

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

July 8, 2009

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Item 1 – Roll Call and Introductions

The meeting was called to order on July 8, 2009 at 9:02 a.m. in the State Office Building Auditorium, First Floor, 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: None.

Item 2 – Public Forum

Michele Plá, Executive Director, Bay Area Clean Water Agencies, reading from a letter, said the Electronic Reporting System used by Bay Area wastewater NPDES permittees to report data to the Water Board has been successful. Further, reading from the letter, she commended, on behalf of the BACWA Executive Board, Johnson Lam for his public service in developing the reporting system and thanked members of the Water Board, Bruce H. Wolfe, and Lila Tang for encouraging Mr. Lam's work.

Board members, staff, and members of the audience recognized Mr. Lam with a round of applause.

Mr. Wolfe said Ms. Plá will be leaving the Bay Area Clean Water Agencies and expressed appreciation for her work with the Water Board during her tenure as BACWA Executive Director.

Item 3 – Minutes of the March 11, 2009 Board Meeting

Motion: It was moved by Dr. Singh, seconded by Mr. McGrath, and it was voted unanimously to adopt the Minutes of the March 11, 2009 Board Meeting.

Item 4 - Chairman's, Board Members', and Executive Officer's Reports

Mr. Moore commended Johnson Lam for his work on the reporting system and Michele Plá for her work with the Water Board while serving as Executive Director of the Bay Area Clean Water Agencies. He thanked Mr. Wolfe for the written Executive Officer's Report.

Dr. Singh said he spoke during Public Comment at the June 23, 2009 Santa Clara Valley Water District Board of Directors Meeting.

Dr. Young thanked Ms. Plá for helping to establish a productive relationship between the Water Board and members of BACWA. Dr. Young discussed attending a recent Executive Board Meeting of the Association of Bay Area Governments on which she serves as an Advisory Member and represents the Water Board.

Mr. Wolfe addressed the Board.

Item 5 – Consideration of Uncontested Items

Mr. Wolfe said there were two uncontested items. He recommended adoption of Item 5A. He said Item 5B did not require a vote.

Motion: It was moved by Mr. McGrath, seconded by Mr. Peacock, and it was voted to adopt Item 5A as recommended by the Executive Officer.

Roll Call:

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

No: None

Motion passed 7 – 0.

Item 6 – Triennial Review of the San Francisco Bay Basin Water Quality Control Plan (Basin Plan) – Adoption of Resolution and Prioritized List of Basin Plan Issues

Mr. Wolfe testified.

Naomi Feger testified with a PowerPoint presentation. She said there was a Supplemental to Appendix C of the Staff Summary Report. She said staff recommended adoption of the Tentative Resolution and Attachment A, 2009 Prioritized List of Basin Plan Issues for Investigation.

Ms. Feger and Tom Mumley replied to questions from Mr. McGrath.

Ms. Feger replied to questions from Dr. Singh.

Dr. Singh commented.

Mr. Wolfe commented and replied to Dr. Singh's questions.

Mr. Peacock commented.

Dr. Mumley commented.

Ms. Feger replied to a question from Mr. Moore.

Mr. Moore commented.

Dr. Young commented and requested Mr. Wolfe comment.

Mr. Wolfe and Ms. Feger commented.

Ellen Johnck, Executive Director, Bay Planning Coalition, testified.

Mr. Moore requested staff reply to a question asked by Ms. Johnck.

Dyan Whyte replied to Ms. Johnck's question.

Mr. Moore commented.

Mr. McGrath commented.

Dr. Singh commented.

Mr. Wolfe commented.

Dr. Young commented.

Mr. Muller commented.

Mr. McGrath made a motion to go ahead with the staff recommendation.

Mr. Moore seconded the motion.

Roll Call:

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

No: None

Motion passed 7 – 0.

Item 7 – Cedar Fair Entertainment Company, California's Great America, Santa Clara, Santa Clara County – Issuance of New NPDES Permit

Mr. Wolfe testified.

Vince Christian testified with a PowerPoint presentation.

Mr. Christian replied to questions from Dr. Singh.

Mr. Christian replied to a question from Mr. Moore.

Mr. Christian commented.

Tim Potter, Environmental Compliance Superintendent, Central Contra Costa Sanitary District, testified.

Mr. Moore commented.

Mr. Christian replied to questions from Dr. Young.

Mr. Wolfe recommended adoption of the Revised Tentative Order.

Motion: It was moved by Mr. McGrath, seconded by Mr. Peacock, to adopt the Revised Tentative Order as recommended by the Executive Officer.

Roll Call:

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

No: None

Motion passed 7 – 0.

The Board took a break at 10:37 a.m. Dr. Singh left the meeting at 10:45 a.m. The Board resumed the meeting at 10:50 a.m.

Item 8 – Redwood Landfill, Inc., Class III Solid Waste Disposal Facility, Novato, Marin County – Adoption of Waste Discharge Requirements and Rescission of Order No. 95-110

There was discussion involving Mr. Muller and staff.

Mr. Wolfe testified.

Vic Pal testified with a PowerPoint presentation. He replied to questions from Mr. McGrath, Dr. Young, Mr. Muller, Mr. Moore, and Mr. Eliahu.

Jessica Jones, District Manager, Redwood Landfill and Recycling Center, testified. She replied to questions from Mr. McGrath and Mr. Muller.

Mark Verwiel, Director of Groundwater Programs, Waste Management, Inc.'s Western Group, including Redwood Landfill and Recycling Center, testified. He replied to questions from Mr. Moore.

Terry Seward replied to questions from Mr. Moore.

Mr. Verwiel replied to a question from Mr. Eliahu.

Rebecca Ng, Interim Deputy Director, Marin County Environmental Health Services, testified. She replied to a question from Mr. McGrath.

Dr. Douglas Kerr, Member, Green Coalition for Responsible Waste / Resource Management, testified. He identified other members of the Green Coalition for Responsible Waste / Resource Management who would testify.

Staff discussed a procedural request made by Dr. Kerr. Mr. Muller replied to the request.

The following members of Green Coalition for Responsible Waste / Resource Management identified by Dr. Kerr testified: Garril Page, with a video presentation; Robert Coats, Ph.D, with a PowerPoint presentation; Joanie Levinsohn, who read a statement prepared by Lawrence Rose, M.D., M.P.H.; David Haskell; Megan Clark; Arthur R. Boone, Chair, Conservation Committee, San Francisco Bay Chapter, Sierra Club; Bruce Baum, Co-Coordinator, Green Coalition for Responsible Waste / Resource Management, with a PowerPoint presentation; Sue Brown.

After Ms. Page testified (shown above), Mr. McGrath asked a procedural question. There was discussion by staff and Mr. McGrath. Mr. Muller replied to the question.

The following persons testified: Mary Hubert, Member, Green Coalition for Responsible Waste / Resource Management; Katherine Da Silva Jain; David Tam, Research & Development Director, Sustainability, Parks, Recycling And Wildlife Legal Defense Fund.

Mr. Tam made procedural requests during his testimony. Mr. Muller and staff replied to the requests.

The following persons testified: Roger Roberts, Vice President, Marin Conservation League; Frank Egger, President, North Coast Rivers Alliance; John Wertz, who spoke on his own behalf.

Ms. Ng testified. She replied to questions from Mr. Muller.

Ms. Jones testified.

In reply to a request from Mr. Muller, staff discussed a procedural question.

Mr. Pal replied to a question from Mr. McGrath.

Mr. Baum replied to a question from Mr. Peacock.

Mr. Eliahu commented.

Mr. Moore commented. Mr. Pal replied to the question from Mr. Moore.
Mr. Moore commented further.

Mr. Pal and Mr. Wolfe replied to questions from Dr. Young.

Mr. McGrath commented.

Dr. Young commented.

Mr. Muller commented.

Mr. Wolfe commented. He recommended amending Line 5 of Provision C.5. on page 21 of the Revised Tentative Order to read "...monitoring program shall be used to demonstrate that the extraction of leachate..." He recommended adoption of the Revised Tentative Order as amended.

Staff replied to a question from Mr. Muller. Mr. Muller commented.

Motion: It was moved by Mr. Eliahu, seconded by Mr. Peacock, to adopt the Revised Tentative Order as amended and recommended by the Executive Officer.

There were comments by Mr. Moore, Dr. Young, Mr. McGrath, and Mr. Muller.

Roll Call:

Aye: Mr. Eliahu; Mr. McGrath; Mr. Moore; Mr. Peacock; Mr. Muller

No: Dr. Young

Motion passed 5 – 1.

Item 9 – Urban Creeks Pesticide Toxicity TMDL – Report on Status of Implementation

After discussion with the Executive Officer, Mr. Muller said this Item would be continued to a future Board meeting.

Item 14 – Adjournment

The meeting was adjourned at approximately 1:33 p.m.