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San Francisco Bay Regional Water Quality Control Board

# AGENDA

Wednesday, February 13, 2019

9:00 a.m.

## Elihu M. Harris Building

First Floor Auditorium

1515 Clay Street

Oakland, CA 94612

Items are numbered for identification purposes only and may not be considered in order. Items scheduled for the first day of a multi-day meeting may be delayed or continued to the next day of the meeting. Closed session items may be considered on either or both days.

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 pending adjudicatory matters will not be allowed. The public is encouraged to visit the Board website [[www.waterboards.ca.gov/sanfranciscobay/public\\_notices](http://www.waterboards.ca.gov/sanfranciscobay/public_notices)] and contact Board staff to determine whether a matter is a pending adjudicatory matter.*

4. **[Minutes of the Board Meeting for December 12, 2018](#)**

5. **[Chair's, Board Members', and Executive Officer's Reports](#)**

6. **Consideration of Uncontested Items**

- A. **Bottling Group, LLC, Bottling Group Hayward Plant, Hayward, Alameda County** – Reissuance of NPDES Permit  
[James Parrish (510) 622-2381, [james.parrish@waterboards.ca.gov](mailto:james.parrish@waterboards.ca.gov)]

[Final Order R2-2019-0002](#)

[Staff Summary Report and Tentative Order](#)

- B. **West County Agency, West County Wastewater District, City of Richmond, and Richmond Municipal Sewer District; West County Wastewater District Treatment Plant, Richmond Municipal Sewer District Water Pollution Control**

**Plant, and Wastewater Collection Systems; Richmond, Contra Costa County**  
– Reissuance of NPDES Permit  
[Robert Schlipf (510) 622-2478, [robert.schlipf@waterboards.ca.gov](mailto:robert.schlipf@waterboards.ca.gov)]

[Final Order R2-2019-0003](#)  
[Staff Summary Report and Revised Tentative Order](#)

C. **Municipal Regional Stormwater NPDES Permit – Municipalities and Flood Management Agencies in Alameda County, Contra Costa County, San Mateo County, Santa Clara County, and the Cities of Fairfield, Suisun City, and Vallejo in Solano County** – Amendment of NPDES Permit to include the East Contra Costa County Permittees  
[Dale Bowyer (510) 622-2323, [dale.bowyer@waterboards.ca.gov](mailto:dale.bowyer@waterboards.ca.gov)]

[Final Order R2-2019-0004](#)  
[Staff Summary Report and Tentative Order and Fact Sheet](#)

D. **Cleanup Programs** – Status Report including Case Closures  
[Cheryl Prowell (510) 622-2408, [cheryl.prowell@waterboards.ca.gov](mailto:cheryl.prowell@waterboards.ca.gov)]

[Staff Summary Report](#)

## 7. **Consideration of Uncontested Enforcement Items**

A. **CalAtlantic Group, Inc., Preserve Project, San Ramon, Contra Costa County – Consideration of Imposition of Administrative Civil Liability**  
[Jerry Xu, 510-622-2469, [jerry.xu@waterboards.ca.gov](mailto:jerry.xu@waterboards.ca.gov)]

[Final Order R2-2019-0005](#)  
[Staff Summary Report](#)

B. **City of East Palo Alto, San Mateo County, Order No. R2-2018-0034 for Violation of Trash Requirements of Municipal Regional Stormwater Permit – Rescission of Cease and Desist Order**  
[Dale Bowyer, 510-622-2380, [dale.bowyer@waterboards.ca.gov](mailto:dale.bowyer@waterboards.ca.gov)]

[Final Order R2-2019-0006](#)  
[Staff Summary Report and Tentative Order](#)

## 8. **Enforcement**

**California Department of Transportation, Violation of Trash Requirements of Statewide Stormwater Permit, Order No. 2012-0011-DWQ, as amended, NPDES Permit No. CAS000003, Regionwide** – Adoption of Cease and Desist Order  
[Dale Bowyer, 510-622-2380, [dale.bowyer@waterboards.ca.gov](mailto:dale.bowyer@waterboards.ca.gov)]

[Final Order R2-2019-0007](#)  
[Advisory Team Summary Report and Tentative Order](#)

[Supplemental](#)

**9. Correspondence****10. Closed Session – Personnel**

The Board may meet in closed session to discuss personnel matters.  
[Authority: Government Code section 11126(a)]

**11. Closed Session – Litigation**

The Board may meet in closed session to discuss litigation. The Board also may meet to discuss whether or not to initiate litigation.  
[Authority: Government Code sections 11126(e)(1) and 11126(e)(2)(A)-(C)]

Items the Board may discuss include the following:

- United Artists Theater Circuit v. Cal. State Water Resources Control Bd. et al. (Court of Appeal, First Appellate District, Division Five, Case No. A152988)
- Sweeney et al. v. Cal. Regional Water Quality Control Bd. et al. (Court of Appeal, First Appellate District, Division Three, Case Nos. A153583 (ACL) and A153585 (CAO))
- Judith L. Brown, Trustee of the Brown Marital Trust Dated May 4, 1989 v. State Water Resources Control Board and San Francisco Bay Regional Water Quality Control Board (Sonoma County Superior Court No. SCV-260767)
- Santa Clara Valley Water District v. San Francisco Bay Regional Water Quality Control Board and Does 1-50 (Santa Clara County Superior Court No. 17CV311869)

**12. 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)]

**13. Adjournment to the Next Board Meeting – Wednesday, March 13, 2019**

## NOTES ON WATER BOARD AGENDA

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**Agenda Annotations** – Uncontested Items are 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 or who need interpreter services. Individuals who require special accommodations or need interpreter services should contact the Executive Assistant at 510-622-2399 at least 10 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 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** – 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)**Water Board Members**

<b>Name</b>	<b>City of Residence</b>
Terry F. Young, Chair	Oakland
James McGrath, Vice Chair	Berkeley
Newsha Ajami	San Francisco
Jayne Battey	Half Moon Bay
William D. Kissinger	Mill Valley
Steve Lefkovits	Emeryville
Cecilia Ogbu	San Francisco

**Water Board Staff**

<b>Executive Officer</b> Thomas Mumley (Interim)	<b>Assistant Executive Officers</b> Lisa Horowitz McCann Thomas Mumley	<b>Counsel to the Board</b> Yuri Won Marnie Ajello
<b>Executive Assistant</b> Brandy Stone	<b>Management Services Division</b> Anna Torres, Chief	
<b>Planning and TMDL Division</b> Vacant, Chief James Ponton, Section Leader Kevin Lunde, Section Leader Janet O'Hara, Section Leader	<b>Watershed Management Division</b> Keith Lichten, Chief Dale C. Bowyer, Section Leader Xavier Fernandez, Section Leader Margaret Monahan, Section Leader	<b>Groundwater Protection / Waste Containment</b> Terry Seward, Chief Alec Naugle, Section Leader David Elias, Section Leader Keith Roberson, Section Leader
<b>Wastewater Control and Enforcement Division</b> Bill Johnson, Chief vacant, Section Leader Brian Thompson, Section Leader Robert Schlipf, Section Leader	<b>Toxics Cleanup Division</b> Stephen Hill, Chief John D. Wolfenden, Section Leader Laurent Meillier, Section Leader Cheryl Prowell, 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 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.

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.