

San Francisco Bay Regional Water Quality Control Board

# AGENDA

Wednesday, February 12, 2020

9:00 a.m.

## Elihu M. Harris Building

First Floor Auditorium

1515 Clay Street

Oakland, CA 94612

Live Video Webcast Available at: <https://video.calepa.ca.gov/>

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 11, 2019](#)**
5. **[Chair's, Board Members', and Executive Officer's Report](#)**
6. **Consideration of Uncontested Items**

**A. City of San José, City of Santa Clara, and San José/Santa Clara Water Pollution Control Plant, a Joint Powers Authority, for the San José/Santa Clara Water Pollution Control Plant, Cities of San José and Santa Clara Wastewater Collection Systems, San José and Santa Clara, Santa Clara County – Reissuance of NPDES Permit [Will Burrell, 510-622-2317, [will.burrell@waterboards.ca.gov](mailto:will.burrell@waterboards.ca.gov)]**

JIM McGRATH, CHAIR | MICHAEL MONTGOMERY, EXECUTIVE OFFICER

1515 Clay St., Suite 1400, Oakland, CA 94612 | [www.waterboards.ca.gov/sanfranciscobay](http://www.waterboards.ca.gov/sanfranciscobay)

[Final Order R2-2020-0001](#)  
[Staff Summary Report](#)  
[Revised Tentative Order](#)  
[Response to Written Comments](#)

- B. City of Sunnyvale, Sunnyvale Water Pollution Control Plant and Wastewater Collection System, Sunnyvale, Santa Clara County** – Reissuance of NPDES Permit [Will Burrell, 510-622-2317, [will.burrell@waterboards.ca.gov](mailto:will.burrell@waterboards.ca.gov)]

[Final Order R2-2020-0002](#)  
[Staff Summary Report](#)  
[Revised Tentative Order](#)  
[Response to Written Comments](#)

- C. East Bay Municipal Utility District; Point Isabel, San Antonio, and Oakport Wet Weather Facilities; Richmond and Oakland, Contra Costa and Alameda Counties** – Reissuance of NPDES Permit [Sam Plummer, 510-622-2485, [Sam.Plummer@waterboards.ca.gov](mailto:Sam.Plummer@waterboards.ca.gov)]

[Final Order R2-2020-0003](#)  
[Staff Summary Report](#)  
[Revised Tentative Order](#)  
[Response to Written Comments](#)

- D. City of Piedmont, Wastewater Collection System, Piedmont, Alameda County** – Reissuance of NPDES Permit [Sam Plummer, 510-622-2485, [Sam.Plummer@waterboards.ca.gov](mailto:Sam.Plummer@waterboards.ca.gov)]

[Final Order R2-2020-0004](#)  
[Staff Summary Report](#)  
[Revised Tentative Order](#)  
[Response to Written Comments](#)

- E. City of Alameda, Wastewater Collection System, Alameda, Alameda County** – Reissuance of NPDES Permit [Sam Plummer, 510-622-2485, [Sam.Plummer@waterboards.ca.gov](mailto:Sam.Plummer@waterboards.ca.gov)]

[Final Order R2-2020-0005](#)  
[Staff Summary Report](#)  
[Tentative Order](#)

- F. City of Albany, Wastewater Collection System, Albany, Alameda County** – Reissuance of NPDES Permit [Sam Plummer, 510-622-2485, [Sam.Plummer@waterboards.ca.gov](mailto:Sam.Plummer@waterboards.ca.gov)]

[Final Order R2-2020-0006](#)  
[Staff Summary Report](#)  
[Tentative Order](#)

- G. City of Berkeley, Wastewater Collection System, Berkeley, Alameda County –**  
Reissuance of NPDES Permit [Sam Plummer, 510-622-2485,  
[Sam.Plummer@waterboards.ca.gov](mailto:Sam.Plummer@waterboards.ca.gov)]

[Final Order R2-2020-0007](#)

[Staff Summary Report](#)

[Tentative Order](#)

- H. City of Emeryville, Wastewater Collection System, Emeryville, Alameda County –**  
Reissuance of NPDES Permit [Sam Plummer, 510-622-2485,  
[Sam.Plummer@waterboards.ca.gov](mailto:Sam.Plummer@waterboards.ca.gov)]

[Final Order R2-2020-0008](#)

[Staff Summary Report](#)

[Tentative Order](#)

- I. City of Oakland, Wastewater Collection System, Oakland, Alameda County –**  
Reissuance of NPDES Permit [Sam Plummer, 510-622-2485,  
[Sam.Plummer@waterboards.ca.gov](mailto:Sam.Plummer@waterboards.ca.gov)]

[Final Order R2-2020-0009](#)

[Staff Summary Report](#)

[Tentative Order](#)

- J. Stege Sanitary District; Wastewater Collection System; El Cerrito, Kensington, and Richmond; Contra Costa County –** Reissuance of NPDES Permit [Sam Plummer, 510-622-2485, [Sam.Plummer@waterboards.ca.gov](mailto:Sam.Plummer@waterboards.ca.gov)]

[Final Order R2-2020-0010](#)

[Staff Summary Report](#)

[Tentative Order](#)

## **Waste Discharge Requirements**

7. **U.S. Army Corps of Engineers, San Francisco District, San Francisco Bay Federal Channel Maintenance Dredging Program 2020 through 2024 –** Adoption of Reissued Waste Discharge Requirements and Water Quality Certification, [Kevin Lunde, 510-622-2431, [Kevin.Lunde@waterboards.ca.gov](mailto:Kevin.Lunde@waterboards.ca.gov)]

[Final Order R2-2020-0011](#)

[Staff Summary Report](#)

[Appendix A – Tentative Order](#)

[Appendix B – Comment Letters Received](#)

[Appendix C – Response to Comments](#)

8. **Correspondence**

9. **Closed Session – Personnel**

The Board may meet in closed session to discuss personnel matters.

[Authority: Government Code section 11126(a)]

## 10. **Closed Session – Litigation**

The Board may meet in closed session to discuss pending litigation, including significant exposure to litigation and whether 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)
- City and County of San Francisco v. State Water Resources Control Board and San Francisco Bay Regional Water Quality Control Board (Alameda County Superior Court; Case No. RG19042575)
- In re: UCI International, LLC, Champion Laboratories, Inc., et al. (U.S. Bankruptcy Court for the District of Delaware; Case No. 16-11354)

## 11. **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)]

## 12. **Adjournment to the Next Board Meeting – Wednesday, March 11, 2020**

## 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, subds (a), (c)(3), and (e)]

**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****Name**

James McGrath, Chair  
 Jayne Battey, Vice-Chair  
 Newsha Ajami  
 William D. Kissinger

**City of Residence**

Berkeley  
 Half Moon Bay  
 San Francisco  
 Mill Valley

**Water Board Staff****Executive Officer**

Michael Montgomery

**Assistant Executive Officers**

Lisa Horowitz McCann  
 Thomas Mumley

**Executive Assistant**

Guy Gutterman

**Counsel to the Board**

Yuri Won  
 Marnie Ajello

**Management Services Division**

Anna Torres, Chief

**Wastewater Control and Enforcement Division**

Bill Johnson, Chief  
 Jessica Watkins, Section Leader  
 Brian Thompson, Section Leader  
 Robert Schlipf, Section Leader

**Planning and TMDL Division**

Xavier Fernandez, Chief  
 James Ponton, Section Leader  
 Kevin Lunde, Section Leader  
 Janet O'Hara, Section Leader

**Watershed Management Division**

Keith Lichten, Chief  
 Derek Beauduy, Section Leader  
 Liz Morrison, Section Leader  
 Margaret Monahan, Section Leader

**Ground Water Protection / Waste Containment Division**

Terry Seward, Chief  
 Vacant, Section Leader  
 David Elias, Section Leader  
 Keith Roberson, Section Leader

**Toxics Cleanup Division**

Alec Naugle, Chief  
 John D. Wolfenden, Section Leader  
 Laurent Miller, 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 formulation, 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 (510) 313-0610.