

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

April 8, 2009

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 April 8, 2009 at 9:03 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; William Peacock; Rameshwar Singh.

Board members absent: None.

Tam Doduc, Member, State Water Resources Control Board, and liaison to Region 2, said Frances Spivy-Weber and she had been reappointed to serve on the State Board. She said Charles Hoppin had been appointed to serve as Chair of the Board.

Item 2 – Public Forum

David Lewis, Executive Director, Save the Bay, said people are paying attention to the recent Board action recommending additions to the Section 303(d) list for Bay Area waters impaired by trash. He said Save the Bay is working with several other organizations to provide pollution prevention education programs to low-income students. He gave staff a copy of the current newsletter of Save the Bay.

Item 3 – Minutes of the December 10, 2008 Board Meeting

Motion: It was moved by Mr. McGrath, seconded by Mr. Eliahu, and it was voted unanimously to adopt the Minutes of the December 10, 2008 Board Meeting.

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

Dr. Young said during February 2009, she attended a week-long professional meeting that dealt with selenium issues.

Mr. Wolfe said Curtis Scott, Chief of the Groundwater Protection/Waste Containment Division, will be retiring at the end of the month.

Mr. Muller thanked Mr. Scott for his years of service. Board members, staff, and members of the audience recognized Mr. Scott with a round of applause.

Item 5 – Consideration of Uncontested Items

Mr. Wolfe said speakers would like to be heard on Item 5D and recommended removal of the Item from the uncontested items. With that change, he recommended adoption of the uncontested items.

Mr. McGrath made a motion to adopt the uncontested items as recommended by the Executive Officer.

Mr. Peacock seconded the motion.

Mr. Moore recused himself from voting on Item 5A.

A vote was taken on the motion. The motion passed unanimously, with Mr. Moore's recusal on Item 5A.

Item 5D – Lois and Greg Tonnesen – Tonnesen Pet Cemetery, Suisun City, Solano County – Adoption of Updated Waste Discharge Requirements and Rescission of Order No. 87-105

Keith Roberson gave the staff report.

Dr. Roberson replied to questions asked by Mr. McGrath, Dr. Young, and Mr. Peacock.

Mr. Eliahu commented.

Dr. Roberson replied to questions asked by Mr. Moore.

Greg Tonnesen, Tonnesen Pet Cemetery, testified.

Tom Vercoutare, Consultant, on behalf of Tonnesen Pet Cemetery, testified.

June Guidotti, speaking on her own behalf, testified.

George Guynn, Jr., speaking on his own behalf, testified.

Roberto Valdez, speaking on his own behalf, testified.

Dr. Roberson replied to a question from Dr. Singh.

Mr. Wolfe commented.

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

Dr. Roberson replied to questions from Mr. McGrath and Dr. Singh.

Mr. Muller commented.

Mr. Wolfe commented.

Mr. Wolfe recommended adoption of the Revised Tentative Order.

Mr. Eliahu made a motion to adopt the Revised Tentative Order as recommended by the Executive Officer.

Dr. Young seconded the motion.

Mr. McGrath commented.

There was a vote on the motion.

Roll Call:

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

No: None

Motion passed 7 – 0.

Item 6 – Sewerage Agency of Southern Marin, Mill Valley, Marin County – Adoption of Order Imposing Administrative Civil Liability for Discharge of Untreated and Partially Treated Wastewater into Waters of the State

Mr. Wolfe said the Revised Tentative Order would be issued administratively. He said no Board action was necessary.

Item 7 – City of San José, City of Santa Clara, San José/Santa Clara Water Pollution Control Plant, a joint powers authority for the San José/Santa Clara Water Pollution Control Plant, City of San José's Collection System, and City of Santa Clara's Collection System, San José and Santa Clara, Santa Clara County (Continued from the March 11, 2009 Board meeting) - Reissuance of NPDES Permit

Dr. Young said a hearing on this Item was held at the March 11, 2009 Board meeting. She said she did not attend the meeting. She said she reviewed a transcript of the hearing and was prepared to consider the Item today.

Tong Yin said the Board continued the March 2009 hearing until today. She discussed revisions staff made to the Revised Tentative Order since the March hearing.

Alexander Abbe, Assistant City Attorney, City of Santa Clara, thanked the Board and staff for taking time to revise the proposed permit to clarify roles of the City of San José and the City of Santa Clara.

Jim Ervin, Supervising Environmental Services Specialist, Environmental Services Department, City of San José, concurred with Mr. Abbe's comment and thanked Tong Yin, John Madigan, Bill Johnson and Lila Tang for their work in preparing the proposed permit.

Mr. Peacock thanked staff for revising the proposed permit.

Mr. McGrath made a motion to approve the revised staff recommendation.

Mr. Peacock seconded the motion.

Mr. Moore thanked the permittees and staff for their efforts.

A vote was taken on the motion.

Roll Call:

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

No: None

Motion passed 7 – 0.

[The Board took a recess at 10:57 a.m. and resumed the meeting at 11:02 a.m.]

Item 8a – Fairfield-Suisun Sewer District, Fairfield-Suisun Wastewater Treatment Plant and Collection System, Fairfield, Solano County – Reissuance of NPDES Permit

Item 8b – Fairfield-Suisun Sewer District, Fairfield-Suisun Wastewater Treatment Plant and Collection System, Fairfield, Solano County – Adoption of Cease and Desist Order

John Madigan gave a presentation that covered both Items 8a and 8b.

Mr. Madigan replied to questions from Dr. Singh, Dr. Young, and Mr. McGrath.

There were comments by Mr. Wolfe and Mr. Muller.

Greg Baatrup, Chief Operating Officer, Fairfield-Suisun Sewer District, testified.

Mr. Baatrup replied to questions from Mr. Moore and Mr. McGrath.

Mr. Moore and Mr. McGrath commented.

Mr. Wolfe said there was a Supplemental to Attachment E of the Revised Tentative Order for Item 8a.

Mr. Wolfe recommended adoption of the Revised Tentative Order for Item 8a as supplemented.

Motion: It was moved by Mr. Peacock, seconded by Mr. Moore, and it was voted to adopt the Revised Tentative Order as supplemented and as recommended by the Executive Officer.

Roll Call:

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

No: None

Motion passed 7 – 0.

Mr. Wolfe recommended adoption of the Revised Tentative Cease and Desist Order for Item 8b.

Motion: It was moved by Mr. Moore, seconded by Mr. Peacock, and it was voted to adopt the Revised Tentative Cease and Desist Order as recommended by the Executive Officer.

Roll Call:

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

No: None

Motion passed 7 – 0.

Item 9 – Aramburu Island Restoration Project, Richardson Bay, Marin County – Adoption of Resolution Requesting Funding From the State Water Pollution Cleanup and Abatement Account

Dyan Whyte introduced Marc Holmes, Bay Restoration Program Director, The Bay Institute of San Francisco; Brooke Langston, Center Director, Richardson Bay Audubon Center & Sanctuary; and Suzanne Olyarnik, Bay Ecologist, Richardson Bay Audubon Center & Sanctuary.

Ms. Whyte, Mr. Holmes, and Ms. Olyarnik gave presentations.

Ms. Whyte replied to questions from Board members.

Mr. Wolfe recommended adoption of the Tentative Resolution.

Motion: It was moved by Mr. Peacock, seconded by Mr. Eliahu, and it was unanimously voted to adopt the Tentative Resolution as recommended by the Executive Officer.

Item 10 – The Dynamic Nature of Bar Built Estuaries – Pescadero Lagoon as a Case Example

Dr. Curt Storlazzi, US Geological Survey, Western Coastal and Marine Geology Team, Pacific Science Center, gave a presentation about the physical dynamics of bar built estuaries.

Item 15 – Adjournment

The meeting was adjourned at approximately 12:25 p.m.