



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>
1515 Clay Street, Suite 1400, Oakland, California 94612
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Arnold Schwarzenegger
Governor

AGENDA

January 30, 2008
9:00 a.m.

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

Approximate Time¹
9:00 a.m.

1. **Roll Call and Introductions**
2. **Election of Chair and Vice-Chair**
3. **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.swrcb.ca.gov/rwqcb2/pub_notice.htm] or contact Board staff to determine whether a matter has been scheduled for a future Meeting.

4. **[Minutes of the November 1, 2007 Board Meeting](#)**
5. **[Chairman's, Board Members', and Executive Officer's Reports](#)**

ENFORCEMENT

Mandatory Minimum Penalties

6. **City of Benicia, Wastewater Treatment Plant, Benicia, Solano County**
– Hearing to Consider Mandatory Minimum Penalty for Discharge in Violation of Effluent Limitations [Farhad Azimzadeh 622-2310, fazimzadeh@waterboards.ca.gov]

¹ The "approximate time" indicated is an estimate of when the agenda item is expected to be considered by the Board. The Board will follow these times as closely as possible. However, the estimates are provided for convenience and are not legally binding on the Board.

Final Order R2-2007-0064

[Staff Summary Report](#)

[Appendix A](#)

[Appendix B](#)

7. **Catholic Cathedral Corporation of East Bay, 2121 Harrison Street, Oakland, Alameda County** – Hearing to Consider Mandatory Minimum Penalty for Discharge in Violation of Effluent Limitations [Lourdes Gonzales 622-2365, lgonzales@waterboards.ca.gov]

Final Order [R2-2007-0073](#)

[Staff Summary Report](#)

[Attachment A](#)

[Attachment B](#)

8. **City of Richmond, Wastewater Treatment Plant, Richmond, Contra Costa County** – Hearing to Consider Mandatory Minimum Penalty for Discharge in Violation of Effluent Limitations [Carolina Silva 622-2485, csilva@waterboards.ca.gov]

Final Order R2-2007-0071

[Staff Summary Report](#)

9. **Rodeo Sanitary District, Wastewater Treatment Plant, Rodeo, Contra Costa County** – Hearing to Consider Mandatory Minimum Penalty for Discharge in Violation of Effluent Limitations [Alan Friedman 622-2347, afriedman@waterboards.ca.gov]

Final Order [R2-2007-0083](#)

[Staff Summary Report](#)

[Mandatory Minimum Penalty](#)

[Waiver and SEP](#)

10. **Sewerage Agency of Southern Marin, Wastewater Treatment Plant, Mill Valley, Marin County** – Hearing to Consider Mandatory Minimum Penalty for Discharge in Violation of Effluent Limitations [Farhad Azimzadeh 622-2310, fazimzadeh@waterboards.ca.gov]

Final Order R2-2007-0074

[Staff Summary Report](#)

[Appendix A](#)

[Appendix B](#)

NPDES PERMITS AND CEASE AND DESIST ORDERS

- 11a. **West County Agency, West County Wastewater District, City of Richmond, and Richmond Municipal Sewer District No. 1; West County Agency Common Outfall, West County Wastewater District Treatment Plant and Its Collection System, and Richmond Municipal Sewer District Water Pollution Control Plant and Its Collection System; Richmond, Contra Costa County –** Reissuance of NPDES Permit [Vince Christian 622-2336, vchristian@waterboards.ca.gov]

Final Order [R2-2008-0003](#)
[Staff Summary Report](#)
[Response to Comments](#)

- 11b. **West County Agency, West County Wastewater District, City of Richmond, and Richmond Municipal Sewer District No. 1; West County Agency Common Outfall, West County Wastewater District Treatment Plant and Its Collection System, and Richmond Municipal Sewer District Water Pollution Control Plant and Its Collection System; Richmond, Contra Costa County –** Adoption of Cease and Desist Order for Discharge in Violation of NPDES Permit [Vince Christian 622-2336, vchristian@waterboards.ca.gov]

Final Order [R2-2008-0004](#)
[Staff Summary Report](#)
[Response to Comments](#)

- 12a. **Contra Costa County Sanitation District No. 5, Port Costa Wastewater Treatment Plant, Port Costa, Contra Costa County –** Reissuance of NPDES Permit [Adrienne Miller 622-2415, amiller@waterboards.ca.gov]

Final Order [R2-2008-0005](#)
[Staff Summary Report](#)

- 12b. **Contra Costa County Sanitation District No. 5, Port Costa Wastewater Treatment Plant, Port Costa, Contra Costa County –** Adoption of Cease and Desist Order for Discharge in Violation of NPDES Permit [Adrienne Miller 622-2415, amiller@waterboards.ca.gov]

Final Order [R2-2008-0006](#)
[Staff Summary Report](#)

NPDES PERMITS

13. **City and County of San Francisco, Southeast Water Pollution Control Plant, North Point Wet Weather Facility, and Bayside Wet**

Weather Facilities and Wastewater Collection System, City and County of San Francisco – Reissuance of NPDES Permit
[Derek Whitworth 622-2349, dwhitworth@waterboards.ca.gov]

Final Order [R2-2008-0007](#)
[Staff Summary Report](#)

14. **City of Burlingame, Wastewater Treatment Plant, Burlingame, San Mateo County** – Reissuance of NPDES Permit [Heather Ottaway 622-2116, hottaway@waterboards.ca.gov]

Final Order [R2-2008-0008](#)
[Staff Summary Report](#)

OTHER BUSINESS

15. **Consideration of a Resolution Specifying Actions the Water Boards Will Take to Protect Beneficial Uses of the San Francisco Bay/Sacramento San Joaquin Delta Estuary** [Tom Mumley 622-2395, tmumley@waterboards.ca.gov]

Final Order [R2-2008-0009](#)
[Staff Summary Report](#)
[Tentative Resolution](#)

16. **Greening the Bay: Financing Wetland Restoration in San Francisco Bay** – Information Item on Report by Save the Bay

[Staff Summary Report](#)

17. **Correspondence**

18. **Closed Session – Litigation**

11:30 – 12:30 p.m.

The Board will meet in closed session to discuss pending litigation, *South Bayside System Authority v. Regional Water Quality Control Board for the San Francisco Bay Region, et al.* (San Mateo County Superior Court Case No. CIV464652). [Authority: Government Code Section 11126(e)(2)(A)].

19. **Closed Session – Litigation**

The Board will meet in closed session to discuss pending litigation, *In re Kelly Engineer dba All Star Service, Inc.* (Contra Costa County Superior Court NO2-1600) and *In re Perrin Engineer dba All Star Service, Inc.* (Contra Costa County Superior Court NO3-0934) [Authority: Government Code Section 11126(e)(2)(A)].

20. **Closed Session – Litigation**
The Board may meet in closed session to discuss litigation, including significant exposure to litigation and whether to initiate litigation [Authority: Government Code Sections 11126(e)(2)(B)(i) and 11126(e)(2)(C)(i)].
21. **Closed Session – Personnel**
The Board will meet in closed session to conduct the annual performance review of the Executive Officer. [Authority: Government Code Section 11126(a)].
22. **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)].
23. **Adjournment to the next Board meeting** – February 13, 2008

NOTES ON WATER BOARD AGENDA

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 Uncontested Items Calendar, and it will be taken up in the order indicated by the agenda.

Availability of Agenda Items - Staff reports and tentative orders or resolutions 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 least 5 working days before the meeting. TTY users may contact the California Relay Service at 1-800-735-2929 or voice line at 1-800-735-2922.

Materials presented to the Water Board as part of testimony that is to be made part of the record must be left with the Board. These include photographs, slides, charts, diagrams, etc. Anyone intending to make a presentation using slides, overheads, computer graphics, or other media should coordinate with the staff member for the agenda item in advance of the meeting.

Some Board members may attend a meeting by teleconference. 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 Water 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© 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 the Water Board meeting at which action was taken. 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 Water 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 Water 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 Certification applications, call 622-2300.

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD - San Francisco Bay Region

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Water Board Members

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

Water Board Staff

<i>Executive Officer</i> Bruce H. Wolfe	<i>Assistant Executive Officers</i> Thomas Mumley Dyan Whyte	<i>Counsel to the Board</i> Dorothy Dickey Yuri Won
<i>Executive Assistant</i> Mary E. Tryon	<i>Management Services Division</i> Anna Torres, Chief	<i>Communications Coordinator</i> Sandia Potter
<i>North Bay Watershed Management Division</i> Wilfried Bruhns, Chief Susan Gladstone, Section Leader William Hurley, Section Leader	<i>South Bay Watershed Management Division</i> Shin-Roei Lee, Chief Dale C. Bowyer, Section Leader Keith Lichten, Section Leader Judy Kelly, Project Manager	<i>Groundwater Protection/ Waste Containment Division</i> Curtis T. Scott, Chief Terry Seward, Section Leader John E. Kaiser, Section Leader Gina Kathuria, Section Leader
<i>Permits Division</i> Lila Tang, Chief Bill Johnson, Section Leader Christine Boschen, Section Leader	<i>Toxics Cleanup Division</i> Stephen Hill, Chief John D. Wolfenden, Section Leader Anders G. Lundgren, Section Leader Chuck Headlee, Section Leader Mary Rose Cassa, Section Leader	<i>Planning and TMDL Division</i> Vacancy, Chief Naomi Feger, Section Leader James Ponton, 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 testimony must be received prior to the Board meeting by the date indicated by staff. Verbal comments 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.

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
San Francisco Bay Region

Summary of Board Actions Taken at the Regular Meeting

November 1, 2007

Enforcement Action

Mandatory Minimum Penalty

Complaint No. R2-2007-0050

Mandatory Minimum Penalty for **City of Burlingame, Wastewater Treatment Plant, San Mateo County** in the amount of \$6,000. \$6,000 may be used for a supplemental environmental project.

NPDES Permits and Cease and Desist Order

Adopted Order No. R2-2007-0075

Reissuance of NPDES Permit for **City of San Mateo, Wastewater Treatment Plant, San Mateo County**

Adopted Order No. R2-2007-0076

Adoption of Cease and Desist Order for Discharge in violation of NPDES Permit for **City of San Mateo, Wastewater Treatment Plant, San Mateo County**

Adopted Order No. R2-2007-0077

Issuance of New NPDES Permit for **Watershed Permit for Municipal and Industrial Wastewater Discharges of Mercury to San Francisco Bay – Alameda County, Contra Costa County, Solano County, Napa County, Sonoma County, Marin County, San Francisco County, San Mateo County, and Santa Clara County**

Waste Discharge Requirements

Adopted Order No. R2-2007-0078

Adoption of Revised Waste Discharge Requirements for **Judy Borello and Borello Sewage Treatment Facility, Point Reyes Station, Marin County**

Other Business

Award Presentation

Presentation of Proclamation in Recognition of **City of Oakland's Stormwater Management Excellence Award**

Information Item

Information Only

Status Report on **Leaking Underground Fuel Tank Cleanup Program**