

REGIONAL WATER QUALITY CONTROL BOARD - SAN FRANCISCO BAY  
BOARD MEETING MINUTES  
October 16, 2002

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Item 1 - Roll Call and Introductions

The meeting was called to order on October 16, 2002 at approximately 8:58 a.m. in the State Office Building Auditorium, First Floor, 1515 Clay Street, Oakland.

Board members present: John Muller, Chair; Doreen Chiu; Shalom Eliahu; John Reininga; William Schumacher; and Mary Warren.

Board members absent: Kristen Addicks [Note: Mrs. Addicks arrived at approximately 9:25 a.m.]; Josephine De Luca; and Clifford Waldeck.

Item 2 - Public Forum

There were no public comments.

Item 3 - Minutes of the October 16, 2002 Board Meeting

The Board unanimously approved the minutes as supplemented.

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 with the following exception: she recommended continuing Item 5D.

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

Item 6 - Misawa Homes (USA), Inc., Hiddenbrooke Premier Golf and Clubhouse, Vallejo, Solano County - Hearing to Consider Imposition of Administrative Civil

Liability or Referral to the Attorney General for Discharge of Sulfur Dioxide to Waters of the State

Loretta Barsamian said Misawa Homes (USA), Inc. signed a waiver of its right to a hearing on the proposed ACL. She noted no Board action was necessary. Ms. Barsamian said the discharger agreed to pay an Administrative Civil Liability in the amount of \$147,000, of which \$115,000 would be used for a supplemental environmental project.

Item 7 – Napa Sanitation District, Napa, Napa County – Amendment of NPDES Permit

Tong Yin gave the staff presentation. She said the discharger filed a petition with the State Board over an NPDES permit adopted by the Regional Board in July 2000. She said the State Board issued a Remand Order in December 2001. She noted the tentative order includes provisions required by the Remand Order.

She said the tentative order also includes limits that take into account discharge from both an activated sludge system and an oxidation pond system. She noted the discharger added an activated sludge system in September 2001. She said the discharger's written objections to the tentative order included: use of the 303(d) listing of the Bay for mercury; the imposition of a mercury mass limit; and the imposition of a limit requiring 85% removal of BOD and TSS.

Monica Oakley, consultant representing Napa Sanitation District, described the discharger's water reclamation program and some of its pollution prevention activities. She said the tentative order represents a step in the right direction.

Shalom Eliahu asked how the levels of copper, mercury, and cyanide in the discharger's treated wastewater effluent compare to the limits for the pollutants in the tentative order. Shin-Roei Lee replied the pollutant levels in the treated wastewater are lower than limits in the tentative order.

Ms. Oakley, consultant representing Bay Area Clean Water Agencies, spoke in support of the tentative order. She noted Board staff and BACWA have worked in a spirit of cooperation on many issues.

Loretta Barsamian recommended adoption of the tentative order as supplemented.

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

[See Mike Alexander's comment made immediately before Item 9.]

Item 8 – Valero Refining Company – California, Benicia Refinery, Benicia, Solano County – Reissuance of NPDES Permit

Robert Schlipf gave the staff presentation. He said Valero discharges about 2.3 million gallons of wastewater a day through a deepwater outfall located in Suisun Bay. He said the tentative order allows Valero to increase the amount of discharged wastewater by about 0.26 million gallons a day upon showing compliance with the State Antidegradation Policy and to receive intake credits for the use of reclaimed water from the City of Benicia's wastewater treatment plant. He said the discharger objected to provisions in the tentative order regarding the inclusion of effluent limits for 4,4' – DDE and dieldrin and the lack of dilution credits for bioaccumulative pollutants.

Don Cuffel, Valero Refining Company – California, reiterated the above objections regarding effluent limits and lack of dilution credits. However, he expressed support for the tentative order because Valero's objections could be resolved through revisions to the State Implementation Policy for the California Toxics Rule.

[Mrs. Addicks arrived at approximately 9:25 a.m.]

Ms. Barsamian said the State Board is considering amending the SIP. She said regional board staff could suggest that limits not be required for pollutants that are found in receiving waters but not in effluent. She noted staff would like to see encouragement for the use of reclaimed water.

Mrs. Addicks commended Valero and Board staff for including provisions in the tentative order for the use of reclaimed water.

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

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

Mike Alexander, General Manager of Napa Sanitation District, discussed Napa Sanitation District's water reclamation program.

Item 9 – Resolutions (A) To Adopt the Mitigated Negative Declaration and (B) To Approve the Remedial Design Report for the Rhodia, Inc., Peyton Slough Remediation Project, Martinez, Contra Costa County – Adoption of Resolutions

Item 10 – Rhodia, Inc., Peyton Slough Remediation Project, Martinez, Contra Costa County – Adoption of Clean Water Act Section 401 Water Quality Certification

Curtis Scott noted both Items 9 and 10 deal with the Peyton Slough Remediation Project, and said the items would be considered together. He said the project would remediate contamination at one of the major toxic hotspots in the Bay Area.

Priya Ganguli said Rhodia, Inc. owns property located west of Peyton Slough. She said Mountain Copper Company formerly owned the property. She noted MOCOCO operated a copper smelter on the site, and the operation caused zinc and copper contamination in and around Peyton Slough.

Ms. Ganguli said the Remedial Design Report sets out the proposed project, which involves: removing contaminated piles along the existing Peyton Slough; capping the Slough; and excavating a new slough alignment east of the existing slough. She noted the proposed project includes mitigation measures to revegetate impacted wetlands. Ms. Ganguli said the Mitigated Negative Declaration finds that the proposed project would not have a significant adverse impact on the environment.

Tina Low said the proposed project would result in a net gain of 5.46 acres of wetlands. She noted habitat for the endangered salt marsh harvest mouse would be reestablished. She said the proposed project would be monitored over a ten-year period to ensure compliance with environmental quality goals.

Mr. Schumacher asked about the Delta tule-pea. Ms. Low said it is a special status plant species.

Mr. Reininga asked about the sinuosity of the new alignment. Mr. Scott explained the new alignment would have more meanders than the existing slough.

Mrs. Addicks asked about completed projects that used remediation techniques like those to be used in the proposed project.

Mr. Scott said the natural channel of an existing slough would form part of the new alignment. Ms. Barsamian said creeks have been relocated in other projects as part of the development process.

Mr. Eliahu asked about containment of contaminants in and adjacent to the existing Peyton Slough. Mr. Scott replied techniques to be used include: cutoff walls, groundwater controls, and placement of a cap on the existing Peyton Slough.

Mary Brown, Rhodia, Inc., spoke in support of the proposed project. She thanked Board staff for their work.

Karl Malamud-Roam, Contra Costa Mosquito and Vector Control District, spoke in support of the proposed project. He believed the proposed remediation would be effective. He discussed activities occurring at the Shell Marsh Restoration Project.

Mike Rugg, California Department of Fish and Game, expressed general support for the proposed project. He commended Rhodia, Inc. and Board staff for their work. He noted his work in the Peyton Slough area began in the 1970's. Mr. Rugg talked about CEQA mitigation requirements. He raised issues about biological monitoring, performance criteria, and tide gate operations.

Mr. Scott said many public agencies participated in the development of the proposed project. He noted the reliability of sediment and water quality monitoring and the inconclusive nature of biological monitoring. He said adaptive management would be used in the development of the project.

Mrs. Chiu asked about project cost. Mary Brown estimated the project cost at \$15 to \$20 million.

Mrs. Chiu noted the present alignment and the proposed new alignment of Peyton Slough are both on property owned by the State Lands Commission.

Ms. Brown said copper and zinc contaminants in the existing Peyton Slough originated from a copper smelter that was located on the property Rhodia, Inc. now owns.

Francesca Dengan, URS consultant to Rhodia, Inc., discussed performance criteria that could be used to evaluate project success.

Lois Autie, URS consultant to Rhodia, Inc., noted sediment, surface water and groundwater would be monitored for a 10-year period. She said there also would be habitat monitoring.

Diane Mims, URS consultant to Rhodia, Inc., discussed installation of a tide gate in the new slough.

Ms. Barsamian noted the tentative order requires Rhodia Inc. to submit a Mitigation and Monitoring Plan acceptable to the Executive Officer before it begins construction. She said comments concerning performance criteria and biological monitoring would be considered when the monitoring plan is submitted for approval.

Ms. Barsamian recommended approval of the tentative resolution adopting the Mitigated Negative Declaration.

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

Roll Call:

Aye: Mrs. Addicks, Mrs. Chiu, Mr. Eliahu, Mr. Reininga, Mr. Schumacher, Mrs. Warren and Mr. Muller

No: None

Motion passed 7 – 0.

Yuri Won asked whether mitigation measures in the tentative order for Item 10 should be changed to reflect consultant comments made on behalf of Rhodia, Inc.

One of Rhodia, Inc.'s consultants replied the mitigation measures do not need to be changed.

Ms. Barsamian recommended adoption of the tentative resolution to approve the Remedial Design Report.

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

Roll Call:

Aye: Mrs. Addicks, Mrs. Chiu, Mr. Eliahu, Mr. Reininga, Mr. Schumacher, Mrs. Warren, and Mr. Muller

No: None

Motion passed 7 – 0.

Ms. Barsamian recommended adoption of the tentative order for waste discharge requirements and water quality certification, as supplemented.

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

Roll Call:

Aye: Mrs. Addicks, Mrs. Chiu, Mr. Eliahu, Mr. Reininga, Mr. Schumacher, Mrs. Warren, and Mr. Muller

No: None

Motion passed 7 – 0.

[The Board took a break at 10:58 a.m. and resumed at 11:15 a.m.]

#### Item 11 – Status Report on Total Maximum Daily Load for PCBs in San Francisco Bay

Fred Hetzel said a Preliminary Project Report on the TMDL for PCBs is being prepared. He noted an Implementation Plan would be prepared by Summer 2003.

Mr. Muller asked if the manufacture of transformers was a source of PCBs in the Bay.

Mr. Hetzel answered affirmatively, but said there also were a number of other sources.

Jim Kelly, Chair of Bay Area Clean Water Agencies, said the development of the PCB TMDL is a cooperative process involving a number of stakeholders. He noted it would take many years to significantly reduce the amount of PCBs in the Bay.

#### Item 12 – Update on New Development Treatment Measures and Their Implementation

Bruce Wolfe introduced the topic.

Keith Lichten showed slides of various types of treatment controls.

Jan O'Hara said about one year ago the Board amended the Santa Clara Valley Urban Runoff Pollution Prevention Program stormwater permit to update its New and Redevelopment Performance Standard. She described Program activities being undertaken to implement the amendment's requirements.

Mr. Reininga expressed concern about the cost to implement stormwater treatment controls.

#### Item 14 – Closed Session – Personnel

The Board took a lunch break at approximately 11:30 a.m. and went into closed session to discuss personnel issues. At the completion of the closed session, the meeting was adjourned.

Adjournment

The meeting was adjourned at approximately 12:45 p.m.