

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

September 14, 2011

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 September 14, 2011 at approximately 8:57 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; Shalom Eliahu; James McGrath; Steven Moore; Rameshwar Singh.

Board members absent: William Peacock.

Tam M. Doduc, Member, State Water Resources Control Board, and liaison to Region 2, addressed the Board.

Item 2 - Public Forum

Michael S. Connor, General Manager, East Bay Dischargers Authority, addressed the Board.

Item 3 – Minutes of the October 13, 2010 Board Meeting

The Minutes of the October 13, 2010 Board Meeting were adopted by the Board.

Item 4 – 2011 Dr. Teng-chung Wu Pollution Prevention Award – Presentation of Award in Recognition of Exceptional Accomplishments in Pollution Prevention in the San Francisco Bay Area

Bruce H. Wolfe made introductory comments. Bill Johnson gave a staff presentation and said the 2011 Dr. Teng-chung Wu Pollution Prevention Award was being given to the City of Millbrae. He said the City was being honored for the amount and diversity of outreach efforts in its water pollution prevention program.

Mr. Muller presented the 2011 Dr. Teng-chung Wu Award to Catherine Allin, representing the City of Millbrae Water Pollution Prevention Program. Ms. Allin addressed the Board and said how much she appreciated the honor. She said the City was delighted the Board recognized it for its efforts. Board members, members of the audience, and staff further honored Ms. Allin and the City with a round of applause.

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

Mr. Wolfe addressed the Board.

Item 6 – Consideration of Uncontested Items

Mr. Wolfe recommended adoption of Items 6A and 6B. He said Item 6C was not an action item. Mr. Moore said he would like to recuse himself from voting on Item 6A. The Board adopted Item 6A, with a recusal by Mr. Moore, and Item 6B.

Item 7 – Proposed Amendment to the Water Quality Control Plan (Basin Plan) to Refine the Beneficial Uses of Hayward Marsh – Hearing to Consider Adoption of the Proposed Basin Plan Amendment

Mr. Wolfe made introductory comments. The Board received testimony from Jan O’Hara, Staff Engineer, and Richard B. Currie, General Manager, Union Sanitary District. Staff replied to Board members questions and comments.

Mr. Wolfe recommended amending Finding 10 of the Tentative Resolution to read “The proposed amendment is necessary to refine the beneficial uses for Hayward Marsh and clarify the bacterial water quality objectives that apply to it.”

The Board adopted the Tentative Resolution with the amendment recommended by the Executive Officer.

Item 8 – East Bay Regional Park District, Union Sanitary District, and East Bay Dischargers Authority, Hayward Shoreline Marsh, Hayward, Alameda County – Reissuance of NPDES Permit

Mr. Wolfe made introductory comments. The following people testified: John H. Madigan, Staff Engineer; Richard B. Currie, General Manager, Union Sanitary District; and Matthew Gaul, Water Resource Manager, East Bay Regional Park District.

Board members, Mr. Gaul, Michael S. Connor, General Manager, East Bay Dischargers Authority, and staff participated in discussion.

Mr. Wolfe recommended adoption of the Revised Tentative Order. The Board adopted the Revised Tentative Order.

The Board took a break at 11:14 a.m. and resumed the meeting at 11:24 a.m.

Item 9 – Conditional Waiver of Waste Discharge Requirements for Grazing Operations in the Napa River and Sonoma Creek Watersheds
– Adoption of CEQA Mitigated Negative Declaration

Item 10 – Conditional Waiver of Waste Discharge Requirements for Grazing Operations in the Napa River and Sonoma Creek Watersheds
– Adoption of Conditional Waiver

Mr. Wolfe made introductory comments. Rico Duazo gave a staff presentation that addressed Items 9 and 10. Staff replied to Board members' questions.

Mr. Wolfe recommended adoption of the Tentative Resolution for Item 9. The Board adopted the Tentative Resolution.

Mr. Wolfe recommended adoption of the Revised Tentative Resolution for Item 10. The Board adopted the Revised Tentative Resolution.

Item 13B – Closed Session - Litigation

At approximately 12:13 p.m. the Board met in closed session to discuss pending litigation, *People of the State of California ex rel. Department of Fish and Game, California Regional Water Quality Control Board, San Francisco Region, and State Lands Commission v. Regal Stone Ltd.; Hanjin Shipping Co. Ltd.; Synergy Management Services; Synergy Marine Ltd.; John J. Cota; and Does 1 Through 100* (United States District Court, Northern District of California, Case No. 09-CV-1469). At approximately 12:34 p.m. the Board concluded the closed session.

Item 15 - Adjournment

The meeting was adjourned at approximately 12:34 p.m.