

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

September 10, 2008

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Item 1 – Roll Call and Introductions

The meeting was called to order on September 10, 2008 at 9:09 a.m. in the State Office Building Auditorium, First Floor, 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.

Item 2 – Public Forum

Roger James, speaking on his own behalf, said marine animals may be harmed as a result of ingesting ocean debris. He said most ocean debris originates from land based sources. He recommended action be taken to reduce the amount of debris that enters Bay Area creeks and is transported to the Pacific Ocean.

Mr. James discussed the importance of developing and maintaining stormwater management practices.

Jen Jackson, Community Affairs Representative, East Bay Municipal Utility District, discussed the No Drugs Down the Drain campaign. She said the campaign is directed at educating residents about harm that may result when medications are disposed of down drains and at providing information on alternative disposal options.

Item 3 – Minutes of the April 9, 2008 Board Meeting

Motion: It was moved by Mr. McGrath, and it was seconded, and unanimously voted to adopt the minutes of the April 9, 2008 Board meeting.

Item 4 - Chairman's, Board Members', and Executive Officer's Reports

Terry Young said she met recently with Gary Wolff, State Board member and liaison to Region 2. She said they had a general discussion about ways to protect water quality.

Bruce Wolfe said on August 22, 2008 U.S. Environmental Protection Agency honored John Muller and his wife with the Presidential Volunteer Service Award for their commitment to implementing sustainable urban agricultural practices.

Mr. Muller thanked Mr. Wolfe for his comments and said he felt privileged to receive the Award.

Rameshwar Singh and Dr. Young congratulated Mr. Muller for being honored with the Award.

Item 5 – 2008 Dr. Teng-chung Wu Pollution Prevention Award – Presentation of Award in Recognition of Exceptional Accomplishments in Pollution Prevention in the San Francisco Bay Area

Heather Ottaway said the Dr. Teng-chung Wu Pollution Prevention Award honors the late Dr. Wu's dedication to improving water quality through pollution prevention. She said pollution prevention involves reducing pollutants at their source rather than reducing pollutant levels through wastewater treatment processes.

Ms. Ottaway announced the San Francisco Public Utilities Commission was the recipient of the 2008 Award for their very successful SFGreasecycle program.

Ms. Ottaway recognized Central Contra Costa Sanitary District for developing an outstanding mercury reduction program. She recognized Central Contra Costa Sanitary District and Mt. View Sanitary District for developing a household hazardous waste and pharmaceutical disposal program.

Karri Ving, Biofuel Coordinator, San Francisco Public Utilities Commission, thanked the Board for the honor of receiving the 2008 Award. She said SFGreasecycle provides a free service to restaurants by collecting waste cooking oil. She said the program helps keep cooking oil from being placed down drains and clogging the sanitary collection system.

Ms. Ving said in developing the program, Public Utilities Commission staff realized cooking oil could be used as a resource and recycled into biofuel to fuel the City fleet. She recognized program staff David Silvestri and Joshua Mire for their outstanding work. She described efforts to expand the program to include residential households and to include collection of brown grease.

Mr. McGrath, Mr. Moore, and Dr. Singh commended the Commission for developing a program to convert a product perceived to be a waste into a resource.

Mr. Muller presented a Certificate to Ms. Ving commending the San Francisco Public Utilities Commission for outstanding innovation in pollution prevention exhibited through development and implementation of the SFGreasecycle program.

Item 6 – Consideration of Uncontested Items

Mr. Wolfe said staff distributed a Supplemental to Item 6A.

Mr. Wolfe recommended adoption of the Uncontested Items including the Supplemental to Item 6A.

Motion: It was moved by Mr. Eliahu, seconded by Mr. McGrath, and it was voted unanimously to adopt the Uncontested Items as recommended by the Executive Officer.

[The Board took at break at 10:09 a.m. and resumed the meeting at 10:17 a.m.]

Item 7 – Alum Rock Union Elementary School District, San José, Santa Clara County – Hearing to Consider 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 (Continued from the August 13, 2008 Board Meeting)

Tom Mumley, Keith Lichten, and Cecilio Felix served as prosecutorial staff. Bruce Wolfe and David Rice served as Board advisory staff.

Prosecutorial staff said this Item was heard at the August Board meeting and was continued to the September Board meeting.

Prosecutorial staff discussed the Revised Tentative Order.

John Teliha, Director, Maintenance, Operations, and Transportation Department, Alum Rock Union Elementary School District, addressed the Board.

Mr. McGrath made a motion to approve the Revised Tentative Order.

Dr. Young seconded the motion.

A vote was held on the motion.

Roll Call:

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

No: None.

Motion passed 6 – 0.

Item 8 – Storybook Mountain, Calistoga, Napa County – Hearing to Consider 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

This Item was continued to the October Board meeting.

Item 9 – Willow Brook Feeds, Petaluma, Sonoma County – Hearing to Consider Administrative Civil Liability for Late Submittal of Annual Monitoring Report Required Under the Statewide NPDES General Permit of Discharges of Storm Water Associated with Industrial Activity

Tom Mumley, Keith Lichten, and Michelle Rembaum-Fox served as prosecutorial staff. Bruce Wolfe and Dorothy Dickey served as Board advisory staff.

Prosecutorial staff gave presentations.

Prosecutorial staff replied to a question asked by advisory staff.

Dave Martinelli, Vice President Finance, Willow Brook Feeds, testified.

Matt Junkel, General Manager, Willow Brook Feeds, replied to questions asked by Mr. McGrath.

Mr. Moore made comments.

Prosecutorial staff replied to a question asked by Dr. Singh.

Mr. Muller made comments.

Board advisory staff replied to a question asked by Mr. McGrath.

Mr. McGrath made comments.

Mr. Eliahu made a motion to adopt the Tentative Order.

Mr. McGrath seconded the motion.

Dr. Young and Mr. Moore spoke in favor of the motion.

Prosecutorial staff replied to a question asked by Mr. Moore.

Mr. Martinelli testified.

Mr. Muller made comments.

A vote was held on the motion.

Roll Call:

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

No: None.

Motion passed 6 – 0.

Item 10 – Domaine Mumm, Rutherford, Napa County – Hearing to Consider 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

This Item was continued to the October Board meeting.

Item 11 – Eagle Marine, Martinez, Contra Costa County – Hearing to Consider 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

This Item was continued to the October Board meeting.

Item 12 – Nicasio Rock Quarry, Nicasio, Marin County – Hearing to Consider 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

Bruce Wolfe said the permittee waived the right to a hearing and no Board action was necessary.

Item 13 – Dr. Collin Mbanugo, Leona Heights Sulfur Mine, Oakland, Alameda County – Hearing to Consider Administrative Civil Liability for Violations of California Water Code Section 13267

Dr. Young recused herself from consideration of this Item.

Dyan Whyte, Chris Carrigan, Dorothy Dickey, Alan Friedman, Keith Roberson, Curtis Scott, and Terry Seward served as prosecutorial staff. Tom Mumley and David Rice served as Board advisors.

Prosecutorial staff gave presentations.

Prosecutorial staff and advisory staff replied to questions asked by Mr. McGrath, Dr. Singh, and Mr. Moore.

Dr. Collin Mbanugo testified.

Peter Mundy, Peters & Ross, testified on behalf of Dr. Mbanugo.

Mr. Muller made comments.

Mr. Mundy continued with his testimony.

Dr. Akali Igbene, Moju Environmental Technologies, testified on behalf of Dr. Mbanugo.

Dr. Mbanugo replied to questions asked by Mr. McGrath.

Prosecutorial staff replied to questions asked by Mr. McGrath and Dr. Singh and to comments made by Mr. Muller.

Mr. McGrath made a motion recommending approval of the Administrative Civil Liability in the amount proposed by prosecutorial staff.

Mr. Moore seconded the motion.

Mr. McGrath, Mr. Eliahu, Mr. Moore, Dr. Singh, Mr. Muller made comments.

Mr. Muller requested that a payment plan be added.

Board advisory staff said the Executive Officer and the Respondent could work out a payment plan.

A vote was taken on the motion.

Roll Call:

Aye: Mr. Eliahu; Mr. McGrath; Mr. Moore, Dr. Singh; Mr. Muller.

No: None.

Recusal: Dr. Young.

Motion passed 5 – 0.

[The Board convened in closed session at 12:07 p.m. and concluded the closed session at 12:30 p.m.]

Item 18 – Adjournment

The Board meeting was adjourned at 12:30 p.m.