



California Regional Water Quality Control Board

San Francisco Bay Region



Linda S. Adams
Secretary for
Environmental
Protection

Internet Address: <http://www.waterboards.ca.gov/sanfranciscobay>
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Arnold Schwarzenegger
Governor

AGENDA

Wednesday, September 10, 2008
9:00 a.m.

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

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 matters that are scheduled for a future Meeting will generally be prohibited. The public is encouraged to visit the Board's website [http://www.waterboards.ca.gov/sanfranciscobay/public_notices/public_notice.shtml] or contact Board staff to determine whether a matter has been scheduled for a future Meeting.
3. **[Minutes of the April 9, 2008 Board Meeting](#)**
4. **[Chairman's, Board Members', and Executive Officer's Reports](#)**
5. **[2008 Dr. Teng-chung Wu Pollution Prevention Award](#)** –
Presentation of Award in Recognition of Exceptional Accomplishments in Pollution Prevention in the San Francisco Bay Area [Heather Ottaway 622-2116, hottaway@waterboards.ca.gov]
6. **Consideration of Uncontested Items (See Notes)**
 - *A. **GE-Hitachi Nuclear Energy Americas, LLC, Vallecitos Nuclear Center, Sunol, Alameda County** – Rescission of NPDES Permit and Issuance of New Waste Discharge Requirements [Vince Christian 622-2336, vchristian@waterboards.ca.gov]

Adopted Order No. R2-2008-0079

[Staff Summary Report](#) (PDF)

[Tentative Order](#)

[Tentative Order Comments](#)

[Response to Comments](#)

[Supplemental](#)

- *B. **City of Martinez, Martinez, Contra Costa County** –
Issuance of New Waste Discharge Requirements for the Alhambra Creek Sediment
Removal Project [Matthew Graul 622-2381, mgraul@waterboards.ca.gov]

Adopted Order No. R2-2008-0080

[Staff Summary Report](#)

[Tentative Order](#)

- *C. **[SHH, LLC, for the property located at 37445 Willow Street, Newark, Alameda County](#)** – Adoption of Final Site Cleanup Requirements [Cherie McCaulou 622-
2342, cmccaulou@waterboards.ca.gov]

Adopted Order No. R2-2008-0081

ENFORCEMENT

Administrative Civil Liabilities

7. **Alum Rock School District, San José, Santa Clara County** –
Hearing to Consider Administrative Civil Liability for Late Submittal of Annual
Monitoring Report Required Under the Statewide NPDES General Permit for
Discharges of Storm Water Associated with Industrial Activity (Continued from the
August 13, 2008 Board meeting) [Cecilio Felix 622-2336,
cfelix@waterboards.ca.gov]
- Adopted Order No. R2-2008-0082
[Staff Summary Report](#)
[Tentative Order](#)
[SEP Proposal](#)
[ACL Complaint](#)
8. **[Storybook Mountain, Calistoga, Napa County](#)** – Hearing to Consider Administrative
Civil Liability for Late Submittal of Annual Monitoring Report Required Under the
Statewide NPDES General Permit for Discharges of Storm Water Associated with
Industrial Activity [Michelle Rembaum-Fox 622-2387, **(Continued)**
mrembaumfox@waterboards.ca.gov]
9. **[Willowbrook Feeds, Petaluma, Sonoma County](#)** – Hearing to Consider Administrative
Civil Liability for Late Submittal of Annual Monitoring Report Required Under the
Statewide NPDES General Permit for Discharges of Storm Water Associated with
Industrial Activity [Michelle Rembaum-Fox 622-2387,
mrembaumfox@waterboards.ca.gov]

Adopted Order No. R2-2008-0083

10. **Domaine Mumm, Rutherford, Napa County** – Hearing to Consider Administrative Civil Liability for Late Submittal of Annual Monitoring Report Required Under the Statewide NPDES General Permit for Discharges of Storm Water Associated with Industrial Activity [Michelle Rembaum-Fox 622-2387, **(Continued)** mrembaumfox@waterboards.ca.gov]

11. **Eagle Marine, Martinez, Contra Costa County** – Hearing to Consider Administrative Civil Liability for Late Submittal of Annual Monitoring Report Required Under the Statewide NPDES General Permit for Discharges of Storm Water Associated with Industrial Activity [Michelle Rembaum-Fox 622-2387, **(Continued)** mrembaumfox@waterboards.ca.gov]

12. **Nicasio Rock Quarry, Nicasio, Marin County** – Hearing to Consider Administrative Civil Liability for Late Submittal of Annual Monitoring Report Required Under the Statewide NPDES General Permit for Discharges of Storm Water Associated with Industrial Activity [Michelle Rembaum-Fox 622-2387, mrembaumfox@waterboards.ca.gov]

13. **Dr. Collin Mbanugo, Leona Heights Sulfur Mine, Oakland, Alameda County** – Hearing to Consider Administrative Civil Liability for Violations of California Water Code Section 13267 [Keith Roberson 622-2404, kroberson@waterboards.ca.gov]

 Adopted Order No. R2-2008-0084
[Transmittal Letter](#)

14. **Correspondence**

15. **Closed Session – Personnel** 11:30 – 12:30 p.m.
 The Board may meet in closed session to discuss personnel matters. [Authority: Government Code Section 11126(a)].

16. **Closed Session – Litigation**
 The Board may meet in closed session to discuss whether to initiate litigation. [Authority: Government Code Sections 11126(e)(1) and 11126(2)(B)-(C)].

17. **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)].

18. **Adjournment to the next Board meeting** – October 8, 2008

Name	City of Residence	Appointment Category
John Muller, Chair	Half Moon Bay	Irrigated Agriculture
Terry F. Young, Vice Chair	Oakland	Recreation, Fish & Wildlife
Shalom Eliahu	Lafayette	Water Supply
James McGrath	Berkeley	Water Quality
Steven M. Moore	Sausalito	Industrial Water Use
William E. Peacock	Redwood City	Undesignated (Public)
Rameshwar Singh	San José	Water Quality
Vacancy		Municipal Government
Vacancy		County Government

Water Board Staff

Executive Officer

Bruce H. Wolfe

Assistant Executive Officers

Thomas Mumley
Dyan Whyte

Counsel to the Board

Dorothy Dickey
Yuri Won

Executive Assistant

Mary E. Tryon

Management Services Division

Anna Torres, Chief

Communications Coord.

Sandia Potter

Planning and TMDL Division

Wilfried Bruhns, Chief
Naomi Feger, Section Leader
James Ponton, Section Leader
Susan Gladstone, Section Leader

Watershed Management Division

Shin-Roei Lee, Chief
Dale C. Bowyer, Section Leader
William Hurley, Section Leader
Vacancy, Section Leader

Groundwater Protection/Waste Containment Division

Curtis T. Scott, Chief
Terry Seward, Section Leader
John E. Kaiser, Section Leader
Alec Naugle, Section Leader
Keith Lichten, Section Leader

Permits Division

Lila Tang, Chief
Bill Johnson, Section Leader
Christine Boschen, Section Leader

Toxics Cleanup Division

Stephen Hill, Chief
John D. Wolfenden, Section Leader
Anders G. Lundgren, Section Leader
Chuck Headlee, Section Leader
Mary Rose Cassa, 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 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.

Tape recordings are made of each Board meeting and these tapes are retained in the Board's office for two years. Anyone desiring copies of these tapes may, at their own expense, arrange to have duplicate tapes made by contacting the Executive Assistant at (510) 622-2399. A copy of the written transcript may be obtained by calling California Shorthand Reporting at (415) 457-4417.

Summary of Board Actions Taken at the Regular Meeting August 13, 2008

Enforcement Action - Administrative Civil Liabilities

Complaint No. R2-2008-0035 - Administrative Civil Liability for **Hammon Plating Corporation, Palo Alto, Santa Clara County** in the amount of \$10,025

Complaint No. R2-2008-0036 Administrative Civil Liability for **VVP American, Inc., Santa Clara, Santa Clara County** in the amount of \$10,400

NPDES Permit

Adopted Order No. R2-2008-0071 – Re-issuance of NPDES Permit for **City of Millbrae, Wastewater Treatment Plant, Millbrae, San Mateo County**

Waste Discharge Requirements

Adopted Order No. R2-2008-0072 - Issuance of Waste Discharge Requirements for the Culverting of a Seasonal Channel Between Olmsted Road and Stanford Avenue for **Stanford University, Palo Alto, Santa Clara County**

Adopted Order No. R2-2008-0073 – Re-issuance of Waste Discharge Requirements for **Spirit Rock Meditation Center, Woodacre, Marin County**

Adopted Order No. R2-2008-0074 - Updated Waste Discharge Requirements and Rescission of Order No. 96-041 for **Republic Services, Inc. and Republic Services Vasco Road, LLC, Vasco Road Landfill, Livermore, Alameda County**

Adopted Order No. R2-2008-0075 - Updated Waste Discharge Requirements and Rescission of Order No. 97-121 for **Rhodia Inc., Martinez Plant, Contra Costa County**

Adopted Order No. R2-2008-0078 - Issuance of Waste Discharge Requirements for **U.S. Fish and Wildlife Service and California Department of Fish and Game, South Bay Salt Pond Restoration Project (SBSPP), Phase I**

Site Cleanup Requirements

Adopted Order No. R2-2008-0076 Adoption of Site Cleanup Requirements and Rescission of Order No. R2-2003-0019 for **Pacific Atlantic Terminals LLC, Martinez Terminal, Martinez, Contra Costa County**

Adopted Order No. R2-2008-0077 Amendment of Site Cleanup Requirements for **Safety-Kleen (San José), Inc., and Clean Harbors Environmental Services, Inc., for the property located at 1021 Berryessa Road, San José, Santa Clara County**

Motion to Continue Hearing

Motion to Continue Hearing Motion to Continue Hearing to Consider Administrative Civil Liability for **Alum Rock School District, San José, Santa Clara County**

Item Continued

Continued **Advalloy, Inc., and East Charleston, Inc., for the property located at 844 East Charleston Road, Palo Alto, Santa Clara County** – Adoption of Final Site Cleanup Requirements

Status Report

Agenda Annotations – *Uncontested item, 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. Additional information on making presentations to the Board is available at www.swrcb.ca.gov/sanfranciscobay/public_notices/public_notice.shtml

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 – Any person adversely affected by a Water Board action may petition the State Water Resources Control Board for review of that action. Pursuant to section 2050(c) of Title 23 of the California Code of Regulations, such a petition shall be limited to substantive issues or objections that were raised before the Water Board at the Board meeting or in timely submitted written correspondence delivered to the Water Board. A petition must be received by the State Board within 30 days of Water Board action. Copies of the law and regulations applicable to filing petitions for review will be provided upon request. See Title 23 of the California Code of Regulations, sections 2050 – 2068.

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 – To obtain information regarding pending Section 401 Water Quality Certification applications, call 622-2300. (Rev. 7-08)