

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

May 12, 2010

Note: Copies of orders and resolutions and information on obtaining tapes or transcripts may be obtained from the Executive Assistant, Regional Water Quality Control Board, 1515 Clay Street, Suite 1400, Oakland, California 94612 or by calling (510) 622-2399. Copies of orders, resolutions, and minutes also are posted on the Board's web site (www.waterboards.ca.gov/sanfranciscobay).

Item 1 - Roll Call and Introductions

The meeting was called to order on May 12, 2010 at approximately 9:04 a.m. in the Elihu M. Harris Building, First Floor Auditorium, 1515 Clay Street, Oakland.

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

Board members absent: Robert Schroder (Note: Mr. Schroder arrived at approximately 9:07 a.m.).

Tam M. Doduc, Member, State Water Resources Control Board, and liaison to Region 2, discussed recent State Board activities.

Mr. Muller said Carmen Fewless and Melinda Wong had been selected to receive Sustained Superior Accomplishment Awards. He gave them Certificates of Appreciation. Board members, staff, and the audience recognized Ms. Fewless and Ms. Wong with rounds of applause.

Item 2 – Public Forum

There were no public comments.

Item 3 – Minutes of the October 14, 2009 Board Meeting
(Continued from the April Board Meeting)

Mr. Peacock made a motion to approve the Minutes of the October 14, 2009 Board Meeting. Dr. Singh seconded the motion. Mr. Muller said he did not attend the meeting and would abstain from voting on the Minutes.

A vote was taken on the motion. The motion passed unanimously with Mr. Muller abstaining.

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

Mr. Muller said the Executive Officer and he attended a breakfast hosted by a member of the State Legislature.

Mr. Moore commended staff and other parties for their work on federally funded clean water projects being developed in California.

Mr. McGrath said he attended a workshop that included discussion on sediment issues and on the health of regional stream systems and wetlands.

Bruce H. Wolfe said he spoke at a recent event celebrating completion of a municipal trash capture project.

Item 5 – Consideration of Uncontested Non-Enforcement Items

Mr. Wolfe recommended adoption of the Uncontested Non-Enforcement Items including a supplemental for Item 5A.

Mr. Moore said he needed to recuse himself on Items 5C and 6A. Mr. Peacock said he would like to recuse himself on Item 5A.

Mr. McGrath made a motion to approve the Uncontested Non-Enforcement Items. Dr. Young seconded the motion.

There was discussion by Board members and staff on Items 5A, 5C, and 6.

Graham Wadsworth, Public Works Director, Town of Yountville, testified.

Mr. Muller reiterated that a motion and a second had been made. He asked if staff’s recommendation would be to continue on to approve this at this time. Mr. Wolfe indicated an affirmative reply and reiterated there was a supplemental for Item 5A.

Mr. Muller requested a roll call vote on Item 5A.

Roll Call:

Aye: Mr. Eliahu; Mr. McGrath; Mr. Moore; Mr. Schroder; Dr. Singh; Dr. Young;
Mr. Muller

No: None

Abstain: Mr. Peacock

Motion passed 7 – 0 with 1 abstention.

Mr. Muller asked for a motion and a second on Items 5B and 5C. Mr. Peacock then made a motion. Dr. Young seconded the motion.

Roll Call:

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

No: None

Recusal: Mr. Moore

Motion passed 7 – 0 with 1 recusal.

Item 6 – Consideration of Uncontested Enforcement Item

Mr. Wolfe recommended adoption of Item 6. Mr. McGrath made a motion to adopt Item 6. Dr. Young seconded the motion.

Roll Call:

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

No: None

Recusal: Mr. Moore

Motion passed 7 – 0 with 1 recusal.

Item 7 – Proposed Amendment to the Water Quality Control Plan (Basin Plan) to Add Surface Water Bodies and Designate Beneficial Uses – Hearing to Receive Testimony on Proposed Basin Plan Amendment (No Action Will Be Taken)

Mr. Wolfe said the hearing was being held in order for the Board to receive testimony. He said the Board would not take action on the Item at the hearing.

The following persons testified: Jan O'Hara, Staff Engineer, Regional Water Board; and Shing Kong, Water Resources Specialist, Contra Costa Water District.

There was discussion by Board members and staff. Staff replied to questions from Board members.

Mr. Wolfe said the July Board meeting would be the earliest that this Item would be brought back before the Board.

Item 8 – Storm Water Construction Program – Riding the “Next Big Wave” – Information Item

Mr. Wolfe made introductory comments.

Christine Boschen discussed requirements in the General Permit For Storm Water Discharges Associated With Construction And Land Disturbance Activities that will become effective July 1, 2010.

Staff replied to Board members' questions.

The Board took a break at 11:10 a.m. and resumed the meeting at 11:27 a.m.

The Board considered the Items that follow in the order that is shown.

Item 15 – Fireclay Tile, Inc., San José, Santa Clara County – Hearing to Consider Administrative Civil Liability for Late Submittal of the Annual Monitoring Report Required Under the Statewide NPDES General Permit for Discharges of Storm Water Associated with Industrial Activities

Item 16 – Garda, Oakland, Alameda County - Hearing to Consider Administrative Civil Liability for Failure to Submit the Annual Monitoring Report Required Under the Statewide NPDES General Permit for Discharges of Storm Water Associated with Industrial Activities

Item 18 – Lunny Grading and Paving, Inc., (a.k.a. Nicasio Rock Quarry [Lafranchi Quarry]), Nicasio, Marin County – Hearing to Consider Administrative Civil Liability for Late Submittal of the Annual Monitoring Report Required Under the Statewide NPDES General Permit for Discharges of Storm Water Associated with Industrial Activities

Item 21 – Fairvac A T Wrecking, Fairfield, Solano County – Hearing to Consider Administrative Civil Liability for Late Submittal of the Annual Monitoring Report Required Under the Statewide NPDES General Permit for Discharges of Storm Water Associated with Industrial Activities

The Board did not hold hearings on Items 15, 16, 18, and 21.

Item 10 – Durham Trans, Inc., Hayward, Alameda County – Hearing to Consider Administrative Civil Liability for Late Submittal of the Annual Monitoring Report Required Under the Statewide NPDES General Permit for Discharges of Storm Water Associated with Industrial Activities

Item 11 – Durham Trans, Inc., Oakland, Alameda County – Hearing to Consider Administrative Civil Liability for Late Submittal of the Annual Monitoring Report Required Under the Statewide NPDES General Permit for Discharges of Storm Water Associated with Industrial Activities

Item 12 – Durham Trans, Inc., Campbell, Santa Clara County – Hearing to Consider Administrative Civil Liability for Late Submittal of the Annual Monitoring Report Required Under the Statewide NPDES General Permit for Discharges of Storm Water Associated with Industrial Activities

Item 13 – Durham Trans, Inc., Concord, Contra Costa County – Hearing to Consider Administrative Civil Liability for Late Submittal of the Annual Monitoring Report Required Under the Statewide NPDES General Permit for Discharges of Storm Water Associated with Industrial Activities

Item 17 – Marinemax of California, Inc., Oakland, Alameda County – Hearing to Consider Administrative Civil Liability for Failure to Submit the Annual Monitoring Report Required Under the Statewide NPDES General Permit for Discharges of Storm Water Associated with Industrial Activities

The Board continued consideration of Items 10, 11, 12, 13, and 17.

Item 20 – European Auto Wrecking, Newark, Alameda County – Hearing to Consider Administrative Civil Liability for Late Submittal of the Annual Monitoring Report Required Under the Statewide NPDES General Permit for Discharges of Storm Water Associated with Industrial Activities

The Board held a hearing. The Tentative Order as amended was adopted.

The Board took a lunch break at 12:43 p.m. and resumed the meeting at 1:25 p.m.

Item 19 – West Valley Charter Line, Inc., Campbell, Santa Clara County – Hearing to Consider Administrative Civil Liability for Late Submittal of the Annual Monitoring Report Required Under the Statewide NPDES General Permit for Discharges of Storm Water Associated with Industrial Activities

The Board continued consideration of this Item.

Item 22 – Kendyl Coast Corporation, Half Moon Bay, San Mateo County – Hearing to Consider Administrative Civil Liability for Late Submittal of the Annual Monitoring Report Required Under the Statewide NPDES General Permit for Discharges of Storm Water Associated with Industrial Activities

The Board held a hearing. The Tentative Order as amended was adopted.

Item 9 – Depot Auto Wreckers, Hayward, Alameda County – Hearing to Consider Administrative Civil Liability for Late Submittal of the Annual Monitoring Report Required Under the Statewide NPDES General Permit for Discharges of Storm Water Associated with Industrial Activities

The Board held a hearing. The Tentative Order as amended was adopted.

Item 14 – Stellar Ideas, LLC, DBA Earthbound, Penngrove, Sonoma County – Hearing to Consider Administrative Civil Liability for Late Submittal of the Annual Monitoring Report Required Under the Statewide NPDES General Permit for Discharges of Storm Water Associated with Industrial Activities

The Board held a hearing. The Tentative Order as amended was adopted.

Item 27 - Adjournment

The meeting was adjourned at 2:50 p.m.