



# California Regional Water Quality Control Board

## San Francisco Bay Region



Linda S. Adams  
Secretary for  
Environmental  
Protection

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

Arnold Schwarzenegger  
Governor

## AGENDA

Tuesday, July 8, 2008 at 1:00 p.m.

and

Wednesday, July 9, 2008 at 9:00 a.m.

Elihu M. Harris Building  
First Floor Auditorium  
1515 Clay Street  
Oakland, CA 94612

Tuesday,  
July 8, 2008  
Approximate Time<sup>1</sup>  
1:00 p.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 matters that are scheduled for a future Meeting will generally be prohibited. The public is encouraged to visit the Board's website [[http://www.swrcb.ca.gov/rwqcb2/pub\\_notice.htm](http://www.swrcb.ca.gov/rwqcb2/pub_notice.htm)] or contact Board staff to determine whether a matter has been scheduled for a future Meeting.*

### **WASTE DISCHARGE REQUIREMENTS**

3. **Conditional Waiver of Waste Discharge Requirements for Grazing Operations in the Tomales Bay Watershed - Adoption of CEQA Negative Declaration** [Carmen Fewless 622-2316, [cfewless@waterboards.ca.gov](mailto:cfewless@waterboards.ca.gov)]

Adopted Resolution No. R2-2008-0053  
[Staff Summary Report](#)  
[Tentative Resolution](#)

<sup>1</sup> 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.

[Notice of Completion and Environmental Document Transmittal  
Final Negative Declaration](#)

4. **Conditional Waiver of Waste Discharge Requirements for Grazing Operations in the Tomales Bay Watershed** - Adoption of Conditional Waiver [Carmen Fewless 622-2316, [cfewless@waterboards.ca.gov](mailto:cfewless@waterboards.ca.gov)]

Adopted Resolution No. R2-2008-0054

[Staff Summary Report](#)

[Tentative Resolution](#)

[Attachment A](#)

[Attachment B](#)

[Staff Report](#)

[Response to Comments](#)

Comment Letters:

[Cattlemens Association Comment Letter](#)

[Comments Received at the Public Workshop](#)

[Department of Public Health Draft Comment Letter](#)

[Farm Bureau Comment Letter](#)

[Marin Organic Comment Letter](#)

[Marin Organic Comment Letter Certification Checklist](#)

[Marin RCD Comment Letter](#)

[RCD Comment Letter](#)

[SCC Comment Letter](#)

[TBA Comment Letter](#)

[UCCE Comment Letter](#)

[USDI Comment Letter](#)

[WUD Comment Letter](#)

**OTHER BUSINESS**

5. **Consideration of a Resolution Delegating Authority to Executive Officer to Issue Administrative Civil Liability Orders** [Yuri Won 622-2491, [ywon@waterboards.ca.gov](mailto:ywon@waterboards.ca.gov)]

Adopted Resolution No. R2-2008-0055

[Staff Summary Report and Tentative Resolution](#)

Wednesday,  
July 9, 2008  
9:00 a.m.

6. **Roll Call and Introductions**
7. **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 matters that are scheduled for a future Meeting will generally be prohibited. The public is encouraged to visit the Board's website*

[\[http://www.swrcb.ca.gov/rwqcb2/pub\\_notice.htm\]](http://www.swrcb.ca.gov/rwqcb2/pub_notice.htm) or contact Board staff to determine whether a matter has been scheduled for a future Meeting.

8. **Minutes of the March 11 and 12, 2008, Board Meeting**

[Staff Summary Report](#)

9. **Chairman's, Board Members', and Executive Officer's Reports**

[Staff Summary Report](#)

[Executive Officer's Report](#)

10. **Consideration of Uncontested Non-Enforcement Items (See Notes)**

[Staff Summary Report](#)

- \*A. **Bottling Group, LLC, Bottling Group Hayward Plant, Hayward, Alameda County** – Reissuance of NPDES Permit [Adrienne Miller 622-2415, [admiller@waterboards.ca.gov](mailto:admiller@waterboards.ca.gov)]

Adopted Order No. R2-2008-0056

[Transmittal of Final Order](#)

[Notice of Exemption](#)

[Staff Summary Report and Tentative Order](#)

- \*B. **Marin County Sanitary District No. 5, Sanitary District No. 5 Wastewater Treatment Plant, Tiburon, Marin County** – Reissuance of NPDES Permit [Derek Whitworth 622-2349, [dwhitworth@waterboards.ca.gov](mailto:dwhitworth@waterboards.ca.gov)]

Adopted Order No. R2-2008-0057

[Transmittal Letter of Final Order](#)

[Staff Summary Report, Tentative Order, and Attachments](#)

- \*C. **Siliconix, Inc., for the property located at 2201 Laurelwood Road, Santa Clara, Santa Clara County** – Adoption of Final Site Cleanup Requirements [David Barr 622-2313, [dbarr@waterboards.ca.gov](mailto:dbarr@waterboards.ca.gov)]

Adopted Order No. R2-2008-0058

[Staff Summary Report, Tentative Order and Attachments](#)

- \*D. **Owens-Brockway Glass Container, Inc., and Gumtree, LLC, for the property located at 22302 Hathaway Avenue, Hayward, Alameda County** – Adoption of Final Site Cleanup Requirements [Marcia Liao 622-2377, [mliao@waterboards.ca.gov](mailto:mliao@waterboards.ca.gov)]

Adopted Order No. R2-2008-0060  
[Staff Summary Report, Tentative Order and Attachments](#)

11. **Consideration of Uncontested Enforcement Items (See Notes)**

[Staff Summary Report](#)

- \*A. **Marin County Sanitary District No. 5, Sanitary District No. 5 Wastewater Treatment Plant, Tiburon, Marin County** – Issuance of Cease and Desist Order [Derek Whitworth 622-2349, [dwhitworth@waterboards.ca.gov](mailto:dwhitworth@waterboards.ca.gov)]

Adopted Order No. R2-2008-0059  
[Transmittal Letter of Final Order](#)  
[Staff Summary Report, Tentative Cease and Desist Order, and Attachments](#)

**PLANNING**

12. **Proposed Amendment to the Water Quality Control Plan (Basin Plan) for the San Francisco Bay Region to Establish a Total Maximum Daily Load (TMDL) and Implementation Plan for Pathogens in Richardson Bay** – Hearing to Consider Adoption of the Proposed Basin Plan Amendment [Farhad Ghodrati 622-2331, [fghodrati@waterboards.ca.gov](mailto:fghodrati@waterboards.ca.gov)]

Adopted Order No. R2-2008-0061  
[Staff Summary Report](#)  
[Appendix A - Tentative Resolution](#)  
[Appendix B – Proposed Basin Plan Amendment](#)  
[Appendix C – Staff Report](#)  
[Appendix D – Responses to Comments](#)  
[Appendix E – Written Comments](#)  
[Appendix F – Testimony Hearing Transcript](#)

**NPDES PERMIT**

13. **Allied Defense Recycling, Mare Island Shipyard Dry Docks, Vallejo, Solano County** – Issuance of New NPDES Permit [Heather Ottaway 622-2118, [hottaway@waterboards.ca.gov](mailto:hottaway@waterboards.ca.gov)]

Adopted Order No. R2-2008-0062  
[Transmittal Letter for Final Order](#)  
[Notice of Exemption](#)  
[Staff Summary Report, Tentative Order and Attachments](#)

- 1:30 p.m.
14. **Correspondence**
  15. **Closed Session – Personnel**  
The Board may meet in closed session to discuss personnel matters. [Authority: Government Code Section 11126(a)].
  16. **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)].
  17. **Closed Session – Litigation**  
The Board may meet in closed session to discuss litigation, including significant exposure to litigation and whether to initiate litigation [Authority: Government Code Sections 11126(e)(1) and 11126(e)(2) (B)-(C)].
  18. **Adjournment to the next Board meeting – August 13, 2008**

## NOTES ON WATER BOARD AGENDA

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**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 and will not be made part of the record unless designated by the Board Chair. 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](http://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** – Any person adversely affected by a Water Board action may petition the State Water Resources Control Board for review of that action. Pursuant to section 2050(c) of Title 23 of the California Code of Regulations, such a petition shall be limited to substantive issues or objections that were raised before the Water Board at the Board meeting or in timely submitted written correspondence delivered to the Water Board. A petition must be received by the State Board within 30 days of Water Board action. Copies of the law and regulations applicable to filing petitions for review will be provided upon request. See Title 23 of the California Code of Regulations, sections 2050 – 2068.

**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.

**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  
 Internet Address: <http://www.waterboards.ca.gov/sanfranciscobay>

**Water Board Members**

<b>Name</b>	<b>City of Residence</b>	<b>Appointment Category</b>
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**

**Executive Officer**

Bruce H. Wolfe

**Assistant Executive Officers**

Thomas Mumley  
 Dyan Whyte

**Counsel to the Board**

Dorothy Dickey  
 Yuri Won

**Executive Assistant  
 Coordinator**

Mary E. Tryon

**Management Services Division**

Anna Torres, Chief

**Communications**

Sandia Potter

**North Bay Watershed  
 Management Division**

Wilfried Bruhns, Chief  
 Susan Gladstone, Section Leader  
 William Hurley, Section Leader

**South Bay Watershed  
 Management Division**

Shin-Roei Lee, Chief  
 Dale C. Bowyer, Section Leader  
 Keith Lichten, Section Leader  
 Judy Kelly, Project Manager

**Groundwater Protection/  
 Waste Containment Division**

Curtis T. Scott, Chief  
 Terry Seward, Section Leader  
 John E. Kaiser, Section Leader  
 Gina Kathuria, Section Leader

**Permits Division**

Lila Tang, Chief  
 Bill Johnson, Section Leader  
 Christine Boschen, Section Leader

**Toxics Cleanup Division**

Stephen Hill, Chief  
 John D. Wolfenden, Section Leader  
 Anders G. Lundgren, Section Leader  
 Chuck Headlee, Section Leader  
 Mary Rose Cassa, Section Leader

**Planning and TMDL Division**

Vacancy, Chief  
 Naomi Feger, Section Leader  
 James Ponton, 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 Shorthand Reporting at (415) 457-4417.

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
San Francisco Bay Region

**Summary of Board Actions Taken at the Regular Meeting**

**May 14, 2008**

**NPDES Permits and Cease and Desist Orders**

Adopted Order No. R2-2008-0026 Amendment of NPDES Permit for

**Novato Sanitary District, Novato Wastewater Treatment Plant and Ignacio Wastewater Treatment Plant, Novato, Marin County**

Adopted Order No. R2-2008-0029 Issuance of Cease and Desist Order for

**Novato Sanitary District, Novato Wastewater Treatment Plant and Ignacio Wastewater Treatment Plant, Novato, Marin County**

Adopted Order No. R2-2008-0028 Rescission of Cease and Desist Order and Time Schedule Order for  
**Contra Costa County Sanitation District No. 5, Port Costa Wastewater Treatment Plant, Port Costa, Contra Costa County**

Adopted Order No. R2-2008-0030 Reissuance of NPDES Permit for

**Dow Chemical Company, Pittsburg Plant, Pittsburg, Contra Costa County**

Adopted Order No. R2-2008-0031 Issuance of Cease and Desist Order for

**Dow Chemical Company, Pittsburg Plant, Pittsburg, Contra Costa County**

**Waste Discharge Requirements**



Adopted Order No. R2-2008-0027 Adoption of Updated Waste Discharge Requirements and Rescission of Order Nos. 88-058 and 91-160 for **Clover Flat Landfill, Inc., Vista Corporation,**  
**Clover Flat Landfill, Calistoga, Napa County**

**Planning**

Public Hearing Held Hearing to Consider Testimony on **Proposed Amendment to the Water Quality Control Plan (Basin Plan) for the San Francisco Bay Region to Establish New Water Quality Objectives and a Total Maximum Daily Load and Implementation Plan for Mercury in Waters of the Guadalupe River Watershed**

**Status Reports**

Status Report Status Report on the **Importance of Groundwater to All Californians – California Groundwater Awareness Month**

Status Report Status Report on **Environmental Screening Levels**

**Items Continued**

NPDES Permit **Marin County Sanitary District No. 5, Sanitary District No. 5 Wastewater Treatment Plant, Tiburon, Marin County** – Reissuance of NPDES Permit

Cease and Desist Order **Marin County Sanitary District No. 5, Sanitary District No. 5 Wastewater Treatment Plant, Tiburon, Marin County** – Issuance of Cease and Desist Order