



California Regional Water Quality Control Board

San Francisco Bay Region



Matthew Rodriguez
Secretary for
Environmental Protection

1515 Clay Street, Suite 1400, Oakland, California 94612
(510) 622-2300 • FAX (510) 622-2460
<http://www.waterboards.ca.gov/sanfranciscobay>

Edmund G. Brown Jr.
Governor

AGENDA

Wednesday, September 14, 2011
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. **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 [http://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 October 13, 2010 Board Meeting](#)**
4. **2011 Dr. Teng-chung Wu Pollution Prevention Award**
– Presentation of Award in Recognition of Exceptional Accomplishments in Pollution Prevention in the San Francisco Bay Area
[Bill Johnson 622-2354, wjohnson@waterboards.ca.gov]

[Staff Summary Report](#)

5. **[Chairman's, Board Members', and Executive Officer's Reports](#)**
6. **Consideration of Uncontested Items (See Notes)**
- *A. **Cities of Alameda, Albany, Berkeley, Emeryville, and Piedmont; and Stege Sanitary District, Sanitary Sewer Collection Systems,**

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.

Alameda and Contra Costa Counties – Rescission of
Cease and Desist Order Requirements
[Robert Schlipf 622-2478, rschlipf@waterboards.ca.gov]

Final Order [R2-2011-0055](#)
[Staff Summary Report](#)
[Cease and Desist Order](#)

- *B. **California Department of Transportation, Devil’s Slide Tunnel Project, State Route 1, San Mateo County** – Reissuance of NPDES Permit
[Brendan Thompson 622-2506, bthompson@waterboards.ca.gov]

Final Order [R2-2011-0056](#)
[Staff Summary Report](#)
[Tentative Order](#)
[Response to Comments](#)

- *C. **Highlights of the Enforcement Program** – Fiscal Year 2010/11 Accomplishments
[Brian Thompson 622-2422, brthompson@waterboards.ca.gov]

[Staff Summary Report](#)

PLANNING

7. **Proposed Amendment to the Water Quality Control Plan (Basin Plan) to Refine the Beneficial Uses of Hayward Marsh** – Hearing to Consider Adoption of the Proposed Basin Plan Amendment
[Jan O’Hara 622-5681, johara@waterboards.ca.gov]

Final Order R2-2011-0057
[Staff Summary Report](#)
Appendix A: [Tentative Resolution](#)
Appendix B: [Staff Report](#)
Appendix C: [Response to Comments](#)
Appendix D: [Comment Letters](#)

NPDES PERMIT

8. **East Bay Regional Parks District, Union Sanitary District, and East Bay Dischargers Authority, Hayward Shoreline Marsh, Hayward, Alameda County** – Reissuance of NPDES Permit
[John Madigan 622-2405, jmadigan@waterboards.ca.gov]

Final Order [R2-2011-0058](#)
[Staff Summary Report](#)

WASTE DISCHARGE REQUIREMENTS

9. **Conditional Waiver of Waste Discharge Requirements for Grazing Operations in the Napa River and Sonoma Creek Watersheds**

– Adoption of CEQA Mitigated Negative Declaration

[Rico Duazo 622-2340, rduazo@waterboards.ca.gov]

Final Order [R2-2011-0059](#)

[Staff Summary Report](#)

Attachment A: [Tentative Resolution Adopting the Mitigated Negative Declaration](#)

Attachment B: [Initial Study and Mitigated Negative Declaration](#)

Attachment C: [Draft Initial Study and Mitigated Negative Declaration with Track Changes](#)

10. **Conditional Waiver of Waste Discharge Requirements for Grazing Operations in the Napa River and Sonoma Creek Watersheds**

– Adoption of Conditional Waiver

[Rico Duazo 622-2340, rduazo@waterboards.ca.gov]

Final Order [R2-2011-0060](#)

[Staff Summary Report](#)

Appendix A: [Revised Tentative Conditional Waiver of WDRs](#)

Appendix B: [Grazing Waiver Notice of Intent](#)

Appendix C: [Checklist Form for Assessing Grazing Operations](#)

Appendix D: [Staff Report](#)

Appendix E: [Response to Comments](#)

Appendix F: [Comments Received](#)

11. **Correspondence**

12. **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)]

13. **Closed Session – Litigation**

A. The Board may meet in closed session to discuss significant exposure

to litigation. The Board also may meet to discuss whether to initiate litigation.

[Authority: Government Code Sections 11126(e)(1) and 11126(2)(B)-(C)]

- B. The Board may meet in closed session to discuss pending litigation, *People of the State of California ex rel. Department of Fish and Game, California Regional Water Quality Control Board, San Francisco Region, and State Lands Commission v. Regal Stone Ltd.; Hanjin Shipping Co. Ltd.; Synergy Management Services; Synergy Marine Ltd.; John J. Cota; and Does 1 Through 100* (United States District Court, Northern District of California, Case No. 09-CV-1469).

[Authority: Government Code Section 11126(e)(2)(A)]

14. **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)]

15. **Adjournment to the next Board meeting** – October 12, 2011

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. 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 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 – 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 – To obtain information regarding pending Section 401 Water Quality Certification applications, call 622-2300. (Rev. 1-11)

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

<http://www.waterboards.ca.gov/sanfranciscobay>

Water Board Members

Name	City of Residence	Appointment Category
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

<i>Executive Officer</i> Bruce H. Wolfe	<i>Assistant Executive Officers</i> Thomas Mumley Dyan Whyte	<i>Counsel to the Board</i> Yuri Won
<i>Executive Assistant</i> Mary E. Tryon	<i>Management Services Division</i> Anna Torres, Chief	<i>Communications Coordinator</i> Sandia Potter
<i>Planning and TMDL Division</i> Vacancy, Chief Naomi Feger, Section Leader James Ponton, Section Leader	<i>Watershed Management Division</i> Shin-Roei Lee, Chief Dale C. Bowyer, Section Leader William Hurley, Section Leader Christine Boschen, Section Leader	<i>Groundwater Protection/ Waste Containment Division</i> Terry Seward, Chief Vacancy, Section Leader Alec Naugle, Section Leader Keith Lichten, Section Leader
<i>Permits Division</i> Lila Tang, Chief Bill Johnson, Section Leader Vacancy, Section Leader	<i>Toxics Cleanup Division</i> Stephen Hill, Chief John D. Wolfenden, Section Leader Vacancy, 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 Reporting, LLC at (415) 457-4417.

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
San Francisco Bay Region

Summary of Board Actions Taken at the Regular Meeting

July 13, 2011

Cease and Desist Order

Adopted Order No. R2-2011-0051 Adoption of Cease and Desist Order for
**City of San Bruno, Wastewater Treatment Plant
and Its Sanitary Sewer Collection System,
San Bruno, San Mateo County**

NPDES Permits

Adopted Order No. R2-2011-0046 Reissuance of NPDES Permit for
**City of American Canyon, American Canyon
Wastewater Treatment Facility and
Its Associated Wastewater Collection System,
American Canyon, Napa County**

Adopted Order No. R2-2011-0047 Rescission of NPDES Permit for
**GenOn Potrero, LLC, Potrero Power Plant,
City and County of San Francisco**

Adopted Order No. R2-2011-0048 Reissuance of NPDES Permit for
**USS-POSCO Industries, Pittsburg Plant,
Pittsburg, Contra Costa County**

Adopted Order No. R2-2011-0049 Reissuance of NPDES Permit for
**Chevron Products Company,
a division of Chevron U.S.A. Inc.,
Chevron Chemical Company LLC, and
General Chemical Corporation,
Richmond Refinery,
Richmond, Contra Costa County**

Waste Discharge Requirements

Adopted Order No. R2-2011-0050 Adoption of Waste Discharge Requirements
and Water Quality Certification for
**East Bay Regional Park District,
Regional Maintenance Activities,
Alameda and Contra Costa Counties**