

San Francisco Bay Regional Water Quality Control Board

AGENDA
Wednesday, November 9, 2016
9:00 a.m.

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

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. **Thank You to John Muller on His Retirement from the Water Board after 20 Years of Service**
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] and contact Board staff to determine whether a matter is a pending adjudicatory matter.
4. **[Minutes of the Board Meeting for October 12, 2016](#)**
5. **[Chairman's, Board Members', and Executive Officer's Reports](#)**
6. **Uncontested Items**
 - A. **USS-POSCO Industries, Pittsburg Plant, Pittsburg, Contra Costa County —**
Reissuance of NPDES Permit
[Vince Christian, 510-622-2336, Vince.Christian@waterboards.ca.gov]

[Final Order R2-2016-0043](#)
[Staff Summary Report and Tentative Order](#)
 - B. **Phillips 66 Company, San Francisco Refinery, Rodeo, Contra Costa County —**
Reissuance of NPDES Permit

[John Madigan, 510-622-2405, John.Madigan@waterboards.ca.gov]

[Final Order R2-2016-0044](#)
[Staff Summary Report and Revised Tentative Order](#)

NPDES Permit

7. **Schnitzer Steel Industries, Inc., Schnitzer Steel Products Company, Oakland, Alameda County** — Issuance of NPDES Permit
[Jessica Watkins, 510-622-2349, Jessica.Watkins@waterboards.ca.gov]

[Final Order R2-2016-0045](#)
[Staff Summary Report and Revised Tentative Order](#)

Waste Discharge Requirements

8. **Santa Clara Valley Water District and U.S. Army Corps of Engineers, Upper Berryessa Creek Flood Risk Management Project, Santa Clara County** — Adoption of Waste Discharge Requirements and Water Quality Certification
[Susan Glendening, 510- 622-2462, Susan.Glendening@waterboards.ca.gov]

[Staff Summary Report](#)

Recycled Water Policy Implementation

9. **Santa Clara Valley Water District, Concurrence with Findings of the Salt and Nutrient Management Plan for the Santa Clara Subbasin -**
Hearing to Consider Adoption of Tentative Resolution
[Nathan King, 510-622-3966, Nathan.King@waterboards.ca.gov]

[Final Order R2-2016-0046](#)
[Staff Summary Report and Tentative Resolution](#)

Other Business

10. **Proposed Updates to 2010 Water Quality Enforcement Policy and Overview of the Penalty Methodology** — Information Item
[David Boyers, Assistant Chief Counsel of the State Water Resources Control Board's Office of Enforcement, 916-341-5276, David.Boyers@waterboards.ca.gov]

[Executive Officer Summary Report](#)

11. **Estuary Blueprint – The 2016 Comprehensive Conservation and Management Plan**
– Presentation on the 2016 CCMP Update by Caitlin Sweeney, Director of the San Francisco Estuary Partnership

[Staff Summary Report](#)

12. **Correspondence**

13. Closed Session – Personnel

The Board may meet in closed session to discuss personnel matters.
[Authority: Government Code section 11126(a)]

14. Closed Session – Litigation

The Board may meet in closed session to discuss significant exposure to litigation. The Board also may meet to discuss whether or not to initiate litigation.
[Authority: Government Code sections 11126(e)(1) and 11126(2)(B)-(C)]

Items the Board may discuss include the following:

- San Francisco Baykeeper, Inc. v. California Regional Water Quality Control Board, San Francisco Bay Region, et al. (Alameda County Superior Court No. RG15776089)
- United Artists Theatre Circuit, Inc. v. State Water Resources Control Board and San Francisco Bay Regional Water Quality Control Board (Alameda County Superior Court No. RG16811955)

15. 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)]

16. Adjournment to the Next Board Meeting – December 14, 2016

NOTES ON WATER BOARD AGENDA

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. 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 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**Water Board Members**

Name	City of Residence
Terry F. Young, Chair	Oakland
James McGrath, Vice Chair	Berkeley
Newsha Ajami	San Francisco
William D. Kissinger	Mill Valley
John Muller	Half Moon Bay
Steve Lefkovits	Emeryville
Cecilia Ogbu	San Francisco

Water Board Staff**Executive Officer**

Bruce H. Wolfe

Assistant Executive OfficersThomas Mumley
Dyan Whyte**Counsel to the Board**Tamarin Austin
Marnie Ajello**Executive Assistant**

Angela Tsao

Management Services Division

Anna Torres, Chief

Planning and TMDL DivisionNaomi Feger, Chief
James Ponton, Section Leader
Kevin Lunde, Section Leader**Watershed Management Division**Keith Lichten, Chief
Dale C. Bowyer, Section Leader
Christine Boschen, Section Leader
Xavier Fernandez, Acting Section Leader**Groundwater Protection /
Waste Containment**Terry Seward, Chief
Alec Naugle, Section Leader
David Elias, Section Leader
Keith Roberson, Section Leader**Wastewater Control and
Enforcement Division**Bill Johnson, Chief
Mary Boyd, Section Leader
Brian Thompson, Section Leader
Vacancy, Section Leader**Toxics Cleanup Division**Stephen Hill, Chief
John D. Wolfenden, Section Leader
Laurent Meillier, 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 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 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 (415) 457-4417.