

San Francisco Bay Regional Water Quality Control Board

AGENDA
Wednesday, May 8, 2013
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 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 March 13, 2013 Board Meeting**

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

5. **Consideration of Uncontested Items**

- A. **California Department of Transportation, Devil's Slide Tunnel Project, San Mateo County** – Rescission of NPDES Permit
[Vince Christian, 622-2336, vchristian@waterboards.ca.gov]

Final Order [R2-2013-0010](#)
[Staff Summary Report](#)
[Tentative Order](#)

- B. **City of Burlingame and North Bayside System Unit, Wastewater Treatment Facility and Wastewater Collection System, Burlingame, San Mateo County** – Reissuance of NPDES Permit
[Marcia Liao, 622-2377, mliao@waterboards.ca.gov]

Final Order [R2-2013-0015](#)

JOHN MULLER, CHAIR | BRUCE H. WOLFE, EXECUTIVE OFFICER

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[Staff Summary Report](#)
[Tentative Order](#)
[Comments](#)
[Response to Comments](#)

- C. **San Francisco International Airport and North Bayside System Unit , Mel Leong Wastewater Treatment Plants (Industrial and Sanitary) and Wastewater Collection System, South San Francisco, San Mateo County** – Reissuance of NPDES Permit and Rescission of Cease and Desist Orders
[Derek Whitworth, 622-2349, dwhitworth@waterboards.ca.gov]

Final Order [R2-2013-0011](#)
[Staff Summary Report](#)
[Tentative Order](#)
[Comments](#)
[Response to Comments](#)

- D. **Browning-Ferris Industries, Corinda Los Trancos (Ox Mountain) Landfill, Half Moon Bay, San Mateo County** – Reissuance of NPDES Permit
[John Madigan, 622-2405, jmadigan@waterboards.ca.gov]

Final Order R2-2013-0012
[Staff Summary Report](#)

- E. **West County Agency, West County Wastewater District, City of Richmond, and Richmond Municipal Sewer District No.1; West County Wastewater District Water Pollution Control Plant, Richmond Municipal Sewer District Water Pollution Control Plant, and Wastewater Collection Systems; Richmond, Contra Costa County** – Reissuance of NPDES Permit
[Vince Christian, 622-2336, vchristian@waterboards.ca.gov]

Final Order [R2-2013-0016](#)
[Staff Summary Report](#)
[Tentative Order](#)
[BACWA Comments](#)
[BayKeeper Comments](#)
[EPA Comments](#)
[WCA Comments](#)
[Response to Comments](#)

- F. **Department of the Navy, Former Mare Island Naval Shipyard, Vallejo, Solano County** – Rescission of Waste Discharge Requirements Order No. 97-100
[Elizabeth Wells, 622-2440, ewells@waterboards.ca.gov]

Final Order [R2-2013-0013](#)
[Staff Summary Report](#)
[Tentative Order](#)

- G. **Port of Oakland, Berth 10 Multi-User Dredged Material Rehandling Facility, Oakland, Alameda County** – Update of Waste Discharge Requirements and Rescission of Order No. 98-019
[Elizabeth Christian, 622-2335, echristian@waterboards.ca.gov]

Final Order R2-2013-0019
[Staff Summary Report and Tentative Order](#)

- H. **Sonoma Land Trust, Sears Point Restoration Project, Sonoma County** – Issuance of Waste Discharge Requirements and Water Quality Certification
[Andree Greenberg, 622-2324, agreenberg@waterboards.ca.gov]

Final Order [R2-2013-0017](#)
[Staff Summary Report](#)
[Tentative Order](#)
[Tables](#)
[Figures](#)
[Attachments](#)

- I. **Emergency, Abandoned, and Recalcitrant (EAR) Account Program for Leaking Underground Storage Tanks** – Adoption of Resolution Nominating Sites to the State Water Resources Control Board's Annual Site List
[Barbara Sieminski, 622-2423, bsieminski@waterboards.ca.gov]

Final Order R2-2013-0014
[Staff Summary Report](#)
[Tentative Order](#)

ENFORCEMENT

6. **Sanitary District No. 1 of Marin County (also known as “Ross Valley Sanitary District”), Sanitary Sewer Collection System, Marin County** – Adoption of Cease and Desist Order

[Michael Chee, 622-2333, mchee@waterboards.ca.gov]

Final Order [R2-2013-0020](#)
[Executive Officer Summary Report](#)
[Revised Tentative Cease and Desist Order](#)
[Appendix B: District Comments](#)
[Appendix B: Portnoy Comments](#)
[Appendix C: Response to Comments](#)
[Appendix D: Evidence](#)

7. **Alcoa Construction Systems, Inc., Alcoa Properties, Inc., AP Construction Systems, Inc., Challenge Developments, Inc., Dr. Collin Mbanugo, F.M. Smith and Evelyn Ellis Smith, Leona Chemical Company, Ocean Industries, Inc., Realty Syndicate, Ridgemont Development, Inc., Watt Housing Corporation, Watt Industries Oakland, Watt Residential, Inc.; Leona Heights Sulfur Mine, Oakland, Alameda County** – Amendment of Cleanup and Abatement Orders Nos. 98-004 and R2-2003-0028 and Rescission of Waste Discharge Requirements Order No. 92-105
[Lindsay Whalin, 622-2363, lwhalin@waterboards.ca.gov]

Final Order [R2-2013-0021](#)
[Executive Officer Summary Report](#)
[Revised Tentative Cleanup and Abatement Order Amendment](#)
[Cleanup Team Staff Report](#)
[1998 CAO](#)
[2003 CAO Amendment](#)
[Comments Received](#)
[Cleanup Team's Response to Comments Received](#)

8. **Alcoa Construction Systems, Inc., Alcoa Properties, Inc., AP Construction Systems, Inc., Challenge Developments, Inc., Dr. Collin Mbanugo, F.M. Smith and Evelyn Ellis Smith, Leona Chemical Company, Ocean Industries, Inc., Realty Syndicate, Ridgemont Development, Inc., Watt Housing Corporation, Watt Industries Oakland, Watt Residential, Inc.; Leona Heights Sulfur Mine, Oakland, Alameda County** – Adoption of Time Schedule Order for Prescribing Administrative Civil Liability
[Lindsay Whalin, 622-2363, lwhalin@waterboards.ca.gov]

[Executive Officer Summary Report](#)
[Appendix A: Revised Tentative Time Schedule Order](#)
[Appendix B: Item 7](#)
[Appendix C: Staff Report](#)

OTHER BUSINESS

9. **Groundwater Awareness** – Status Report on Groundwater Resources in Our Region and the Water Board’s Efforts to Protect and Restore Those Resources
[Mary Rose Cassa, 622-2447, mcassa@waterboards.ca.gov]

Staff Summary Report

10. **Correspondence**
11. **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)]
12. **Closed Session – Litigation**
The Board may meet in closed session to discuss significant exposure to litigation. The Board also may meet to discuss whether or not to initiate litigation.
[Authority: Government Code sections 11126(e)(1) and 11126(2)(B)-(C)]
13. **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)]
14. **Adjournment to the Next Board Meeting** – June 12, 2013

NOTES ON WATER BOARD AGENDA

Agenda Annotations – Uncontested items are expected to be routine and non-controversial. Recommended action on these items 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
John Muller, Chair	Half Moon Bay
Terry F. Young, Vice Chair	Oakland
Margaret Abe-Koga	Mountain View
William D. Kissinger	Mill Valley
James McGrath	Berkeley
Vacancy	
Vacancy	

Water Board Staff**Executive Officer**

Bruce H. Wolfe

Assistant Executive Officers

Thomas Mumley

Dyan Whyte

Counsel to the Board

Yuri Won

Tamarin Austin

Executive Assistant

Vacancy

Management Services Division

Anna Torres, Chief

Planning and TMDL Division

Naomi Feger, Chief

Keith Lichten, Section Leader

James Ponton, Section Leader

Watershed Management Division

Shin-Roei Lee, Chief

Dale C. Bowyer, Section Leader

William Hurley, Section Leader

Christine Boschen, Section Leader

Groundwater Protection / Waste Containment

Terry Seward, Chief

Alec Naugle, Section Leader

David Elias, Section Leader

Keith Roberson, Section Leader

Permits Division

Lila Tang, Chief

Bill Johnson, Section Leader

Claudia Villacorta, Section Leader

Brian Thompson, Section Leader

Toxics Cleanup Division

Stephen Hill, Chief

John D. Wolfenden, Section Leader

Chuck Headlee, Section Leader

Mary Rose Cassa, Section Leader

The primary responsibility of the Water Board is to protect and restore 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.