**AGENDA**

## Wednesday, September 11, 2013

9:00 a.m.

## Elihu M. Harris Building

First Floor Auditorium

1515 Clay Street

Oakland, CA 94612

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| 1. **Roll Call and Introductions** |
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| 1. **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.* |
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| 1. **Minutes of Board Meetings** |
| 1. [Minutes of the August 14, 2013 Board Meeting](08-14-13.pdf) 2. [Minutes of the August 8, 2012 Board Meeting](08-08-12.pdf) 3. [Minutes of the September 12, 2012 Board Meeting](09-12-12.pdf) 4. [Minutes of the November 14, 2012 Board Meeting](11-14-12.pdf) |
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| 1. **2013 Dr. Teng-chung Wu Pollution Prevention Award** – Presentation of Award to the City of Palo Alto   [Dylan Garner, 510-622-2116, [dgarner@waterboards.ca.gov](mailto:dgarner@waterboards.ca.gov)]  [Staff Summary Report](4_SSR.pdf) |
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| 1. [**Chairman’s, Board Members’, and Executive Officer’s Reports**](5_EO_Report.pdf) |
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| 1. **Consideration of Uncontested Items** |
| 1. **Bottling Group, LLC, Bottling Group Plant at 29000 Hesperian Boulevard, Hayward, Alameda County** – Reissuance of NPDES Permit   [Vince Christian, 510-622-2336, [vchristian@waterboards.ca.gov](mailto:vchristian@waterboards.ca.gov)]  Final Order [R2-2013-0031](../../../../board_decisions/adopted_orders/2013/R2-2013-0031.pdf)  [Staff Summary Report](6A_SSR.pdf)  [Tentative Order](6A_TO.pdf)  [Comments](6A_Comments.pdf)  [Response to Comments](6A_RTC.pdf) |
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| **Site Cleanup Requirements** |
| 1. **Moonlite Associates, LLC, and United Artists Theatre Circuit, Inc., for the property located at 2640 El Camino Real, Santa Clara, Santa Clara County** – Adoption of Site Cleanup Requirements   [Nathan King, 510-622-3966, [nking@waterboards.ca.gov](mailto:nking@waterboards.ca.gov)]  Final Order [R2-2013-0032](../../../../board_decisions/adopted_orders/2013/R2-2013-0032.pdf)  [Executive Officer’s Summary Report](7/EOSR.pdf)  [Appendix A Revised Tentative Order](7/Appendix_A.pdf)  [Appendix B Revised Cleanup Staff Report](7/Appendix_B.pdf)  [Appendix C Correspondence](7/Appendix_C.pdf)  [Appendix D Response to Comments](7/Appendix_D.pdf)  [Appendix E Site Location Map](7/Appendix_E.pdf)  [Appendix F Bldg and Fire Marshal Permits, Cert of Occ](7/Appendix_F.pdf)  [Appendix G 1975 Bulk Transfer Agreement](7/Appendix_G.pdf)  [Appendix H 1975 Lease btwn UATC and Hanson](7/Appendix_H.pdf)  [Appendix I Grant Deed](7/Appendix_I.pdf) |
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| **Other Business** |
| 1. **The Regional Monitoring Program** – What It Is and Where It’s Headed – Update by Program Manager Meg Sedlak   [Staff Summary Report](8_SSR.pdf)   1. **Cleanup Program for Departments of Defense and Energy Facilities** - Accomplishments and Status – Information Item   [Alec Naugle, 510-622-2510 [anaugle@waterboards.ca.gov](mailto:anaugle@waterboards.ca.gov) /  David Elias 510-622-2509, [delias@waterboards.ca.gov](mailto:delias@waterboards.ca.gov)]  [Staff Summary Report](9_SSR.pdf) |
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| 1. **Correspondence** |
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| 1. **Closed Session – Personnel** |
| The Board may meet in closed session to discuss personnel matters.  [Authority: Government Code section 11126(a)] |
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| 1. **Closed Session – Litigation** |
| 1. 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)] 2. The Board may meet in closed session to discuss the following pending litigation: U.S., People of the State of California ex rel. State Water Resources Control Board and Regional Water Quality Control Board, San Francisco Bay Region v. East Bay Municipal Utility District, U.S. District Court, Northern District of California, Case No. C 09-00186-R and U.S., People of the State of California ex rel. State Water Resources Control Board and Regional Water Quality Control Board, San Francisco Bay Region v. Cities of Alameda, Albany, Berkeley, Emeryville, Oakland, and Piedmont and Stege Sanitary District, U.S. District Court, Northern District of California, Case No. C 09-05684-RS [Authority: Government Code sections 11126(e)(1) and 11126(e)(2)(A)] |
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| 1. **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)] |
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| 1. **Adjournment to the Next Board Meeting** – October 9, 2013 |
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**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.

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 thereis awaiver, 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](http://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](http://www.waterboards.ca.gov/sanfranciscobay)

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| ***Water Board Members*** | | | |
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| **Name** | | **City of Residence** | |
| John Muller, Chair | | Half Moon Bay | |
| Terry F. Young, Vice Chair | | Oakland | |
| Margaret Abe-Koga | | Mountain View | |
| Newsha Ajami | | San Francisco | |
| William D. Kissinger | | Mill Valley | |
| James McGrath | | Berkeley | |
| Vacancy | |  | |
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| ***Water Board Staff*** | | | |
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| ***Executive Officer*** | ***Assistant Executive Officers*** | | ***Counsel to the Board*** |
| Bruce H. Wolfe | Thomas Mumley  Dyan Whyte | | Yuri Won Tamarin Austin |
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| ***Executive Assistant*** | ***Management Services Division*** | |  |
| Angela Tsao | Anna Torres, Chief | |  |
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| ***Planning and TMDL Division*** | ***Watershed Management Division*** | | ***Groundwater Protection /***  ***Waste Containment*** |
| Naomi Feger, Chief | Shin-Roei Lee, Chief | | Terry Seward, Chief |
| Keith Lichten, Section Leader | Dale C. Bowyer, Section Leader | | Alec Naugle, Section Leader |
| James Ponton, Section Leader | William Hurley, Section Leader | | David Elias, Section Leader |
|  | Christine Boschen, Section Leader | | Keith Roberson, Section Leader |
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| ***Permits Division*** | ***Toxics Cleanup Division*** | |  |
| Lila Tang, Chief | Stephen Hill, Chief | |  |
| Bill Johnson, Section Leader | John D. Wolfenden, Section Leader | |  |
| Claudia Villacorta, Section Leader | Chuck Headlee, Section Leader | |  |
| Brian Thompson, Section Leader | Mary Rose Cassa, Section Leader | |  |
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| 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. | | | |
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| 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. | | | |
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| 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. | | | |
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| 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. | | | |