concern that the monitoring program required in the Basin Plan Amendment might need to be changed in order to detect whether future increases in the amount of particulate copper in the Bay occur. She said she had an opportunity to discuss with staff her concern about accumulation of particulate copper and understood her concern might be addressed outside the Basin Plan Amendment.

Michele Plá, Executive Director, Bay Area Clean Water Agencies, requested adoption of the Basin Plan Amendment. She requested, if staff would like to see changes in the Regional Monitoring Program regarding particulate copper, that staff discuss the changes with BACWA members.

Mr. Wolfe recommended adoption of the Resolution to Amend the Water Quality Control Plan for the San Francisco Bay Region to Adopt Site Specific Objectives for Copper for San Francisco Bay and an Implementation Plan.

Motion: It was moved by Mrs. Bruce, seconded by Mr. Peacock, to adopt the Resolution to Amend the Water Quality Control Plan for the San Francisco Bay Region to Adopt Site Specific Objectives for Copper for San Francisco Bay and an Implementation Plan as recommended by the Executive Officer.

Roll Call:

Aye: Mrs. Bruce; Mr. Eliahu; Mr. Peacock; Mr. Waldeck; Dr. Young; Mr. Muller

No: None

Motion passed 6 – 0.

Adjournment

The Board meeting was adjourned at 12:31 p.m.