



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

Wednesday, August 13, 2008
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 matters that are scheduled for a future Meeting will generally be prohibited. The public is encouraged to visit the Board's website [http://www.waterboards.ca.gov/sanfranciscobay/public_notices/public_notice.shtml] or contact Board staff to determine whether a matter has been scheduled for a future Meeting.

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

[Staff Summary Report](#)
[Minutes of the March 11 and 12, 2008 Board Meeting](#)

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

[Staff Summary Report](#)
[Executive Officer's Report](#)

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

[Staff Summary Report](#)

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.

- *A. **City of Millbrae, Wastewater Treatment Plant, Millbrae, San Mateo County** – Reissuance of NPDES Permit [John Madigan 622-2405, jmadigan@waterboards.ca.gov]

Adopted Order No. R2-2008-0071

[Transmittal of Final Order](#)

[Notice of Exemption Form](#)

[Staff Summary Report and Tentative Order](#)

- *B. **Stanford University, Palo Alto, Santa Clara County** – Issuance of Waste Discharge Requirements for the Culverting of a Seasonal Channel Between Olmsted Road and Stanford Avenue [Brian Wines 622-5680, bwines@waterboards.ca.gov]

Adopted Order No. R2-2008-0072

[Staff Summary Report and Tentative Order](#)

- *C. **Spirit Rock Meditation Center, Woodacre, Marin County** – Reissuance of Waste Discharge Requirements [Rico Duazo 622-2340, rduazo@waterboards.ca.gov]

Adopted Order No. R2-2008-0073

[Staff Summary Report](#)

[Self Monitoring Program](#)

[Tentative Order](#)

- *D. **Republic Services, Inc. and Republic Services Vasco Road, LLC, Vasco Road Landfill, Livermore, Alameda County** – Updated Waste Discharge Requirements and Rescission of Order No. 96-041 [Keith Roberson 622-2404, kroberson@waterboards.ca.gov]

Adopted Order No. R2-2008-0074

[Transmittal of Final Order](#)

[Staff Summary Report](#)

[Tentative Order](#)

- *E. **Rhodia Inc., Martinez Plant, Contra Costa County** – Updated Waste Discharge Requirements and Rescission of Order No. 97-121 [Lindsay Whalin 622-2363, lwhalin@waterboards.ca.gov]

Adopted Order No. R2-2008-0075

[Staff Summary Report and Tentative Order](#)

- *F. **Pacific Atlantic Terminals LLC, Martinez Terminal, Martinez, Contra Costa County** – Adoption of Site Cleanup Requirements and Rescission of Order No. R2-2003-0019 [Vic Pal 622-2403, vpal@waterboards.ca.gov]

Adopted Order No. R2-2008-0076

[Staff Summary Report and Tentative Order](#)

- *G. **Advalloy, Inc., and East Charleston, Inc., for the property located at 844 East Charleston Road, Palo Alto, Santa Clara County** – Adoption of Final Site Cleanup Requirements [Laurent Meillier 622-3277, lemeillier@waterboards.ca.gov] (Continued)

[Staff Summary Report](#)

- *H. **Safety-Kleen (San Jose), Inc., and Clean Harbors Environmental Services, Inc., for the property located at 1021 Berryessa Road, San Jose, Santa Clara County** – Amendment of Site Cleanup Requirements [Adriana Constantinescu 622-2353, aconstantinescu@waterboards.ca.gov]

Adopted Order No. R2-2008-0077

[Staff Summary Report and Tentative Order](#)

- *I. **Cleanup Programs** – Case Closure Status Report [Chuck Headlee 622-2433, cheadlee@waterboards.ca.gov]

[Staff Summary Report](#)

ENFORCEMENT

Administrative Civil Liabilities

6. **Alum Rock School District, San Jose, Santa Clara County** – Order Setting Administrative Civil Liability for Late Submittal of Annual Monitoring Report Required Under the Statewide NPDES General Permit for Discharges of Storm Water Associated with Industrial Activity [Cecilio Felix 622-2336, cfelix@waterboards.ca.gov] (Continued)

[Staff Summary Report](#)

[ACL Tentative Order](#)

[ACL Complaint](#)

[Comment Letter](#)

7. **Hammon Plating Corporation, Palo Alto, Santa Clara County** – Order Setting Administrative Civil Liability for Late Submittal of Annual Monitoring Report Required Under the Statewide NPDES General Permit for Discharges of Storm Water Associated with Industrial Activity [Cecilio Felix 622-2336, cfelix@waterboards.ca.gov] (Continued)

Adopted Complaint No. R2-2008-0035

[Staff Summary Report](#)

[ACL Tentative Order](#)

[ACL Complaint](#)

[Comment Letter](#)

8. **VVP American, Inc., Santa Clara, Santa Clara County** – Order Setting Administrative Civil Liability for Late Submittal of Annual Monitoring

Report Required Under the Statewide NPDES General Permit for Discharges of Storm Water Associated With Industrial Activity [Cecilio Felix 622-2336, cfelix@waterboards.ca.gov]

Adopted Complaint No. R2-2008-0036

[Staff Summary Report](#)

[ACL Tentative Order](#)

[ACL Complaint](#)

[Comment Letter](#)

WASTE DISCHARGE REQUIREMENTS

9. **U.S. Fish and Wildlife Service and California Department of Fish and Game, South Bay Salt Pond Restoration Project (SBSPRP), Phase I – Issuance of Waste Discharge Requirements**
[Andrée Greenberg 622-2324, agreenberg@waterboards.ca.gov, Robert Schlipf 622-2478, rschlipf@waterboards.ca.gov, Brian Wines 622-5680, bwines@waterboards.ca.gov]

Adopted Order No. R2-2008-0078

[Staff Summary Report](#)

[Revised Tentative Order](#)

[SBSP Comments on the Tentative Order, Ritchie cover email](#)

[SBSPRP Correspondence, Ritchie/Shellenberger cover email](#)

[SBSPRP Comments on the Tentative Order](#) (xls)

[Final Staff Response to SBSP Comments](#)

[Eaton Resources Legacy Fund Letter of Support](#)

[Moda Resources Legacy Fund Cover Letter, Eaton Resources Legacy Fund Letter of Support](#)

[Attachments A-F](#) (one pdf file)

[Attachment A Figures 1 thru 8](#)

[Attachment B Tables](#)

[Attachment C Final Adaptive Management Plan](#)

[Attachment D Water Quality Self Monitoring Program](#)

[Attachment E Draft SBSP Monitoring Plan](#)

[Attachment F Standard Provisions](#)

10. **Correspondence**

11. **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)].

12. **Closed Session – Litigation**

The Board will meet in closed session to discuss whether to initiate litigation. [Authority: Government Code Sections 11126(e)(1) and 11126(2)(B)-(C)].

13. **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)].

14. **Adjournment to the next Board meeting** – August 22, 2008

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. Additional information on making presentations to the Board is available at 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. (Rev. 7-08)

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

Name	City of Residence	Appointment Category
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
Alec Naugle, 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

July 8 and 9, 2008

NPDES Permits and Cease and Desist Order

Adopted Order No. R2-2008-0056 Reissuance of NPDES Permit for
Bottling Group, LLC, Bottling Group Hayward Plant, Hayward, Alameda County

Adopted Order No. R2-2008-0057 Reissuance of NPDES Permit for
Marin County Sanitary District No. 5, Sanitary District No. 5 Wastewater Treatment Plant, Tiburon, Marin County

Adopted Order No. R2-2008-0059 Issuance of Cease and Desist Order for
Marin County Sanitary District No. 5, Sanitary District No. 5 Wastewater Treatment Plant, Tiburon, Marin County

Adopted Order No. R2-2008-0062 Issuance of New NPDES Permit as Amended for **Allied Defense Recycling, Mare Island Shipyard Dry Docks, Vallejo, Solano County**

Waste Discharge Requirements

Adopted Resolution No. R2-2008-0053 Adoption of Resolution Certifying a Negative Declaration for
Conditional Waiver of Waste Discharge Requirements for Grazing Operations in the Tomales Bay Watershed

Adopted Resolution No. R2-2008-0054 Adoption of Resolution Conditionally Waiving Waste Discharge Requirements for **Grazing Operations in the Tomales Bay Watershed**

Site Cleanup Requirements

Adopted Order No. R2-2008-0058 Adoption of Final Site Cleanup Requirements for **Siliconix, Inc., for the property located at 2201 Laurelwood Road, Santa Clara, Santa Clara County**

Adopted Order No. R2-2008-0060 Adoption of Final Site Cleanup Requirements for **Owens-Brockway Glass Container, Inc., and Gumtree, LLC, for the property located at 22302 Hathaway Avenue, Hayward, Alameda County**

Planning

Adopted Resolution No. R2-2008-0061 Adopted Resolution **Amending the Water Quality Control Plant (Basin Plan) for the San Francisco Bay Region to Establish a Total Maximum Daily Load (TMDL) and Implementation Plan for Pathogens in Richardson Bay**

Other Business

Adopted Resolution No. R2-2008-0055 Adopted Resolution **Delegating Authority to Executive Officer to Issue Administrative Civil Liability Orders**