

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

July 12, 2006

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Item 1 - Roll Call and Introductions

The meeting was called to order on July 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; Margaret Bruce; Josephine De Luca; Shalom Eliahu; Clifford Waldeck.

Board member absent: Mary Warren.

Item 2 - Public Forum

Amy Chastain, Associate, Baykeeper, reported a chemical spill occurred in early June 2006 at a facility in the South Bay. She reported there was a fish kill in the Bay in late June 2006. She asked if the Water Board had information on the events and if the Board would take action.

Mr. Wolfe said other agencies were taking the regulatory lead. He said he would report back if Board action should be taken.

Mr. Muller announced Larry Kolb and Steve Morse were retiring after many years of distinguished service.

Mr. Muller, on behalf of the Board, presented Larry Kolb with a Proclamation of Appreciation. Mr. Muller, reading from the Proclamation, said Dr. Kolb joined Board staff in 1973 and has brought curiosity, creativity, a sense of environmental mission, and a gift of humor to his endeavors. Mr. Muller said Dr. Kolb has served as a manager in the Board's surface water programs.

Larry Kolb thanked Board members, staff, and stakeholders for their efforts to improve the environment. He said he would miss the wonderful people he had the privilege of working with and would miss the climate of ideas that have existed in the hallways of the office.

Mr. Waldeck complimented Dr. Kolb on his communication skills and thanked him for his work.

Mrs. Bruce said she enjoyed working with Dr. Kolb and thanked him for setting a tone of inclusiveness at a recent public meeting.

Mrs. De Luca congratulated Dr. Kolb on his engineering expertise and thanked him for his consistent kindness and courtesy to Board members.

Mr. Eliahu said he appreciated Dr. Kolb's ability to explain complex subjects and would miss working with him.

Mr. Wolfe said he has appreciated Dr. Kolb's counsel, common sense, and humor and has benefited from working with him for more than 29 years.

Mr. Muller, on behalf of the Board, presented Steve Morse with a Proclamation of Appreciation. Mr. Muller, reading from the Proclamation, said Mr. Morse joined Board staff in 1976 and has been admired for his integrity, fairness, diligence and openness to new ideas. Mr. Muller said Mr. Morse has led the Board's oversight of federal superfund sites and has been a tireless advocate for the restoration of Brownfield sites.

Steve Morse thanked Board members for the support they have given staff over the years. He said he has served as a manger for 25 years and thanked the staff he has worked with for all their good work.

Mr. Waldeck thanked Mr. Morse for his leadership in improving water quality.

Mrs. Bruce thanked Mr. Morse for his solid, effective, and passionate work at the Board.

Mrs. De Luca commended Mr. Morse for his effective management skills and his patience and courtesy in dealing with Board members.

Mr. Eliahu thanked Mr. Morse for his many contributions to the Board.

Mr. Wolfe said Mr. Morse has achieved many accomplishments without creating much personal fanfare. Mr. Wolfe said over the years Mr. Morse has served as a mentor to him and provided opportunities for him to learn.

Shin-Roei Lee read a letter from Roger James, former Executive Officer of the Water Board, which said Dr. Kolb and Mr. Morse are dedicated professionals who have made major contributions to the protection of Bay Area waters.

Mr. James said their technical knowledge, leadership skills, and professionalism will be missed and wished them the best in retirement.

Ms. Lee said she had the privilege of working with both Dr. Kolb and Mr. Morse and admired the legacy they created.

Tom Dalziel, Assistant Program Manager, Contra Costa Clean Water Program, thanked Dr. Kolb for participating in workshops sponsored by the Program.

Mr. Dalziel commended Dr. Kolb for his ability to explain complex ideas in understandable ways.

Larry Bahr, Fairfield-Suisun Sewer District, said he has enjoyed working with Dr. Kolb and Mr. Morse for more than 20 years. He said they are professional, honorable, and hard-working, and wished them the best in retirement.

Sandi Potter said staff would miss working with Dr. Kolb and Mr. Morse. She said both had an open door policy and were respectful of staff.

Mrs. De Luca congratulated Mr. Muller for being selected to serve on the Half Moon Bay City Council.

Item 3 – Minutes of the June 14, 2006 Board Meeting

Motion: It was moved by Mr. Eliahu, seconded by Mrs. Bruce, and it was unanimously voted to adopt the minutes of the June 14, 2006 Board meeting.

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

Margaret Bruce reported the Stormwater Subcommittee held a workshop following the June Board meeting. She said stakeholders discussed concerns on the general topic of stormwater management. She suggested discussion be continued at another workshop.

Mr. Wolfe reported the NPDES Division met the first of four milestones established to achieve the goal of a zero permit backlog. He read an email from Nancy Woo, U.S. EPA, stating that staff's accomplishments with regard to permits are recognized and appreciated at U.S. EPA. Mr. Wolfe thanked Lila Tang and Board staff for their work and dedication.

Mr. Wolfe said a celebration would be held on July 18, 2006 to mark the successful completion of Rhodia's five year project to restore ecologically sensitive wetlands adjacent to the firm's Martinez manufacturing site. He commended Rhodia for stepping up to the plate and addressing environmental conditions that occurred long before the firm began operations at the site.

Mrs. De Luca suggested the Board hear a presentation on the subject of emerging contaminants.

Mr. Wolfe concurred and said it is important that waters are not impaired by emerging contaminants. He discussed the importance of disposing of pharmaceuticals in ways that keep them out of Bay waters.

Item 5 – Consideration of Uncontested Items Calendar

Mr. Wolfe 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.

Item 6 – California Department of Transportation, Devil's Slide Tunnel Project, State Route 1, San Mateo County – Issuance of NPDES Permit

Brendan Thompson said a portion of State Route 1 runs through a geologically unstable area known as Devil's Slide. He said Caltrans has begun a project to build two tunnels to bypass the area. He said the Board adopted Water Quality Certification and Water Discharge Requirements in June 2004 that addressed mitigation for wetland and stormwater impacts.

Mr. Thompson said the tentative order under consideration is for an NPDES permit that would regulate groundwater released during drilling, and for a period of time, post drilling of the tunnels. He said the tentative order identifies pollutants of concern: sediment; coagulants; pH; and oil and grease.

Mr. Thompson said groundwater encountered during drilling of the tunnels will be treated and released to the Pacific Ocean. He said the amount of groundwater released will vary on a daily basis. He said Caltrans estimates the maximum daily amount may reach a million gallons.

Mr. Thompson said concrete that will be used to line the tunnels is not expected to fully harden for a period of time after installation. He said groundwater that comes into contact with the concrete lining during that time will have elevated pH levels. He said the groundwater will be treated, released to a drainage basin, and discharged to the Ocean.

Mr. Thompson said once the pH levels of groundwater return to normal, the groundwater will no longer be treated and will drain directly to the Ocean. He said at that time, the release of groundwater will be regulated by Caltrans' Statewide Stormwater Permit.

Mr. Thompson said studies have shown that marine species will not be impacted significantly by the release of fresh water into the Ocean. He said fresh water currently is released in an existing outfall and any impacts would be localized.

Mr. Eliahu suggested groundwater should be recycled instead of being released into the Ocean once treatment is not required.

Mr. Muller said he hoped the groundwater could be used for agricultural purposes in nearby creeks and reservoirs. He said Caltrans representatives have met with local parties to discuss options.

In reply to a question, Skip Sowko, Caltrans, Project Manager, Devil's Slide Tunnel Project, said Highway 1 is expected to reopen in the Devil's Slide area in mid-September 2006.

Dave Yam, Caltrans, Chief, Office of Water Quality, thanked Lila Tang and Brendan Thompson for their work on the tentative order.

Mr. Wolfe recommended adoption of the tentative order.

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

Roll Call:

Aye: Mrs. Bruce; Mrs. De Luca; Mr. Eliahu; Mr. Waldeck; Mr. Muller

No: None

Motion passed 5 – 0.

Item 7 – Contra Costa Clean Water Program, Contra Costa County – Amendment of NPDES Municipal Stormwater Permit to Adopt Hydrograph Modification Management Standard

Jan O'Hara said urbanization adds roofs, roads, parking lots and other impervious surfaces to landscapes. She said the impervious surfaces can change stormwater runoff patterns and can result in an increase in runoff peaks and durations. She said increased runoff can erode waterways and cause flooding.

Ms. O'Hara said the stormwater permit for the Contra Costa Clean Water Program requires that the Program submit a Hydromodification Plan for the Board's approval. She said a Plan was submitted in May 2005.

Ms. O'Hara said the Program's Hydromodification Plan includes the following Management Standard: all projects subject to this Standard shall ensure estimated post-project runoff peaks and durations do not exceed estimated pre-project peaks and durations if increased stormwater runoff peaks or durations could cause erosion or other significant effects on beneficial uses. She said the Standard applies to new construction and redevelopment projects that develop one acre or more of new impervious surface.

Ms. O'Hara said the Program's HMP provides four options that developers can chose among in order to comply with the Standard. She said the first option provides that developers of projects that drain to hardened channels are not required to implement hydromodification controls.

Ms. O'Hara said the second option allows developers to implement Integrated Management Practices. She said the Program's HMP provides "look-up charts" for design specifications and sizing criteria for seven IMPs, including in-ground planters, flow-through planters, and bioretention basins. She said the IMPs are intended to be used to manage stormwater runoff from relatively small areas.

Ms. O'Hara said the third option provides that developers may custom design the hydromodification controls for projects. She said the fourth option allows

developers to use geomorphic studies to show that increased runoff from a project will not accelerate erosion of a receiving stream because the stream can withstand additional runoff or because the stream will be restored and then will be able to handle additional runoff.

Ms. O'Hara said the tentative order requires the Program to submit a revised Stormwater C.3 Guidebook and obtain the Executive Officer's concurrence that the Guidebook is consistent with the Management Standard. She said the tentative order requires the Program to monitor five constructed IMPs to test the model used to develop IMPs. She said the tentative order provides that the Program may be required to refine the model used to establish IMP sizing factors depending upon results of calibration information and testing of soil infiltration rates.

Donald Freitas, Program Manager, Contra Costa Clean Water Program, spoke in favor of the Board's adoption of the tentative order. He said the Program looks forward to implementing the Hydromodification Plan and has scheduled a fall workshop with the development community to begin the implementation process.

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

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

Roll Call:

Aye: Mrs. Bruce; Mrs. De Luca; Mr. Eliahu; Mr. Waldeck; Mr. Muller

No: None

Motion passed 5 – 0.

Item 8 – Site Cleanup Program – Status Report

Mr. Headlee said most soil and groundwater contamination in the Bay Area is caused by petroleum and chlorinated solvents. He discussed two of the Board's programs that address cleanup of contamination: the Underground Storage Tank Program and the Spills, Leaks, Investigations, and Cleanup Program.

Mr. Headlee showed pictures of a Brownfields project where abandoned industrial land was redeveloped into housing and parks in a way that protected both human health and the environment.

Mr. Headlee said staff tries to provide opportunities for the public to be involved in the cleanup process. He said information notices are sent to the public to inform them of the process. He said community meetings are held when there is significant interest.

Mr. Headlee said several years ago staff developed Environmental Screening Levels. He said ESLs for commonly encountered contaminants are set out in

“lookup” tables. He said, with a minimum of site information, a developer can look at the tables and determine applicable soil and groundwater screening levels. He said the screening levels are useful in determining the amount of cleanup work that has to be done at a site.

In reply to a question, Mr. Headlee said U.S. EPA required underground storage tanks in use after December 1998 to be doubled walled and have automatic leak sensors.

Adjournment

The Board meeting was adjourned at 11:30 a.m.