

Hazardous Materials Commission

Final Minutes

Planning and Policy Development Committee

March 15, 2006

Members and Alternates:

Present: Jim Payne, Teng-Chung Wu, Steve Linsley, Sabiha Gokcen, Ric Bonner (alternate), Dave Hudson (alternate), George Smith (alternate), Steve Sullivan (alternate)

Absent: Scott Anderson (represented by alternate) Scott Perkins (represented by alternate)

Staff: Michael Kent

Members of the Public: Frank Gordon

1. Call to order, introductions and announcements

Commissioner Gokcen called the meeting to order at 3:40.

Michael Kent announced:

- Commissioner Wu had recently been recognized by the Regional Water Quality Control Board for the Pollution Prevention program at the Mt. View Sanitary District, and was given an Outstanding Member Award by the Chinese American Environmental Professional Association at its 18th annual meeting.
- DTSC has a public comment period now for the West Contra Costa County Landfill hazardous waste permit
- The City of Berkeley just past a Precautionary Principle ordinance that will be included in the next HMC agenda packet.
- The State Lands Commission has a public comment period open now for the Chevron Long wharf EIR.
- DTSC has a public comment period now the Dow hazardous waste storage permit.
- A report on the cleanup of the Concord Naval Weapons station is available.
- There are three free e-waste collection events coming up in Contra Costa County – March 18 – 19 at Acalanes High School in Lafayette, March 31 – April 2 at Diablo Valley College in Pleasant Hill, and April 21-23 at the Chronicle Pavilion in Concord.

2. **Public Comments** – Frank Gordon announced that Sheryl Sterges, Dow Community Relations Specialist, is retiring.

3. **Approval of Minutes** – The minutes of January 18, 2006 were approved unanimously.

4. Old Business:

a) Presentation on the regional stormwater permit planning process by Christine Boschen of the Regional Water Quality Control Board

Ms. Boschen began by explaining that the Municipal stormwater permit is structured to fit in with the normal activities of local jurisdictions, so there are sections such as public education and outreach, inspection, enforcement, and maintenance. Cities or contiguous areas of over 100,000 people, like Contra Costa County, are required to have these permits as part of the NPDES system under the Clean Water Act. The permits are issued on a five-year cycle.

The Regional Board used to issue these permits county by county, but they are now trying to fold many of them, including Contra Costa County, into one permit. They have set up a process to review the permit requirements and to solicit public input. They have several technical workgroups made up of staff from the various jurisdictions and other interested parties.

The workgroup dealing with hazardous materials is the illicit discharge workgroup. This workgroup is dealing with stormwater not associated with fixed locations. They are looking at what is the range of hazardous materials being discharged, who is doing the dumping, and the appropriate responses to this dumping. They haven't written a draft report yet, but one approach they are considering is to develop a list possible sources of illicit discharges, and to allow individual jurisdictions to prioritize these sources and the appropriate response to each. She was not sure how much specificity they will recommend for the permit.

The question was asked as to whether e-waste was one of the categories of waste they were evaluating, and she said that thus far it had not been included, but that she would bring it to the attention of the technical committee.

A question was asked as to what authority Cities have to enforce stormwater regulations and Ms. Boschen explained that all jurisdictions have to adopt local ordinances that are at least as stringent as state law.

Commissioner Wu asked if the Illicit Discharge group was looking at the issue of pesticides getting into the water. Ms. Boschen said that the TMDL and Municipal workgroups were looking at this issue.

The question was asked if treatment of stormwater was being considered as part of the permit. She said that some cities were looking at pumping stormwater from low-lying areas to treatment plants during the summer because these sources tend to be high in pollutants. Also, new and redeveloped projects of one acre or larger require treatment of stormwater running off of impervious surfaces.

Frank Gordon asked how the Regional Board make sure local jurisdictions are complying with the permit. She said that the permit will have due dates for certain tasks written into it, and the Regional Board will audit and inspect programs to make sure the requirements are being met. Sampling requirements are also being considered by the monitoring technical committee. If not, the Regional Board could employ a range of responses from verbal warning through pursuing criminal charges, all depending on the nature of the violation. When the Regional Board approves the new permit, that will signal the start of a new five-year cycle, and at the end of the cycle, the Regional Board will renew the permit.

Michael Kent asked whether the permit will require jurisdictions will be required to determine whether certain issues should be addressed regionally or county-wide. She said that currently, it is up to the jurisdictions to decide this, and some issues are handled regionally (such as inspections) and some are done on a county-wide basis (such as training). They have not been looking at requiring jurisdictions analyze whether something is better addressed regionally or county-wide.

At the end of the Q&A period, Ms. Boschen review the timetable for completing the process, and said that she thought they may be a little behind, that that it is still quite possible they will have the process done on time.

The committee thanked Ms. Boschen for her excellent presentation, and expressed a desire to still here from one of the local jurisdictions serving on the technical advisory committee.

b) Discussion of 2006 priorities

The committee looked at the list of possible priorities developed at the last meeting and began to discuss the issue of brownfields. The committee felt there were many interesting and important aspects to look at, including the use of innovative clean-up technologies, clean-up levels, re-use options, and jurisdictional ability to take control of sites.

The committee felt that learning why certain sites were able to be cleaned up and reused while others hadn't been would be an interesting area to research. But first the committee wanted to learn more about the Polenco Act concerning jurisdictional authority, and the status of DTSC's brownfield program.

The committee felt that before setting their priorities, they wanted to learn more about brownfields and finish their presentations on stormwater.

5. New Business: None

6. Items of Interest to Commissioners - None

7. Plan Next Agenda

Staff will try to arrange a presentation on the stormwater permitting process from a local jurisdiction.

8. Adjournment - The meeting was adjourned at 5:30.