

San Francisco Bay Regional Water Quality Control Board

AGENDA
Wednesday, May 9, 2018
9:00 a.m.

Elihu M. Harris Building
First Floor Auditorium
1515 Clay Street
Oakland, CA 94612

Items are numbered for identification purposes only and may not be considered in order. Items scheduled for the first day of a multi-day meeting may be delayed or continued to the next day of the meeting. Closed session items may be considered on either or both days.

1. **Roll Call and Introductions**

2. **Public Forum**

Any person may address the Water Board regarding a matter within the Board's jurisdiction that is not related to an item on this meeting agenda. Comments will generally be limited to three minutes, unless otherwise directed by the Chair. Comments regarding pending adjudicatory matters will not be allowed. The public is encouraged to visit the Board website [www.waterboards.ca.gov/sanfranciscobay/public_notices] and contact Board staff to determine whether a matter is a pending adjudicatory matter.

3. [Minutes of the Board Meeting for April 11, 2018](#)

4. [Chair's, Board Members', and Executive Officer's Reports](#)

5. **Uncontested Items**

- A. **City of San Mateo and City of Foster City Estero Municipal Improvement District, City of San Mateo Wastewater Treatment Plant and Collection System, San Mateo, San Mateo County – Reissuance of NPDES Permit**
[James Parrish, 510-622-2381, james.parrish@waterboards.ca.gov]

[Final Order R2-2018-0016](#)
[Staff Summary Report and Tentative Order](#)

- B. **NRG Delta, LLC, Pittsburg Generating Station, Pittsburg, Contra Costa County – Reissuance of NPDES Permit**
[John Madigan, 510-622-2405, john.madigan@waterboards.ca.gov]

DR. TERRY F. YOUNG, CHAIR | BRUCE H. WOLFE, EXECUTIVE OFFICER

1515 Clay St., Suite 1400, Oakland, CA 94612 | www.waterboards.ca.gov/sanfranciscobay

[Final Order R2-2018-0017](#)
[Staff Summary Report and Revised Tentative Order](#)

- C. **Mrs. Lois and Mr. Greg Tonnesen, Tonnesen Pet Cemetery, Suisun City, Solano County** – Rescission of Waste Discharge Requirements Order No. R2-2017-0024 [Cleet Carlton, 510-622-2374, cleet.carlton@waterboards.ca.gov]

[Final Order R2-2018-0018](#)
[Staff Summary Report and Revised Tentative Order](#)

- D. **Eden Shores Associates I, LLC, Eden Shores Residential Project, Hayward, Alameda County** – Adoption of Waste Discharge Requirements [Brian Wines, 510-622-5680, brian.wines@waterboards.ca.gov]

[Final Order R2-2018-0019](#)
[Staff Summary Report and Tentative Order](#)

- E. **U.S. Fish and Wildlife Service and the California Department of Fish and Wildlife, South Bay Salt Pond Restoration Project, Phase 2** – Adoption of Waste Discharge Requirements and Water Quality Certification [Brian Wines, 510-622-5680, brian.wines@waterboards.ca.gov]

[Final Order R2-2018-0020](#)
[Staff Summary Report and Tentative Order](#)

Other Business

6. **San Francisco Bay Joint Venture** – Presentation on the Development and Implementation of the Joint Venture's Climate Change Policy White Paper by Beth Huning, Joint Venture Coordinator, and Arthur Feinstein, Joint Venture Government Affairs Committee Chair [Bruce Wolfe, 510-622-2314, bruce.wolfe@waterboards.ca.gov]

[Staff Summary Report](#)

7. **Vapor Intrusion Assessment and Mitigation** – Status Report [Cheryl Prowell, 510-622-2408, cheryl.prowell@waterboards.ca.gov]

[Staff Summary Report](#)

8. **Correspondence**

9. **Closed Session – Personnel**

A. The Board may meet in closed session to discuss personnel matters. [Authority: Government Code section 11126(a)]

B. The Board will meet in closed session to conduct a performance review of the Executive Officer. [Authority: Government Code section 11126(a)]

10. Closed Session – Litigation

The Board may meet in closed session to discuss litigation. The Board also may meet to discuss whether or not to initiate litigation.

[Authority: Government Code sections 11126(e)(1) and 11126(e)(2)(A)-(C)]

Items the Board may discuss include the following:

- United Artists Theater Circuit v. Cal. State Water Resources Control Bd. et al. (Court of Appeal, First Appellate District, Division Five, Case No. A152988)
- Sweeney et al. v. Cal. Regional Water Quality Control Bd. et al. (Court of Appeal, First Appellate District, Division Three, Case Nos. A153583 (ACL) and A153585 (CAO))
- Judith L. Brown, Trustee of the Brown Marital Trust Dated May 4, 1989 v. State Water Resources Control Board and San Francisco Bay Regional Water Quality Control Board (Sonoma County Superior Court No. SCV-260767)
- Santa Clara Valley Water District v. San Francisco Bay Regional Water Quality Control Board and Does 1-50 (Santa Clara County Superior Court No. 17CV311869)
- People of the State of California ex rel. San Francisco Bay Regional Water Quality Control Board and Dept. of Fish and Wildlife v. James Tong et al. (Alameda County Superior Court No. RG15777482)

11. Closed Session – Deliberation

The Board may meet in closed session to consider evidence received in an adjudicatory hearing and deliberate on a decision to be reached based on that evidence.

[Authority: Government Code section 11126(c)(3)]

12. Adjournment to the Next Board Meeting – Wednesday, June 13, 2018

NOTES ON WATER BOARD AGENDA

Agenda Annotations – Uncontested items are expected to be routine and non-controversial. Recommended action will be taken at the beginning of the meeting without discussion. Any interested party, Board member, or the Executive Officer may request that an item be removed from the Consideration of Uncontested Items, and it will be taken up in the order indicated by the agenda.

Availability of Agenda Items – Tentative orders and their accompanying materials are available one week before the meeting at www.waterboards.ca.gov/sanfranciscobay. Copies of agenda items may be obtained at the Board's office after 9 a.m. on the Thursday preceding the Board meeting from the staff member indicated on the agenda.

Conduct of Board Meetings – Items may not be considered in numerical order. Board meetings are accessible to people with disabilities. Individuals who require special accommodations should contact the Executive Assistant at 622-2399 at least 5 working days before the meeting. TTY users may contact the California Relay Service at 800-735-2929 or voice line at 800-735-2922.

Anyone intending to make a presentation using slides, overheads, computer graphics, or other media must coordinate with the staff member for the agenda item in advance of the meeting. Presentation materials must be consistent with and not extend beyond the scope of oral testimony. Power point slides will not be made part of the record unless the Board views them during its meeting. All those addressing the Board should identify themselves for the record.

At any time during the regular session, the Board may adjourn to a closed session to consider litigation, personnel matters, or to deliberate on a decision to be reached based on evidence introduced in a hearing. [Government Code section 11126(a), (d) and (q)]

Administrative Civil Liabilities and Mandatory Minimum Penalties – A discharger may waive the right to a hearing on an agenda item for an ACL or MMP. If there is a waiver, no hearing will be held unless new, substantial information is made available that was not considered during the public comment period.

Petition of Board Actions – Certain Water Board actions or failures to act may be petitioned to the State Water Resources Control Board under Water Code section 13320. Any such petition shall be limited to those substantive issues or objections that were raised before the Water Board, if there was notice and an opportunity to comment. A petition must be received by the State Water Board within 30 days of the Water Board action or failure to act. See Title 23, California Code of Regulations, sections 2050-2068 for regulations governing petitions.

Contributions to Board Members – All persons who actively support or oppose the adoption of waste discharge requirements or an NPDES permit before the Board must submit a statement to the Board disclosing any contribution of \$250 or more to be used in a State, federal, or local election, made by the action supporter or opponent or his or her agent, to any Board member within the past 12 months.

All permit applicants and all persons who actively support or oppose adoption of waste discharge requirements or an NPDES permit pending before the Board are prohibited from making a contribution of \$250 or more to any Board member for 3 months following a Board decision on a permit application.

Water Quality Certification – Information regarding pending section 401 Water Quality Certification applications is available at www.waterboards.ca.gov/sanfranciscobay/public_notices/#section401.

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD - San Francisco Bay Region

1515 Clay Street, Suite 1400, Oakland, CA 94612 • (510) 622-2300 • Fax (510) 622-2460

www.waterboards.ca.gov/sanfranciscobay**Water Board Members**

| Name | City of Residence |
|---------------------------|--------------------------|
| Terry F. Young, Chair | Oakland |
| James McGrath, Vice Chair | Berkeley |
| Newsha Ajami | San Francisco |
| Jayne Battey | Half Moon Bay |
| William D. Kissinger | Mill Valley |
| Steve Lefkovits | Emeryville |
| Cecilia Ogbu | San Francisco |

Water Board Staff**Executive Officer**

Bruce H. Wolfe

Assistant Executive Officers

Lisa Horowitz McCann

Thomas Mumley

Counsel to the Board

Tamarin Austin

Marnie Ajello

Executive Assistant

Brandy Stone

Management Services Division

Anna Torres, Chief

Planning and TMDL Division

Naomi Feger, Chief

James Ponton, Section Leader

Kevin Lunde, Section Leader

Watershed Management Division

Keith Lichten, Chief

Dale C. Bowyer, Section Leader

Christine Boschen, Section Leader

Xavier Fernandez, Section Leader

Groundwater Protection / Waste Containment

Terry Seward, Chief

Alec Naugle, Section Leader

David Elias, Section Leader

Keith Roberson, Section Leader

Wastewater Control and Enforcement Division

Bill Johnson, Chief

Mary Boyd, Section Leader

Brian Thompson, Section Leader

Robert Schlipf, Section Leader

Toxics Cleanup Division

Stephen Hill, Chief

John D. Wolfenden, Section Leader

Laurent Meillier, Section Leader

Cheryl Prowell, Section Leader

The primary responsibility of the Water Board is to protect and enhance the quality of regional surface water and groundwater for beneficial uses. This duty is carried out by formulating, adopting, and implementing water quality plans for specific water bodies, by prescribing and enforcing requirements on waste dischargers, and by requiring cleanup of water contamination and pollution. Specific responsibilities and procedures of the Board are outlined in the Porter-Cologne Water Quality Control Act.

Meetings of the Water Board normally are held on the second Wednesday of each month in the Elihu M. Harris State Office Building, First Floor Auditorium, 1515 Clay Street, Oakland. They are scheduled to begin at 9:00 a.m.

The purpose of the meetings is to provide the Water Board with an opportunity to receive testimony and information from concerned and affected parties and to make decisions after considering the evidence presented. A public forum is held at the beginning of each general meeting where persons may speak on matters within the Board's jurisdiction that are not specific agenda items. The Board welcomes information on pertinent problems, but comments at the meeting should be brief and directed to specifics of the case to enable the Board to take appropriate action. Written comments must be received prior to the Board meeting by the date indicated by staff. Verbal testimony made at the Board meeting should only summarize the written material.

Audio recordings are made of each Water Board meeting and the recordings are retained in the Board's office for two years. Anyone desiring copies of the recordings should contact the Board's File Review Coordinator at (510) 622-2430. A copy of the written transcript may be obtained by calling California Reporting, LLC, at (415) 457-4417.