

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

March 11, 2009

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Item 1 – Roll Call and Introductions

The meeting was called to order on March 11, 2009 at approximately 9:00 a.m. in the State Office Building Auditorium, First Floor, 1515 Clay Street, Oakland.

Board members present: John Muller, Chair; Shalom Eliahu; James McGrath; Steven Moore; William Peacock; Rameshwar Singh.

Board members absent: Terry Young, Vice-Chair.

Mr. Muller said Charles Hoppin had been appointed Chair of the State Water Resources Control Board.

Item 2 – Public Forum

Terry Preston, Mike Preston, and John Kosbsky, speaking on their own behalf, expressed concern that stormwater from a construction project is transporting sediment to an East Bay creek. Mrs. Preston gave staff an information package on the subject.

Danielle Rinsler, Planning Director, San Francisco International Airport, made comments that were directed towards Item 5C. She thanked staff for work on the Revised Tentative Order. She said Nixon Lam, Manager of Environmental Affairs, was present at the meeting.

Item 3 – Minutes of the November 12, 2008 Board Meeting

Motion: It was moved by Mr. McGrath, seconded by Mr. Moore, and it was voted unanimously to adopt the Minutes of the November 12, 2008 Board Meeting

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

Mr. McGrath said he recently met with Laurel Marcus, Executive Director, California Land Stewardship Institute. He said they discussed the Fish Friendly Farming program and an offer was extended to tour some sites.

Mr. McGrath said he had a telephone conversation with Jay Ach, Port of San Francisco, regarding contaminated sediments.

Mr. McGrath discussed legislative bills.

Dr. Singh said he attended a recent Water Education Workshop.

Mr. Moore reported meeting with the San Francisco Baykeeper and Baykeeper staff. He said they discussed ballast water issues.

Mr. Wolfe addressed the Board.

Dyan Whyte said staff will show two documentary films later in the day. She said the first film will focus on the work the Water Boards perform. She said the film will be used to inform the public about Water Board activities and to recruit new staff. She said the second film will focus on water, wastewater, and stormwater infrastructure systems. She said the film includes a discussion about the importance of maintaining infrastructure systems.

Item 5 – Consideration of Uncontested Items

Mr. Muller said speakers would like to be heard on Item 5A.

Mr. Wolfe recommended Item 5A be removed from the uncontested items. He said there was a supplemental to Item 5B.

Mr. Wolfe recommended adoption of Item 5B, as supplemented, and Item 5C.

Mr. Moore spoke in favor of Item 5C.

Mr. McGrath complimented staff for work on the uncontested items.

Motion: It was moved by Mr. Peacock, seconded by Mr. Eliahu, and it was voted to adopt Item 5B, as supplemented, and Item 5C, as recommended by the Executive Officer.

Roll Call:

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

No: None

Motion passed 6 – 0.

Item 5A – Cities of San José and Santa Clara, San José/Santa Clara Water Pollution Control Plant and Collection System, San José and Santa Clara, Santa Clara County – Reissuance of NPDES Permit

Tong Yin gave the staff presentation.

Dale Ihrke, Deputy Director, Environmental Services Department, City of San José, testified. He requested modifications to the Revised Tentative Order.

Mollie Dent, Senior Deputy City Attorney, City of San José, testified. She requested modifications to the Revised Tentative Order.

Alan Kurotori, Director of Water & Sewer Utilities, City of Santa Clara, testified. He requested modifications to the Revised Tentative Order.

Alexander Abbe, Assistant City Attorney, City of Santa Clara, testified. He requested modifications to the Revised Tentative Order.

Ken Greenberg, Manager, Clean Water Act Compliance Office, U.S. EPA, Region IX, testified.

Staff replied to questions from Mr. Moore, Mr. McGrath, and Mr. Peacock.

Mr. Moore commented.

Staff replied to questions from Mr. Peacock.

Mr. Wolfe replied to questions from Dr. Singh.

Mr. McGrath commented.

Mr. Wolfe replied to a comment from Mr. Muller.

Ms. Dent replied to questions from Mr. Peacock.

Mr. Wolfe replied to a question from Mr. Muller.

Mr. Wolfe stated possible modifications to the Revised Tentative Order.

Staff replied to questions from Dr. Singh.

Mr. McGrath asked whether it would be helpful for the Board to consider action on the Revised Tentative Order at the next Board meeting. He asked whether staff would be able to develop a proposal for specific modifications.

Mr. Peacock concurred with Mr. McGrath.

Mr. Wolfe said at the April Board meeting, staff would recommend modifications to the Revised Tentative Order.

Mr. Muller said the Item would be continued to the April Board meeting.

[The Board took a brief recess and resumed the meeting at the conclusion of the recess.]

Item 6 – Crystal Springs County Sanitation District, San Mateo County – Hearing to Consider Adoption of Order Imposing Administrative Civil Liability for Discharge of Untreated Wastewater into Waters of the State

Item 7 – Town of Hillsborough, San Mateo County – Hearing to Consider Adoption of Order Imposing Administrative Civil Liability for Discharge of Untreated Wastewater into Waters of the State

Item 8 – City of San Mateo, San Mateo County – Hearing to Consider Adoption of Order Imposing Administrative Civil Liability for Discharge of Untreated Wastewater into Waters of the State

Mr. Wolfe said no Board action was necessary on Items 6, 7, and 8. He said as Executive Officer, he was delegated authority by the Board to sign tentative orders for administrative civil liabilities if significant public comment was not received. He said significant comment was not received on the proposed tentative orders.

Staff replied to questions from Mr. Peacock and Mr. McGrath.

Item 9 – City of San Mateo, Town of Hillsborough, and Crystal Springs County Sanitation District, San Mateo County – Issuance of Cease and Desist Order

Dyan Whyte, Dorothy Dickey, Lila Tang, Gina Kathuria, and Michael Chee served as Board prosecutorial staff. Bruce Wolfe and Yuri Won served as Board advisory staff.

Persons representing respondents introduced themselves:
Jim Porter, Director of Public Works, County of San Mateo, and District Engineer, Crystal Springs County Sanitation District;
Darla Reams, Deputy Director of Public Works, City of San Mateo;
Martha DeBry, Public Works Director, Town of Hillsborough;
Melissa Thorne, Legal Counsel on behalf of the Town of Hillsborough;
John Nibbelin, Deputy County Counsel, Office of San Mateo County Counsel, and Legal Counsel on behalf of Crystal Springs County Sanitation District; and
Monica Oakley, Oakley Water Strategies, on behalf of the City of San Mateo.

Introductory comments and a staff presentation were given by prosecutorial staff.

Prosecutorial staff replied to questions from Dr. Singh and a question from Mr. Muller.

Ms. Reams testified.

Ken Greenberg, Manager, Clean Water Act Compliance Office, U.S. EPA, Region IX, testified.

Amy Chastain, Staff Attorney, San Francisco Baykeeper, testified.

There was discussion between Mr. Muller and Ms. Chastain.

Mr. Muller commented.

Ms. DeBry testified.

Mr. Porter testified.

Mr. Muller commented.

There was discussion by Mr. Moore and Dr. Singh.

Board advisory staff discussed a procedural question.

Prosecutorial staff discussed the procedural question.

There was discussion by Mr. McGrath and prosecutorial staff.

Board advisory staff recommended adoption of the Revised Tentative Cease and Desist Order.

Motion: It was moved by Mr. Peacock, seconded by Dr. Singh, it was voted to adopt the Revised Tentative Cease and Desist Order as recommended by Board advisory staff.

Roll Call:

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

No: None

Motion passed 6 – 0.

[The Board convened in closed session at approximately 11:45 a.m. At approximately 12:00 p.m., the Board concluded the closed session and the meeting was adjourned.]

Item 15 – Adjournment

The meeting was adjourned at approximately 12:00 p.m.