

STATE OF CALIFORNIA  
REGIONAL WATER QUALITY CONTROL BOARD SAN  
FRANCISCO BAY REGION

MEETING DATE: November 18, 2020

**ITEM:**               **3**

**SUBJECT:**           **Minutes for the October 14, 2020 Board Meeting**

**October 14, 2020 Board Meeting**  
**Adopted November 18, 2020**

Note: Copies of orders, resolutions, and minutes are posted on the Regional Water Board's website ([www.waterboards.ca.gov/sanfranciscobay](http://www.waterboards.ca.gov/sanfranciscobay)). Information about obtaining copies of audio recordings of Board meetings may be obtained by calling the Board's file review coordinator at (510) 622-2430. Written transcripts of Board meetings may be obtained by calling California Reporting, LLC, at (510) 313-0610.

Note: **Bold text** in paragraphs for each item represent topics Board members focused on and were discussed more extensively than others.

**Item 1 – Roll Call and Introductions**

Chair James McGrath called the meeting to order at 9:09 a.m. via Zoom Virtual Meeting Platform.

<b>Board Members Present</b>	<b>Board Members Absent</b>	<b>Status</b>
Chair James McGrath		QUORUM
Vice-Chair Jayne Battey		
William Kissinger		
Newsha Ajami		
Alexis Strauss Hacker		
Andrew Gunther		

Executive Officer (EO) Michael Montgomery invited Section Leaders to introduce their new hires. Supervisor John Wolfenden introduced Staff Emma Hoffman-Davies. Supervisor Elizabeth Wells introduced Staff Andrew Rudchenko. Supervisor David Elias introduced Staff Ciroos Liaghat. Supervisor Jessica Watkins introduced Scientific Aid Kerry O'Conner.

**Item 2 – Public Forum**

Bill McNicholas, Cleanup Marinwood Plaza Oversight Committee, brought up how there are continually new orders placed on the discharger, the discharger failing to comply with many sections of the orders and then lack of enforcement against the discharger (Marinwood Plaza Site Cleanup Requirements). He said that this has been going on for 15 years and the discharger still has not completed the job and that enforcement may be necessary to take care of it.

Stephen Nestel, Cleanup Marinwood Plaza Oversight Committee, added that he and the rest of the community are expecting action to take place. He suggests the Board get serious with punitive penalties to compel compliance.

Chair McGrath thanked the commenters and said the Board's ability to respond to items not on the agenda is limited.

### **Item 3 – Dr. Teng-Chung Wu Pollution Prevention Award**

EO Montgomery invited Staff Debbie Phan to present the award. Staff Phan, Pollution Prevention Coordinator, provided background on the award and announced the winner, The City of Berkeley. The City of Berkeley received the award for their passing of the Single Use Foodware and Litter Reduction Ordinance. Mayor Jesse Arreguín and Vice Mayor Sophie Hahn accepted the award on behalf of the City. Mayor Arreguín thanked the Regional Water Board for the recognition and described how the ordinance will bring the city closer to its Zero Waste Goal. Vice Mayor Hahn talked about Berkeley's history of environmental progress and the effort undertaken to reach the final ordinance. The City of Berkeley's ordinance is the most comprehensive and far reaching measures every proposed in the United States to transition a community from plastic to re-usable food ware. Members of the Italian Parliament visited Berkeley to learn about the ordinance, and the Office of the Mayor of Paris, France, has discussed using the legislation as a model for the upcoming 2024 Olympic Games.

Chair McGrath, Board Member Kissinger, Board Member Ajami and Vice Chair Battey praised the City for their work.

### **Item 4 – Minutes of the September 9, 2020, Board Meeting**

There were no edits to consider.

Motion: Vice Chair Jayne Battey

Second: Board Member Bill Kissinger

Ayes: McGrath, Battey, Kissinger, Ajami, Hacker, Gunther

Nos: none

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### **Item 5 – Chair's, Board Members' and Executive Officer's Reports**

Board Member Gunther reported that there was a recorded conversation between Secretary of the California Department of Natural Resources and the President of the United States regarding forest maintenance and climate change. Board Member Gunther iterated Secretary Wade Crowfoot's remarks that the growing aridity of the West is a key factor in creating the new intensity of California's wildfires and that addressing climate change is just as important as addressing forest management. Then, quoting the President's reply, Board Member Gunther said that the President's comments were dangerous nonsense. He explained why the comments were both nonsense and dangerous and that we must let science be our guide as we prepare for the future. He publicly thanked Secretary Crowfoot for his leadership.

Board Member Ajami reported about the lack of public attention to the aftermath of wildfires and the growing importance of this issue.

Board Member Hacker noted the great improvement in water quality at Aquatic Park in Berkeley due to repair of tide exchange tubes. She also expressed appreciation for Staffs efforts in regards to contract tracing and fire response.

Board Member Kissinger added to Board Member Gunther's discussion of the conversation between President Donald Trump and Secretary Crowfoot.

Vice Chair Battey thanked her fellow Board members for their reminder about the importance of science. She reported on two local groups and their thoughtful work in the region, especially in regards to their "Systems Thinking" approach: The Climate Center and Thrive. Vice Chair Battey also briefed the Board on the Regional Water Board's positive meeting with Valley Water.

Chair McGrath echoed Board Member Battey's comments on the Valley Water meeting. He added to Board Member Gunther's discussion on climate change and fires. Chair McGrath shared before/after photos of UnTrash East Bay's work in cleaning up an intersection near Aquatic Park. Chair McGrath provided more details about the Aquatic Park repair of tide exchange tubes, including the Regional Water Board's involvement. He reported on the Chairs' Call, primarily the upcoming Water Quality Coordinating Committee's (WQCC) meeting. He expressed his disappointment that the WQCC will not discuss homelessness. He also noted that the Chairs' Call talked about fires and their impact on water quality and soil health. Lastly, he brought up the upcoming Board item on Strategies and Priorities for 2021.

State Board Member Tam Doduc mentioned the upcoming WQCC meeting and items on its agenda. She paid particular attention to the Governor's Executive Order on biodiversity. She announced that on December 1, 2020, the State Water Board will consider adoption of Toxicity Provisions.

EO Montgomery thanked State Board Member Doduc for State Board's leadership in increasing fees to cover employee vacancies. He shared background on his tour of San Francisquito Creek and related projects. EO Montgomery mentioned the RMP conference and Assistant Executive Officer (AEO) Thomas Mumley's leadership of that group. He provided a fire update, specifically on the Glass Fire. There were impacts to the Clover Flat Landfill and several wineries; the wineries are currently regulated with the General Stormwater Permit. The Regional Water Board will also be keeping an eye on the York dam removal in St. Helena. EO Montgomery pitched the second day of the WQCC when there will be an item on racial equity, diversity and inclusion. The Regional Water Board's efforts on this will be touched on in the priorities' discussion during the November Board Meeting. Lastly, he mentioned that USEPA will be delisting a superfund site on the peninsula in which the Regional Water Board was involved with and there may be press interest.

Break at 10:24 a.m.

Back in session at 10:36 a.m.

## **Item 6 – Consideration of Uncontested Items**

- A. Town of Yountville, Town of Yountville Wastewater Reclamation Facility and Wastewater Collection System, Yountville, Napa County**
- B. Union Sanitary District, Raymond A. Boege Alvarado Wastewater Treatment Plant Wet Weather Outfall, Union City, Alameda County**
- C. General Waste Discharge Requirements for Discharges from Aggregate Mining, Marine Sand Washing, and Sand Offloading Facilities**
- D. City of Mountain View Shoreline Regional Park, Class III Solid Waste Disposal Landfill, Mountain View, Santa Clara County – Update of Waste Discharge Requirements and Rescission of Order No. 96-0**

Chair McGrath recited the language for swearing in speakers.

EO Montgomery recommended the Board adopt the Orders.

Board Member Gunther had a question regarding Waste Discharge Requirements for the Mountain View Landfill, in particular the Sea Level Rise assessment.

Supervisor Keith Roberson pointed out that the numbers referenced by Board Member Gunther are from an earlier estimate and provided context as to the revisions that are being made using updated guidance. AEO Lisa Horowitz McCann added the specific language on projections for Sea Level Rise in the Bay.

Board Member Ajami added that she appreciated the section in the Executive Officer's report that referenced Sea Level Rise and its connection to today's Board items.

Vice Chair Battey emphasized the importance of communities incorporating the latest information in their planning as well as the Board receiving updates on Mountain View's planning.

AEO Horowitz McCann added that updates to Mountain View's plans for their landfill, based on the most current guidance on Sea Level Rise, are required at least every 5 years.

EO Montgomery pointed out that through Bay Adapt, local planners should also be kept abreast of these updates so to encourage regional collaboration across property boundaries.

AEO Horowitz McCann continued that while specifics on how entities are to respond to projections have not been added to orders, the Regional Water Board staff is developing knowledge of best practices and considering future policies or permit requirements.

Board Member Ajami brought up the financial burden of these improvements and how collaboration can help with accessing capital. EO Montgomery mentioned a conference call with a representative from the State WIFIA program where this topic was

addressed. AEO Horowitz McCann informed the board that staff is in contact with regulated entities to discuss these issues.

Vice Chair Battey asked if staff is adjusting their planning horizons to the rapidly changing, fast-paced environment. AEO Horowitz McCann answered that while it may feel like this is the case, the science isn't changing as rapidly as the collaboration is occurring.

Chair McGrath expects that guidance will likely be frequently changed but the Water Boards should not take the lead. He brought up the concern of rise in groundwater, especially as it relates to landfills.

Board Member Gunther was pleased with the engagement from a broad array of entities and while there may appear to be a lot of time to work on these issues, there needs to be a consideration of the lead time required to make the investment necessary to accommodate Sea Level Rise.

Board Member Ajami added that we also need to take into account replacing aging infrastructure.

EO Montgomery said the Regional Water Board can put together a list of projects that are in the pipeline so they can be taken into account when making shoreline resilience decisions.

Board Member Hacker brought up the General WDR on aggregate mining, sand washing and sand off-loading facilities. She suggested the Regional Water Board warn these entities off potable water, and depending on their location, move them towards using recycled water.

Chair McGrath asked for a motion.

Motion: Board Member Ajami

Second: Board Member Gunther

Ayes: McGrath, Battey, Kissinger, Ajami, Hacker, Gunther

Nos: none

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### **Information Item**

#### **Item 7 – Biosolids Disposal and Beneficial Reuse within the San Francisco Bay Region**

EO Montgomery invited Division Chief (DC) Bill Johnson to introduce the item. DC Johnson made a short presentation of biosolids management in the Region. He thanked Supervisors Maggie Monahan and Robert Schlipf and Scientific Aid Matias Tejero-Leon for their assistance in gathering the information.

DC Johnson introduced Sarah Deslauriers, Carollo Engineers, representing the Bay Area Biosolids Coalition, made a presentation on the work of the Coalition and a more in depth discussion on biosolid management in the Bay Area.

Board Member Ajami thanked Sarah for the presentation and asked two questions about biosolids in fire recovery and emerging technologies in the space. Sarah provided detailed responses to both. They continued with a discussion on the topic.

Board Member Gunther also thanked Sarah for her presentation and asked several questions about biosolids, their classifications and uses in the region. Sarah provided replies and they continued with a discussion on the topic. Greg Kester, CASA, joined the conversation to add his thoughts on the topic.

EO Montgomery said they would collect resources from the coalition and CASA and share with the Board.

Chair McGrath asked about the scale of biosolid application in the Region. Sarah provided a detailed answer.

Vice Chair Battey asked about how California compares to other states in regard to biosolid use. Sarah provided examples of biosolid use in other regions of the U.S.. Supervisor Monahan and Division Chief Xavier Fernandez contributed to the conversation.

Board Member Hacker wanted to discuss options regarding pretreatment and biosolids by industry users and partnering with CDFA (California Department of Food and Agriculture) in their healthy soil initiative. Greg said they are in contact with the CDFA.

EO Montgomery highlighted the cross collaboration between divisions on today's items.

### **Item 8 - Correspondence**

No correspondence

### **Item 9 – Closed Session – Personnel**

The Board did not meet in closed session for Personnel in this meeting

### **Item 10 – Closed Session – Litigation**

The Board did not meet in closed session for Litigation in this meeting

### **Item 11 – Closed Session – Deliberation**

The Board did not meet in closed session to deliberate in this meeting.

**Item 12 – Adjournment**

Board Member Kissinger motioned and Board Member Ajami seconded

The meeting was adjourned at 12:03 PM