

AGENDA

December 13, 2023
9:00 a.m.

Elihu M. Harris Building
First Floor Auditorium
1515 Clay Street Oakland, CA 94612
and via Video and Teleconference

Video and Teleconference Option: This meeting will occur with both a physical meeting location and an option to participate from a remote location. Pursuant to Government Code section 11133, one or more board members may participate remotely.

For those who wish to comment on an agenda item or are presenting to the Board, additional information about participating telephonically or via the remote meeting solution is available here: (https://www.waterboards.ca.gov/sanfranciscobay/board_info/remote_meeting/)

For those who only wish to watch the meeting, the customary webcast remains available at: <https://cal-span.org/> and should be used UNLESS you intend to comment.

1. Welcome and Roll Call

2. 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.

3. [Minutes of November 8, 2023 Board Meeting](#)

4. [Chair's, Board Members', and Executive Officer's Reports](#)

Basin Plan

5. **Proposed Amendment to the Water Quality Control Plan for the San Francisco Bay Basin to Correct Errors in Freshwater Metal Water Quality Objectives, to Clarify the Basis to Establish Dilution Credit for Non-Priority Pollutants, and to Allow Establishment of Alternative Cyanide Dilution Credits and Mercury Concentration Triggers for Wastewater Treatment Operations** – [Tong Yin, 510-622-2418]
tong.yin@waterboards.ca.gov]

[Staff Summary Report](#)
[Adopted Resolution, R2-2023-0026](#)
[Appendix B – Proposed Basin Plan Amendment](#)
[Final Staff Report](#)
[Appendix D – Comment Letters](#)
[Appendix E – Response to Comments](#)

Informational Item

6. **California Department of Transportation, Update on Compliance with Cease and Desist Order No. R2-2019-0007, Implementing Trash Discharge Reduction Requirements** – [Derek Beauduy, 510-622-2348, derek.beauduy@waterboards.ca.gov]

[Staff Summary Report](#)

7. **Correspondence**

8. **Closed Session – Personnel**

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

9. **Closed Session – Litigation**

The Board may meet in closed session to discuss litigation. The Board also may meet to discuss whether or not to initiate litigation.

[Authority: Government Code sections 11126(e)(1) and 11126(e)(2)(A)-(C)]

Items the Board may discuss include the following:

- Sweeney et al. v. California Regional Water Quality Control Board, San Francisco Bay Region, et al. (Solano County Superior Court; Case Nos. FCS048136 and FCS048861)
- City and County of San Francisco v. State Water Resources Control Board and California Regional Water Quality Control Board, San Francisco Bay Region (Alameda County Superior Court; Case No. RG19042575)

10. 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)]

11. Adjournment

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 or who need interpreter services. Individuals who require special accommodations or need interpreter services should contact the Executive Assistant at 510-622-2399 at least 10 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), (c), and (e)]

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

Jayne Battey, Chair
Alexis Strauss-Hacker, Vice-Chair
William D. Kissinger
Andrew Gunther
Donald Young
Letty Belin
Mark Ransom

City of Residence

Half Moon Bay
Piedmont
Mill Valley
Oakland
Morgan Hill
Oakland
Walnut Creek

Water Board Staff

Executive Officer

Eileen M. White

Assistant Executive Officer

Thomas Mumley

Executive Assistant

Julie D. Haas

Counsel to the Board

Yuri Won
Teresita “Check” Sablan

Management Services Division

Paola Castellanos, Manager

Wastewater Control and Enforcement Division

Bill Johnson, Manager
James Parrish, Section Leader
Brian Thompson, Section Leader
Robert Schlipf, Section Leader

Planning and TMDL Division

Xavier Fernandez, Manager
Laurie Taul, Section Leader
Kevin Lunde, Section Leader
Setenay Bozkurt Frucht, Section Leader

Watershed Management Division

Keith Lichten, Manager
Derek Beauduy, Section Leader
Liz Morrison, Section Leader
Margaret Monahan, Section Leader

Ground Water Protection / Waste Containment Division

Jessica Watkins, Manager
Nathan King, Section Leader
Keith Roberson, Section Leader
Celina Hernandez, Section Leader

Toxics Cleanup Division

Alec Naugle, Chief
John D. Wolfenden, Section Leader
Laurent Meillier, Section Leader
Ron Goloubow, Section Leader
Katie Kulha, 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 soil and 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.

Each Water Board meeting is recorded. You may obtain audiovisual recordings of prior board meetings at the following link: [<https://cal-span.org/static/meetings-RWQCB-SF.php>]. A copy of the written transcript may be obtained by calling California Reporting, LLC, at (510) 313- 0610.