

San Francisco Bay Regional Water Quality Control Board

AGENDA

Wednesday, November 14, 2012

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 12, 2011 Board Meeting](#)**
4. **[Chairman's, Board Members', and Executive Officer's Reports](#)**
5. **Consideration of Uncontested Items (See Notes)**
- *A. **GWF Power Systems, L.P., 895 East Third Street in Pittsburg, and 555 Nichols Road in Bay Point, Contra Costa County**
– Rescission of NPDES Permits
[Vince Christian 622-2336, vchristian@waterboards.ca.gov]

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.

Final Order [R2-2012-0086](#)
[Staff Summary Report](#)
[Tentative Order](#)

- *B. **Sausalito-Marin City Sanitary District, Wastewater Treatment Plant and Its Wastewater Collection System, Sausalito, Marin County**
– Reissuance of NPDES Permit
[Vince Christian 622-2336, vchristian@waterboards.ca.gov]

Final Order [R2-2012-0083](#)
[Staff Summary Report](#)
[Tentative Order](#)
[BayKeeper Comments](#)
[SMCSD Comments](#)
[Response to Comments](#)

- *C. **C&H Sugar Company, Inc., and Crockett Community Services District; C&H Sugar Company Refinery, Joint C&H Sugar Company-Crockett Community Services District Philip F. Mead Water Treatment Plant and Its Wastewater Collection System; Crockett, Contra Costa County**
– Reissuance of NPDES Permit
[Derek Whitworth 622-2349, dwhitworth@waterboards.ca.gov]

Final Order [R2-2012-0084](#)
[Staff Summary Report](#)
[Revised Tentative Order](#)
[Comments](#)
[Response to Comments](#)

- *D. **Montezuma Wetlands LLC, Montezuma Wetlands Restoration Project, Solano County**
– Issuance of Updated Waste Discharge Requirements and Rescission of WDR Order No. 00-061
[Elizabeth Christian 622-2335, echristian@waterboards.ca.gov]

Final Order [R2-2012-0087](#)
[Staff Summary Report](#)
[Tentative Order](#)

- *E. **Equilon Enterprises LLC, dba Shell Oil Products US, South San Francisco Terminal, 135 North Access Road,**

South San Francisco, San Mateo County

– Updated Site Cleanup Requirements

[Alyx Karpowicz 622-2427, akarpowicz@waterboards.ca.gov]

Final Order [R2-2012-0085](#)

[Staff Summary Report](#)

[Tentative Order](#)

*F. **Penalty Enforcement Actions and Priorities for This Year**

– Fiscal Year 2011/2012 Summary Report

[Brian Thompson 622-2422, brthompson@waterboards.ca.gov]

[Staff Summary Report](#)

PLANNING

6. **Triennial Review of the San Francisco Bay Basin Water Quality Control Plan (Basin Plan)**

– Adoption of Resolution and Prioritized List of Basin Planning Projects

[Richard Looker 622-2451, rlooker@waterboards.ca.gov]

Final Order [R2-2012-0088](#)

[Staff Summary Report](#)

[Tentative Resolution and List of Prioritized Basin Plan Issues](#)

[Triennial Review Staff Report](#)

[Comment Letters](#)

[Responses to Comments](#)

7. **Proposed Amendment to the Water Quality Control Plan (Basin Plan) to Establish a Total Maximum Daily Load (TMDL) for Bacteria in San Pedro Creek and at Pacifica State Beach and New Implementation Provisions for Bacteria Water Quality Objectives**

– Hearing to Consider Adoption of Proposed Basin Plan Amendment

[Farhad Ghodrati 622-2331, fghodrati@waterboards.ca.gov]

Final Order R2-2012-0089

[Staff Summary Report](#)

Appendix A - [Tentative Resolution with Proposed Basin Plan Amendment](#)

Appendix B - [Revised Basin Plan Amendment](#)

Appendix C - [Revised Staff Report](#)

Appendix D - [Response to Comments](#)

Appendix E - [Comment Letters](#)

8. **Correspondence**

9. **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)]

10. **Closed Session – Litigation**

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)]

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 – December 12, 2012**

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.

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 http://www.swrcb.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

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

Water Board Members

Name	City of Residence
John Muller, Chair	Half Moon Bay
Terry F. Young, Vice Chair	Oakland
Margaret Abe-Koga	Mountain View
Shalom Eliahu	Lafayette
William Kissinger	Mill Valley
James McGrath	Berkeley
Rameshwar Singh	San José

Water Board Staff

Executive Officer

Bruce H. Wolfe

Assistant Executive Officers

Thomas Mumley
Dyan Whyte

Counsel to the Board

Yuri Won
Tamarin Austin

Executive Assistant

Mary E. Tryon

Management Services Division

Anna Torres, Chief

Communications Coordinator

Sandia Potter

***Planning and TMDL
Division***

Naomi Feger, Chief
Keith Lichten, Section Leader
James Ponton, Section Leader

***Watershed Management
Division***

Shin-Roei Lee, Chief
Dale C. Bowyer, Section Leader
William Hurley, Section Leader
Christine Boschen, Section Leader

***Groundwater Protection/
Waste Containment Division***

Terry Seward, Chief
Alec Naugle, Section Leader
David Elias, Section Leader
Keith Roberson, Section Leader

Permits Division

Lila Tang, Chief
Bill Johnson, Section Leader
Claudia Villacorta, Section Leader
Brian Thompson, Section Leader

Toxics Cleanup Division

Stephen Hill, Chief
John D. Wolfenden, 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.

Audio recordings are made of each 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.

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
San Francisco Bay Region

Summary of Board Actions Taken at the Regular Meeting

September 12, 2012

Site Cleanup Requirements

Adopted Order No.R2-2012-0070

Rescission of Site Cleanup Requirements for
**Henkel Corporation, for the property
located at 37899 Niles Boulevard,
Fremont, Alameda County**

Other Business

Presented Awards

Presented **2012 Dr. Teng-chung Wu Pollution
Prevention Awards to Alameda County for Safe
Drug Disposal Ordinance and to Thomas Barron
in Recognition of Lifetime Achievements
in Pollution Prevention**

Heard Staff Status Report
And Received Public Testimony

Heard Staff Status Report and
Received Public Testimony on **Implementation
of the Municipal Regional Stormwater Permit
Trash Load Reduction Requirements**

Adopted Minutes

Adopted as Submitted **Minutes
of the September 14, 2011 Board Meeting**