

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

April 9, 2008

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Item 1 – Roll Call and Introductions

The meeting was called to order on April 9, 2008 at 9:02 a.m. in the State Office Building Auditorium, First Floor, 1515 Clay Street, Oakland.

Board members present: John Muller, Chair; Terry Young, Vice-Chair; Shalom Eliahu; James McGrath; William Peacock; Rameshwar Singh.

Board member absent: Steven Moore.

Terry Seward introduced Jim Carolan, new staff.

Item 2 – Public Forum

There were no public comments.

Item 3 - Chairman's, Board Members', and Executive Officer's Reports

John Muller said a telephone conference call with State Board Chair Tam Dudoc and Regional Board Chairs was held recently.

Bruce Wolfe said staff is in the process of revising the Regional Board web page.

Mr. Wolfe said final approval was given to the Napa River Watershed Pathogen Total Maximum Daily Load and Implementation Plan and the Sonoma Creek Watershed Pathogen Total Maximum Daily Load and Implementation Plan.

Mr. Wolfe said Mr. Muller was selected to receive an Environmental Award from U.S. EPA at a ceremony to be held on April 14, 2008.

Item 4 – Consideration of Uncontested Items Calendar

Mr. Wolfe recommended adoption of the uncontested calendar.

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

Mr. McGrath and Mr. Muller thanked staff for comprehensive work on the uncontested items.

Item 5 – Cosco Busan Oil Spill – Hearing to Consider Resolution Authorizing Referral to Attorney General for Judicial Enforcement of November 2007 Oil Spill

Dyan Whyte, Yuri Won, Cecilio Felix, David Elias, and Shin-Roei Lee served as prosecuting staff. Bruce Wolfe and Yuri Won served as Board advisors.

Ms. Whyte described the Revised Tentative Resolution.

There was discussion.

Ms. Whyte recommended adoption of the Revised Tentative Resolution.

Motion: It was moved by Dr. Young, seconded by Mr. Peacock, to adopt the Revised Tentative Resolution as recommended by Ms. Whyte.

There was a question and a reply.

A vote was taken on the motion.

Roll Call:

Aye: Mr. Eliahu; Mr. McGrath; Mr. Peacock; Dr. Singh; Dr. Young; Mr. Muller

No: None

Motion passed: 6 – 0.

Item 6 – Proposed Amendment to the Water Quality Control Plan (Basin Plan) for the San Francisco Bay Region to Establish a Total Maximum Daily Load (TMDL) and Implementation Plan for Pathogens in Richardson Bay – Hearing to Consider Testimony on Proposed Basin Plan Amendment

Farhad Ghodrati said Richardson Bay is impaired by pathogens from human and animal waste. He said pathogen levels in some areas of Richardson Bay are higher than is safe for the beneficial uses of water contact recreation and shellfish harvesting.

Mr. Ghodrati described five categories of pathogen sources to Richardson Bay: sanitary sewer systems; stormwater runoff; floating homes; vessels; and wildlife. He estimated Richardson Bay has more than 400 floating homes and said Richardson Bay has approximately 2400 marina berths for recreational vessels.

Mr. Ghodrati said fecal coliform concentrations are used in the TMDL to indicate pathogen presence. He said the TMDL establishes the following targets:

- Shellfish harvesting target
<14 fecal coliform/100mL
- Water contact recreation targets
<200 fecal coliform/100mL and
<35 enterococci/100mL

Mr. Ghodrati said the proposed Total Maximum Daily Load is based on the shellfish harvesting target and is <14 fecal coliform/100mL.

Mr. Ghodrati said pathogen loads are allocated to source categories. He said the categories for sanitary sewer systems, floating homes, and vessels are allocated a zero load. He said the allocations for stormwater runoff and wildlife categories are the same as the shellfish harvesting target.

Mr. Ghodrati said to achieve the allocations, parties are required to take implementation actions. He said sanitary sewer agencies are required to comply with general waste discharge requirements that include sewer overflow prevention measures. He said NPDES stormwater permittees are required to amend stormwater management plans to include measures to reduce pathogen loading from pets and humans.

Mr. Ghodrati said owners of floating homes and vessels are required to repair and upgrade sewage collection systems. He said governmental entities are required to evaluate the adequacy and performance of the systems. He said wildlife is not considered a controllable source and the TMDL Implementation Plan does not include actions for wildlife.

Mr. Ghodrati said the TMDL will be implemented through an adaptive management approach. He said the TMDL Implementation Plan includes a monitoring plan.

Naomi Feger said staff received ten comment letters on the TMDL. She discussed the letters and said some stakeholders expressed concern about the applicability of the shellfish harvesting beneficial use.

Ms. Feger said staff will work with stakeholders to address concerns. She said staff will reply in writing to comments and testimony received and may revise the TMDL as necessary.

In reply to a question from Mr. Eliahu, Mr. Wolfe said stormwater permittees are required to encourage the public to reduce pet waste in stormwater.

Mr. Wolfe said stormwater controls incorporated in new development projects often reduce multiple pollutants, including pathogens.

Brooke Langston, Director, Richardson Bay Audubon Center, spoke in favor of proposed measures to improve water quality in Richardson Bay. She expressed interest in expanding the Center's monitoring program to include pathogens. She said there are no floating homes or vessels on the Center's 900 acres of submerged land. She said pathogen monitoring conducted on the Center's land might show impacts from wildlife and municipal stormwater.

Amy Chastain, Staff Attorney, San Francisco Baykeeper, requested the TMDL establish wet and dry season wasteload allocations for stormwater. She requested the dry season allocation be set at zero and be incorporated as a numeric limit in municipal stormwater permits. She requested the TMDL Implementation Plan include additional measures for sanitary sewer collection systems located in the Richardson Bay area.

Dr. Young spoke in favor of protecting the shellfish harvesting beneficial use. She concurred with Ms. Chastain's request that additional measures for sanitary sewer collection systems be included in the TMDL Implementation Plan. She recommended the Implementation Plan include additional measures to reduce pet waste in stormwater.

Mr. McGrath requested staff prepare more information on pathogen sources and said the information would be helpful in determining how to direct resources. He discussed the importance of developing monitoring data.

Mr. Eliahu recommended priority be given to reducing pathogen loads from floating homes and vessels. Dr. Singh concurred with Mr. Eliahu's recommendation.

Mr. Muller said it is important to protect water quality in Richardson Bay. He said floating homes and vessels in Richardson Bay are a unique part of the Bay Area.

Mr. Wolfe briefly discussed comments made at the hearing.

[The Board took a break at 10:30 a.m. and resumed the meeting at approximately 10:47 a.m.]

Item 7 – Proposed Amendment to the Water Quality Control Plan (Basin Plan) for the San Francisco Bay Region to Establish a Total Maximum Daily Load (TMDL) for Sediment in Sonoma Creek and Implementation Plan for the TMDL and Related Habitat Enhancement Goals – Hearing to Consider Testimony on Proposed Basin Plan Amendment

Mr. Wolfe said Dyan Whyte would make an introduction before the Board received testimony on Item 7.

Ms. Whyte introduced David Clegern, Public Information Officer, State Water Resources Control Board. She said Mr. Clegern is assigned to work on public information issues for this region.

Mr. Wolfe said Tina Low would give the staff presentation on the proposed Basin Plan Amendment.

Ms. Low said the population of steelhead trout in the Sonoma Creek watershed has declined substantially since the 1940's. She said stream conditions contributing to the decline include: (1) erosion of beds and banks; (2) excessive amounts of fine sediment; (3) low amounts of water during the summer; (4) barriers to fish passage; and (5) lack of woody debris.

Ms. Low said staff realized that just addressing sediment impairment in the watershed would not be sufficient to restore the fish population. She said, for that reason, the Basin Plan Amendment includes both a sediment TMDL to address sediment problems and a Habitat Enhancement Plan to enhance fish habitat.

Ms. Low said to address sediment impairment, the TMDL establishes water quality targets for the following parameters:

- Streambed permeability. The movement of water through a streambed influences the survival of fish eggs;
- Pools. Pools provide fish with food supply, cover, and favorable temperatures.
- Substrate composition – percent fine sediment. The percentage of fine sediment in the streambed provides a measurement of sediment deposition.

Ms. Low said sediment is delivered to Sonoma Creek through both natural processes and human actions. She said sediment from human actions originates from the following sources: bed and bank erosion; roads/crossings; surface erosion; urban stormwater; and landslides. She said the percentage of sediment for each of the sources compared to the total amount of sediment delivered from all sources is: bed and bank erosion 65%; roads/crossings 17%; surface erosion 14%; urban stormwater 2%; and landslides 2%.

Ms. Low said the Basin Plan Amendment establishes a maximum annual sediment load of 65,000 tons per year in Sonoma Creek. She said the maximum load is 125% of the amount of sediment delivered through natural processes. She said sediment sources from human actions must be reduced by approximately 80% to achieve the maximum load. She said sediment sources from natural processes are not required to be reduced.

Ms. Low said to achieve the maximum allowable sediment load, parties in the watershed are required to take implementation actions. She said owners of vineyards, grazing lands, and parcels with roads and gullies are required to comply with Waste Discharge Requirements or Waivers of WDRs. She said stormwater from municipal sources, industrial facilities, and construction projects is regulated through NPDES permits.

Ms. Low estimated the cost for all parties to implement TMDL regulatory measures may range between six and twelve million dollars over approximately twenty years.

Ms. Low described a number of projects stakeholder groups in the Sonoma Creek watershed are developing to restore fish habitat. She said there may be an opportunity for coordination with recommended actions in the Habitat Enhancement Plan.

Mr. Low said staff received thirteen comment letters on the Basin Plan Amendment. She said staff will prepare written replies to the comments and will amend the Basin Plan Amendment as necessary.

Rebecca Lawton, Director of Programs, Sonoma Ecology Center, said implementation actions in the Basin Plan Amendment focus on reducing surface erosion. She requested actions address the chief sediment source: streambed erosion and incision. She said the erosive capacity of water in Sonoma Creek and the suspended sediment load in the Creek increase at times of peak storm runoff. She requested owners of all land uses adhere to a no-net increase rule for runoff and sediment. She requested the Basin Plan Amendment identify funding sources that can be used to implement required actions.

In reply to a question from Mr. McGrath, Ms. Lawton said management of storm runoff can help address streambed erosion and incision. She said some urban projects are being developed without regard to controlling peak storm runoff.

In reply to questions from Dr. Young, Ms. Lawton said provisions in the Habitat Enhancement Plan are as important as TMDL requirements. However, she concurred with staff's recommendation that the provisions not be made mandatory. She said implementation of the recommendation to increase Sonoma Creek channel complexity will help address problems.

Norman Yenni, Landowner, Sonoma Creek Watershed, requested the Basin Plan Amendment be revised and the public be included in the process. He said implementation actions focus on surface erosion from agricultural lands. He said surface erosion accounts for 14% of the sediment in Sonoma Creek and streambed erosion and incision accounts for 65%. He recommended implementation actions focus on reducing runoff from impervious surfaces in urban development.

Mr. Yenni said Sonoma Creek is shallow at the location where the Creek joins the Bay. He said the shallow water constitutes a fish passage barrier and recommended the problem be addressed.

John Guardino, Agricultural Scientist, Southern Sonoma County Resource Conservation District, said it is important for stakeholders to work together to resolve water quality issues in the watershed. He said it would be helpful to integrate the Sonoma Creek Enhancement Plan with implementation actions in the Basin Plan Amendment.

Mr. Guardino recommended the Basin Plan Amendment address runoff issues caused by hydromodification in the watershed. He recommended the Basin Plan Amendment address the finding in the Sonoma Creek Limiting Factors Analysis that recovery of steelhead trout is dependent upon availability of winter and summer rearing habitats.

In reply to a question from Dr. Singh, Mr. Guardino said the Resource Conservation District helps farmers develop soil conservation techniques. He said the District is developing a ranch planning system to help farmers implement techniques to comply with Basin Plan Amendment requirements.

In reply to questions from Mr. Eliahu, staff said runoff from land use activities erodes streambeds and banks. Staff said Phase II municipal stormwater permits may require developers reduce the amount of runoff from projects. Staff said developers may use swales and other low impact development techniques to moderate the amount of runoff.

Mr. Wolfe said the TMDL and Habitat Enhancement Plan will be implemented through an adaptive management approach. He said monitoring of actions implemented will help determine appropriate future actions.

Mr. Muller said funding for implementation is limited. He recommended the Basin Plan Amendment provide flexibility to landowners on ways to comply.

Mr. McGrath said he would like more information on hydromodification in the watershed.

Dr. Young said the problem of stream incision needs to be addressed. She said increasing stream complexity and developing stream and habitat restoration programs would help reduce incision.

Dr. Young said a number of third parties have developed environmental compliance programs for landowners. She recommended the Basin Plan Amendment provide landowners the flexibility to comply through meeting requirements of third party programs.

Mr. Wolfe said staff would like to build on stakeholders work in the Sonoma Creek watershed and will continue to meet with stakeholders in developing the Basin Plan Amendment. He said staff will bring a Basin Plan Amendment for the Board's consideration of adoption at a later meeting.

Item 8 – Correspondence

There was no correspondence.

Item 9 – Site Cleanup Programs – Status Report

Stephen Hill said staff oversees cleanup of soil, groundwater, and sediment at various sites in the region. He said sites range in size from small to large. He described recent accomplishments of the Board's site cleanup programs. He discussed program priorities for 2008.

Item 23 – Adjournment

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