

REGIONAL WATER QUALITY CONTROL BOARD - SAN FRANCISCO BAY
BOARD MEETING MINUTES

January 13, 2010

Note: Copies of orders and resolutions and information on obtaining tapes or transcripts may be obtained from the Executive Assistant, Regional Water Quality Control Board, 1515 Clay Street, Suite 1400, Oakland, California 94612 or by calling (510) 622-2399. Copies of orders, resolutions, and minutes also are posted on the Board's web site (www.waterboards.ca.gov/sanfranciscobay).

Item 1 - Roll Call and Introductions

The meeting was called to order on January 13, 2010 at 9:00 a.m. in the Elihu M. Harris Building, First Floor Auditorium, 1515 Clay Street, Oakland.

Board members present: John Muller, Chair; Terry Young, Vice-Chair; James McGrath; Steven Moore; William Peacock; Robert Schroder; Rameshwar Singh.

Board members absent: Shalom Eliahu.

Mr. Muller congratulated Mr. Eliahu and Mr. McGrath for their reappointment to the Water Board. He congratulated Robert S. Schroder for his appointment to the Board and welcomed him.

Mr. Schroder made introductory comments and said he looked forward to working with the Board, staff, and stakeholders.

Tam M. Doduc, Member, State Water Resources Control Board, and liaison to Region 2, welcomed Mr. Schroder to the Board and congratulated Mr. McGrath on his reappointment. She thanked all Board members for their dedication and service.

Item 2 – Election of Chair and Vice-Chair

At the request of Mr. Muller, Dr. Young served as Board Chair during the nomination and election of Chair.

Dr. Young asked for nominations. Mr. Peacock nominated Mr. Muller. Dr. Singh seconded the nomination.

Mr. Peacock complimented Mr. Muller for the leadership he has shown in his current capacity as Chair. Mr. McGrath, Dr. Singh, and Dr. Young concurred.

Dr. Young requested a roll call vote.

Roll Call:

Aye: Mr. McGrath; Mr. Moore; Mr. Peacock; Mr. Schroder; Dr. Singh; Dr. Young;
Mr. Muller

No: None

At that point, Mr. Muller began serving as Chair for 2010. He thanked Board members for their kind words and said he appreciated the opportunity to serve as Chair.

Mr. Muller asked for nominations for Vice-Chair. Mr. McGrath nominated Dr. Young. He complimented Dr. Young for the role she has taken in her current capacity as Vice-Chair. Dr. Singh seconded the nomination.

Mr. Moore said he was pleased that Mr. Muller would serve as Chair and that Dr. Young was willing to serve as Vice-Chair.

Mr. Muller spoke in favor of Dr. Young's nomination and requested a roll call vote.

Roll Call:

Aye: Mr. McGrath; Mr. Moore; Mr. Peacock; Mr. Schroder; Dr. Singh; Dr. Young;
Mr. Muller

No: None

Dr. Young said she was honored to serve as Vice-Chair in 2010 and thanked Board members for giving her the opportunity.

Item 3 - Public Forum

There were no public comments.

Item 4 – Minutes of the July 8, 2009 Board Meeting

Bruce H. Wolfe said staff is looking into ways to post recordings of Board meetings on the Board's website.

Mr. Peacock made a motion to adopt the Minutes of the July 8, 2009 Board Meeting.

Dr. Young seconded the motion. However, she expressed concern that the Minutes did not include much or any detail, such as whether a speaker expressed favorable or unfavorable comments on an issue. She said posting transcripts of meetings on the Board's website would be one way to provide more detail to the public.

Mr. Moore, Mr. Schroder, and Mr. McGrath concurred with Dr. Young's concern about the lack of detail in the Minutes.

Mr. Wolfe said staff would like to provide greater access to what was said at Board meetings and reiterated staff is investigating ways to accomplish that.

A vote was taken on the motion to adopt the Minutes.

Roll Call:

Aye: Mr. McGrath; Mr. Moore; Mr. Peacock; Dr. Singh; Dr. Young; Mr. Muller

No: None

Abstain: Mr. Schroder

Motion passed 6 – 0, with one abstention.

Item 5 – Chairman's, Board Members' and Executive Officer's Reports

Dr. Young reported attending a recent Executive Board Meeting of the Association of Bay Area Governments where she serves as an Advisory Member and represents the Water Board.

Mr. McGrath reported attending a luncheon where recent legislation was discussed.

Mr. Wolfe said Board meetings are scheduled to be held in the Auditorium of the Elihu M. Harris Building on the second Wednesday of each month in 2010.

Item 6 – Consideration of Uncontested Items

Mr. Wolfe recommended adoption of Items 6A and 6B. He said Item 6C was a status report.

Mr. McGrath made a motion to adopt Items 6A and 6B as recommended by the Executive Officer. Mr. Peacock seconded the motion.

Mr. McGrath and Mr. Moore commended staff for work on the uncontested items.

Mr. Moore thanked staff for the update on cleanup programs in Item 6C.

Dr. Young commended staff for development of performance measures included on a chart in Item 6C.

A vote was taken on the motion.

Roll Call:

Aye: Mr. McGrath; Mr. Moore; Mr. Peacock; Mr. Schroder; Dr. Singh; Dr. Young;
Mr. Muller

No: None

Motion passed 7 – 0.

Item 7 – Hyung Keun Sun and Yeo Nam Sun, San José, Santa Clara County
- Hearing to Consider Adoption of Order Imposing Administrative Civil Liability for
Failure to Submit Reports Required Pursuant to California Water Code
Section 13267

The Board took a break at 9:57 a.m. and resumed the meeting at 10:05 a.m.

An interpreter was present and translated for the Board, what was said by the respondents. The interpreter translated for the respondents, what was said by all other persons.

Mr. Wolfe and Yuri Won served as the Board advisory team.

Dyan Whyte, Terry Seward, Keith Lichten, Nathan King, and Laurent Meillier served as the prosecutorial team. In addition, Laura Drabandt, State Water Resources Control Board, served on the prosecutorial team.

A hearing was held on the Tentative Order. The prosecutorial team, the respondents, the Board advisory team, and Board members participated in the hearing.

Mr. Peacock made a motion to close the hearing. Mr. McGrath seconded the motion. The Board voted unanimously to close the hearing.

Board members, the Board advisory team, and the prosecutorial team participated during consideration of the item.

Motion: It was moved by Dr. Young, seconded by Mr. McGrath, and it was voted to adopt the Tentative Order as revised by a supplemental prepared by the Board advisory team and by a supplemental prepared by the prosecutorial team.

Roll Call:

Aye: Mr. McGrath; Mr. Moore; Mr. Peacock; Mr. Schroder; Dr. Singh; Dr. Young;
Mr. Muller

No: None

Motion passed 7 – 0.

Item 8 – Extended Producer Responsibility – Presentation by
California Product Stewardship Council – Information Item

Mr. Wolfe and Naomi Feger made introductory comments.

Heidi Sanborn, Executive Director of the California Product Stewardship Council, discussed the Council's mission. She described recent legislation that promotes product stewardship.

Item 9 – TMDL Program Update – Information Item

Mr. Peacock left the meeting at 12:25 p.m.

Mr. Wolfe made introductory comments.

James Ponton discussed the process staff uses to develop Total Maximum Daily Loads and the components included within a TMDL. He identified TMDLs that the Board has adopted since June 2006 and TMDLs that staff plans to bring to the Board in the next two years.

Item 10 – Wetland Tracker Update – Information Item

Andrée Greenberg gave a report that was based on data entered into the Wetland and Riparian Project Tracker in 2008. She discussed benefits of using the Tracker and replied to Board members' comments and questions.

Shin-Roei Lee commented on in-lieu fee programs.

The Board convened in closed session at 12:53 p.m. At approximately 1:10 p.m., the Board concluded the closed session and the meeting was adjourned.

Item 16 - Adjournment

The meeting was adjourned at approximately 1:10 p.m.