

REGIONAL WATER QUALITY CONTROL BOARD - SAN FRANCISCO BAY  
BOARD MEETING MINUTES  
June 18, 2003

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Item 1 - Roll Call and Introductions

The meeting was called to order on June 18, 2003 at approximately 9:05 a.m. in the State Office Building Auditorium, First Floor, 1515 Clay Street, Oakland.

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

Board members absent: None.

Item 2 - Public Forum

There were no public comments.

Item 3 - Minutes of the May 21, 2003 Board Meeting

Motion: It was moved by Mrs. De Luca, seconded by Mrs. Warren, and it was unanimously voted to adopt the minutes.

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

John Muller reported meeting with Wayne Nastro, Regional Administrator, U.S. Environmental Protection Agency. He also reported meeting with Greg Zlotnick, Board Member, Santa Clara Valley Water District.

Loretta Barsamian said the Mercury Total Maximum Daily Load Project Report had been distributed for public comment. She discussed two recent appellate court decisions that upheld actions taken by the Regional Board. She said the cities of San Jose and Milpitas filed a lawsuit contesting the stormwater permit issued to the Santa Clara Valley Urban Runoff Pollution Prevention Program.

Ms. Barsamian and Steve Morse discussed how the Governor's proposed budget might affect Regional Board operations. They said staff layoffs might occur.

Board members acknowledged the outstanding contributions of technical staff and expressed concern that staff face potential layoffs. Board members expressed support for management's efforts to address budgetary problems.

Item 5 - Uncontested Calendar

Ms. Barsamian recommended adoption of the uncontested calendar.

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

Item 6 – Proposed Amendments to the Water Quality Control Plan (Basin Plan) for San Francisco Bay Region to Update Water Quality Objectives and NPDES Implementation Provisions – Hearing to Consider Adoption of Proposed Amendments

Ms. Barsamian recommended this item be continued.

Item 7 – Region Wide General Permit for Surface Water Treatment Facilities for Potable Supply – Issuance of General NPDES Permit

Mr. Muller recused himself from consideration of this item. At that point, Mr. Waldeck began serving as Chair.

Jenny Chen said the tentative order applies to discharges from drinking water treatment plants. She said the tentative order specifically applies to plants that treat surface water. She said discharges from the plants include: filter backwash water, treatment unit overflows, and waterline breaks. She described four steps that might be used by plants to treat surface water: coagulation/flocculation, sedimentation, filtration, and disinfection.

David Omoto, Contra Costa Water District, questioned whether the tentative order was applicable to water discharged from Bollman Water Treatment Plant to Mallard Reservoir. He did not believe Mallard was a water of the United States as defined in the federal Clean Water Act. He also did not believe Mallard should be characterized as a water of the State. He said under the Board's Basin Plan, Mallard carries beneficial use designations for fish and wildlife habitats.

Ms. Barsamian said staff is working with the District to resolve the question if discharge from Bollman adversely affects beneficial uses of Mallard Reservoir. She noted staff believe Mallard is a water of the State and should be included in the Basin Plan.

Susan Suzuki, East Bay Municipal Utility District, thanked staff for working cooperatively with stakeholders to prepare the tentative order. She described the tentative order as a "workable document."

Shin-Roei Lee reported Kent Adney, California Water Service Company, left a message recommending the Board adopt the tentative order. She said Mr. Adney was a participant in the stakeholder process.

Ms. Barsamian recommended adoption of the tentative order.

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

Roll Call:

Aye: Mrs. Addicks, Mrs. Chiu, Mrs. De Luca, Mr. Eliahu, Mr. Reininga, Mr. Schumacher, Mrs. Warren, Mr. Waldeck.

No: None.

Motion passed: 8 – 0.

Mr. Muller resumed serving as Chair.

Ms. Barsamian thanked Jenny Chen, Lila Tang, and Shin-Roei Lee for their work in developing the General Permit.

Item 8 – Cities of San Jose and Santa Clara, Water Pollution Control Plant, Santa Clara County – Hearing to Receive Testimony on Reissuance of NPDES Permit

Ms. Barsamian recommended this item be continued.

Item 9 – City of Palo Alto, Regional Water Quality Control Plant, Santa Clara County – Hearing to Receive Testimony on Reissuance of NPDES Permit

Ms. Barsamian recommended this item be continued.

Item 10 – City of Sunnyvale, Water Pollution Control Plant, Santa Clara County – Hearing to Receive Testimony on Reissuance of NPDES Permit

Ms. Barsamian recommended this item be continued.

Item 11 – Alameda Countywide Clean Water Program and its 2001-2002 Annual Report – Status Report

Ms. Barsamian recommended this item be continued.

Item 12 – San Francisco Bay Dairy Program and Permits – Status Report

John West said the 56 dairies located in Region 2 are situated near streams that drain to Tomales Bay, Petaluma River, and Sonoma Creek. He said regulatory requirements are applicable to dairies in order: (1) to prevent animal waste from contacting clean water, and (2) to promote the collection and subsequent recycling of animal waste on agricultural sites. Currently, he said 85% of the dairies in Region 2 are in compliance with applicable requirements.

Mr. West said Senate Bill 390 set a sunset clause for waivers of waste discharge requirements. As a result of SB 390, he said WDR waivers for dairies granted by the Regional Board expired on January 1, 2003. To remedy the situation, he said staff are preparing two new items for Board consideration: (1) a general permit for waste discharge requirements for dairies not in compliance with regulatory requirements and (2) a waiver to the general permit for dairies in compliance.

In response to a question, Ms. Barsamian said staff are looking into waste treatment issues concerning an ostrich farm in the Pleasanton area.

Mr. Schumacher asked about the legislative purpose of SB 390.

Ron Gervason said apparently the Legislature would like regional boards to review the process under which WDR waivers are granted. He said Region 2 staff currently are looking at the waiver process applicable to dairies.

Mr. Schumacher asked if dairies are being put out of business by regulatory requirements.

Mr. West and Larry Kolb said staff have been told regulatory requirements are not a major driver in the economic viability of dairies. Mr. West said staff also have been told dairies face economic pressures caused by increases in the costs of production at the same time milk prices are low. Larry Kolb noted the cost of feed has increased.

Mr. Muller and Mrs. Addicks said it was important to work to ensure the viability of dairies.

Mr. Gervason said large-scale dairies located in the Central Valley increase the competitiveness of the market. He noted dairies in the Bay Area tend to be family owned and much smaller in size.

In response to a question, Mr. Gervason said the regional board regulating the Central Valley dairies has responsibility for a large number of dairies and has limited staff resources.

Ms. Gladstone said stormwater requirements apply to dairies located throughout the state.

Kristy Rocha, Western United Dairymen, thanked staff for working with the dairymen. She said more dairymen are participating in a certification program conducted by the University of California at Davis.

Mr. Reininga asked whether the dairy industry feels the regulatory requirements are burdensome.

Ms. Rocha concurred with the goal of reducing adverse impacts caused by dairies on streams and other waterways. She said the industry is concerned that higher permit fees may be imposed. She said paying fees is considered more burdensome than making land improvements.

#### Item 13 – Nutrient TMDLs in the San Francisco Bay Region – Status Report

Peter Krottje said excessive levels of two nutrients, nitrogen and phosphorus, can adversely affect aquatic life. He said impacts include: toxic impacts and eutrophication. He noted eutrophication is the undesirable growth of algae and aquatic plants. He said

two forms of nitrogen, ammonia and nitrate, can be toxic to fish. He said the disposal of human and animal waste can cause excessive nutrient levels.

Mr. Krottje said six Bay Area waterbodies and their tributaries are on the 303(d) list as impaired by excessive nutrients: Napa River, Sonoma Creek, Petaluma River, Walker Creek, Lagunitas Creek, and Tomales Bay. He described steps being taken to develop nutrient TMDLs for the waterbodies.

Dyan Whyte said a pathogen TMDL for Tomales Bay is being developed. She said measures taken to reduce pathogen levels would also help to reduce excessive nutrient levels.

In response to a question, Tom Mumley said a number of factors contribute to pollutant levels in Tomales Bay. He said an active stakeholder group is helping to address pollution concerns.

#### Items 15 and 16 – Closed Session – Personnel and Litigation

At approximately 12:00 Noon, the Board went into closed session to discuss personnel and litigation issues. At the completion of the closed session, the meeting was adjourned.

#### Adjournment

The meeting was adjourned at approximately 12:25 p.m.