



# 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  
Phone (510) 622-2300 • FAX (510) 622-2460

Arnold Schwarzenegger  
Governor

## AGENDA

Wednesday, October 8, 2008  
9:00 a.m.

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

Approximate Time<sup>1</sup>  
9:00 a.m.

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](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 May 14, 2008 Board Meeting](#)**
4. **[Chairman's, Board Members', and Executive Officer's Reports](#)**

### **ENFORCEMENT**

#### **Administrative Civil Liabilities**

5. **[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 (Continued from the September Board Meeting)  
[Michelle Rembaum-Fox 622-2387, [mrembaumfox@waterboards.ca.gov](mailto:mrembaumfox@waterboards.ca.gov)]

Adopted Order No. R2-2008-0088

<sup>1</sup> 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.

6. [\*\*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 (Continued from the September Board Meeting) [Michelle Rembaum-Fox 622-2387, [mrembaumfox@waterboards.ca.gov](mailto:mrembaumfox@waterboards.ca.gov)]

## **PLANNING**

7. [\*\*Proposed Amendment to the Water Quality Control Plan \(Basin Plan\) for the San Francisco Bay Region to Establish New Water Quality Objectives and a Total Maximum Daily Load and Implementation Plan for Mercury in Waters of the Guadalupe River Watershed\*\*](#) – Hearing to Consider Adoption of the Proposed Basin Plan Amendment [Carrie Austin 622-1015, [caustin@waterboards.ca.gov](mailto:caustin@waterboards.ca.gov)]

Adopted Order No. R2-2008-0089

- A. [Tentative Resolution with Proposed Basin Plan Amendment](#)
- B. [Proposed Basin Plan Amendment Showing Changes since 02/08](#)
- C. Revised Staff Report
  - 1. [Staff Report](#)
  - 2. [Staff Report](#) (Oversized Figures)
- D. [Responses to Comments](#) (Showing Changes to Supporting Staff Report since 02/08)
- E. [Comment Letters](#)
- F. [May 8, 2008 Testimony Hearing Transcript](#)

## **NPDES PERMIT AND CEASE AND DESIST ORDER**

- 8a. [\*\*Sonoma Valley County Sanitation District, Sonoma, Sonoma County\*\*](#) – Reissuance of NPDES Permit [Tong Yin 622-2418, [tyin@waterboards.ca.gov](mailto:tyin@waterboards.ca.gov)]

Adopted Order No. R2-2008-0090

[Transmittal Letter](#)  
[CEQA Exemption Form](#)

- 8b. [\*\*Sonoma Valley County Sanitation District, Sonoma, Sonoma County\*\*](#) – Issuance of Cease and Desist Order [Tong Yin 622-2418, [tyin@waterboards.ca.gov](mailto:tyin@waterboards.ca.gov)]

Adopted Order No. R2-2008-0091

## **OTHER BUSINESS**

9. **Sanitary Sewer Overflow Reduction Program** – Status Report  
[Michael Chee 622-2333, [mchee@waterboards.ca.gov](mailto:mchee@waterboards.ca.gov)] **(Continued)**

10. **Correspondence**

11. **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)].

12. **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)].

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** – November 12, 2008

**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  
 Internet Address: <http://www.waterboards.ca.gov/sanfranciscobay>

**Water Board Members**

<b>Name</b>	<b>City of Residence</b>	<b>Appointment Category</b>
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  
 Coordinator**

Mary E. Tryon

**Management Services Division**

Anna Torres, Chief

**Communications**

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.

## **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 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](http://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 [http://www.swrcb.ca.gov/sanfranciscobay/public\\_notices/public\\_notice.shtml](http://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.

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
San Francisco Bay Region

**Summary of Board Actions Taken at the Regular Meeting**

**September 10, 2008**

**Enforcement Action**

**Administrative Civil Liabilities**

Adopted Order No. R2-2008-0082 Adopted Administrative Civil Liability for

**Alum Rock School District, San José, Santa Clara County** in the amount of \$9,175. \$4,575 may be used for a supplemental environmental project.

Adopted Order No. R2-2008-0083 Adopted Administrative Civil Liability for

**Willowbrook Feeds, Petaluma, Sonoma County** in the amount of \$24,200

Complaint No. R2-2008-0049 Hearing waived for Administrative Civil Liability for **Nicasio Rock Quarry, Nicasio, Marin County** in the amount of \$11,700

Adopted Order No. R2-2008-0084 Adopted Administrative Civil Liability for

**Dr. Collin Mbanugo, Leona Heights Sulfur Mine, Oakland, Alameda County** in the amount of \$200,000

**Waste Discharge Requirements**

Adopted Order No. R2-2008-0079 Rescission of NPDES Permit and Issuance of

New Waste Discharge Requirements for **GE-Hitachi Nuclear Energy Americas, LLC, Vallecitos Nuclear Center, Sunol, Alameda County**

Adopted Order No. R2-2008-0080 Issuance of New Waste Discharge Requirements for the Alhambra Creek Sediment Removal Project for **City of Martinez, Martinez, Contra Costa County**

**Site Cleanup Requirements**

Adopted Order No. R2-2008-0081 Adoption of Final Site Cleanup Requirements for

**SHH, LLC, for the property located at 37445 Willow Street, Newark, Alameda County**

**Other**

Award Presentation Presented 2008 Dr. Teng-chung Wu Pollution Prevention Award in Recognition of Exceptional Accomplishments in Pollution Prevention in the San Francisco Bay Area to the **City of San Francisco Public Utilities Commission**

**Items Continued**

Item Continued      **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

Item Continued      **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

Item Continued      **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