

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

MEETING DATE: October 12-13, 2021

ITEM: **3**

SUBJECT: **Minutes for the September 8, 2021, Board Meeting**

September 8, 2021 Board Meeting
Adopted on October 12, 2021

Note: Copies of orders, resolutions, and minutes are posted on the Regional Water Board's website (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 9:01 a.m. via Zoom Virtual Meeting Platform.

Executive Officer (EO) Michael Montgomery introduced three supervisors and one division chief who introduced six new staff:

Supervisor Maggie Monahan introduced Staff Rashid Kaveh, a Water Resource Control Engineer.

Supervisor Nathan King introduced Staff Solmaz Marzooghi, a Water Resource Control Engineer.

Supervisor Elizabeth Wells introduced Staff Helen Hild, an Engineering Geologist; Staff Rachelle Lim, an Engineering Geologist; and Scientific Aid Nicole Ulakovic.

Division Chief (DC) Bill Johnson introduced Staff Kerry O'Conner, a Water Resource Control Engineer, who previously was a Scientific Aid.

Board Member Hacker welcomed the new staff.

Board Members Present	Board Members Absent	Status
Chair James McGrath		QUORUM
Vice-Chair Jayne Battey		
William Kissinger		
Alexis Strauss Hacker		
Andrew Gunther		
Donald Young		

Item 2 – Recognition Event for Contact Tracers

EO Montgomery provided background on the item and introduced the three staff who served as contact tracers over the previous year.

Staff Rebecca Nordenholt, Staff Will Burrell, and Staff Devender Narala shared their experiences working with their assigned County Health Departments.

Board Member William Kissinger asked if all the work was done remotely. Staff Nordenholt provided a positive reply.

Vice Chair Jayne Battey asked how the contact tracing work will impact their career work. Staff Narala, Staff Burrell and Staff Nordenholt provided replies.

Chair Jim McGrath expressed his appreciation for their work.

Board Member Alexis Hacker suggested a future conversation about career development opportunities related to sharing staff between the Water Board and county health departments.

Item 3 – Public Forum

No public speakers

Item 4 – Minutes of the July 14, 2021 Board Meeting

Motion to approve: Board Member Donald Young

Second: Board Member Kissinger

Ayes: McGrath, Kissinger, Hacker, Gunther, Young

Nos: none

Abstentions: Battey

ITEM APPROVED

Item 5 - Chair's, Board Members' and Executive Officer's Reports

Board Member Andrew Gunther called the Board members attention to an article about sea level rise in the Bay and damming the Golden Gate. He also shared information on a Dutch program geared at reestablishing flood plains.

Board Member Hacker shared that she will be hosting a panel on environmental careers with MIT students.

Board Member Kissinger had nothing to report.

Board Member Young had nothing to report.

Vice Chair Battey reflected on last September's Board Meeting, during which smoke from the wildfires blocked out the sun. She shared details about her recent conversations with State Board Member Sean Maguire, Sustainable Conservation and the American Leadership Forum.

Chair McGrath shared details on his conversation with members of the Watershed Project about work being done in West Contra Costa County. He mentioned his discussion with State Board Chair Joaquin Esquivel on water rights and water supply issues.

State Board Member Maguire expressed his excitement in being the new State Board liaison to the San Francisco Bay Regional Water Board. He shared details about his background and interests. State Board Member Maguire provided a status update on the drought and the State Board's response, and he highlighted funding from the State's budget that will be geared toward water and wastewater infrastructure and arrearages, especially as it relates to disadvantaged communities. Lastly, he plugged the upcoming Water Quality Coordinating Committee meeting taking place in October.

Board Member Hacker commented on the funding State Board has made available to smaller, community water systems. State Board Member Maguire provided a detailed reply.

Vice Chair Battey asked for clarification on the destination for one of the major funding programs State Board has available. State Board Member Maguire replied that the one billion dollars is targeted toward arrearages on water bills.

Chair McGrath shared information on legislation for climate change assessment and adaptation, specifically as it relates to funding to relevant, regional projects.

EO Montgomery highlighted the August EO Report including a status update on the Caltrans Cease and Desist Order work plan. He shared updates from the September EO Report, including an item on enforcement of diesel spills and an item on sanitary sewer overflows. EO Montgomery highlighted several events, including the State of the Estuary Conference and the Annual Regional Monitoring Program Meeting.

Vice Chair Battey complimented the Social Media team.

Item 6 – Uncontested Items

6A. Sanitary District No. 5 of Marin County, Paradise Cove Treatment Plant and Wastewater Collection System, Tiburon, Marin County -- Reissuance of NPDES Permit

Chair McGrath administered the oath for persons testifying.

EO Montgomery provided background on the item and recommended adoption of the item.

Board Member Hacker encouraged consideration of some measure of water recycling. Vice Chair Battey echoed those comments. Chair McGrath emphasized that the size of this system may be too small for consideration this time around.

Chair McGrath asked for a motion.

Motion to approve: Board Member Hacker

Second: Board Member Kissinger

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

Nos: none

ITEM APPROVED

Break: 10:26 a.m.

Return: 10:37 a.m.

Enforcement

Item 7 – Param and Amandeep Dhillon, Assessor's Parcel No. 0052-160-090, Vallejo, Solano County – Hearing to Consider Resolution Authorizing Referral to Attorney General

EO Montgomery provided background on the item, introduced Attorney Yuri Won, who gave instructions for the hearing, and introduced Staff Cleet Carlton, who made a presentation on the topic.

Board Member Kissinger inquired about the level of communication between Regional Water Board Staff, the Dhillons and their consultants regarding the meaning of the referral to the Attorney General. Staff Carlton said there has been no direct communication regarding the Resolution.

Chair McGrath asked for clarification on total acres impacted. Staff Carlton provided a reply on the methodology used to make that assessment. Staff Agnes Farres elaborated in further detail.

Vice Chair Battey asked for clarification on one of the photos. Staff Carlton provided the date the photo was taken.

Param Dhillon gave his testimony to the Board, including his timeline of events and understanding of the evidence provided. State Board Attorney Dan Kippen presented evidence related to Param Dhillon's receipt of a notice of the hearing on September 8, 2021, Board Meeting.

Board Member Kissinger gave feedback to Param Dhillon regarding his opinion to support the Resolution.

Chair McGrath summarized Param Dhillon's arguments and provided feedback as to his support of the Resolution.

Chair McGrath asked for a motion.

Motion to approve: Board Member Kissinger

Second: Vice Chair Battey

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

Nos: none

Item 8 – Statewide General Waste Discharge Requirements for Winery Process Water: Update and Next Steps - Presentation by Laurel Warddrip, State Water Resources Control Board

EO Montgomery provided background on the item and introduced State Board Supervisor Laurel Warddrip, Kim Withrow, Environmental Health Supervisor at Napa County and Staff Melissa Gunter.

Staff Gunter, State Board Supervisor Warddrip and Kim Withrow made a presentation on the topic.

Board Member Gunther inquired as to how many of the total wineries under the order are in our region. Staff Gunter answered that it is around half. They continued the conversation about our region's collaborative relationship with State Board in the formulation of the order as well as how the wine industry's input is being taken into account. State Board Supervisor Warddrip and State Board Division Chief Scott Couch contributed to the conversation. EO Montgomery added to the conversation related to the importance of nutrient management in our region, particularly how it can impact groundwater.

Board Member Hacker encouraged staff to be mindful of how much detail is necessary to collect when establishing the template for the annual report required of permittees. She shared learnings from her previous experience.

Kelly Abreu, Mission Peak Conservancy, provided public comment on the framework of the Statewide Order. State Board Member Warddrip provided clarification on the framework.

Chair McGrath praised former Regional Water Board Chair Dr. Terry Young's previous efforts in beginning the process of the Statewide Winery Order, including establishing a culture of open communication with external stakeholders.

Item 9 – Correspondence

EO Montgomery shared correspondence sent to Chair McGrath from the public on the proposed development in Newark Area 4.

Item 10 – Closed Session – Personnel

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

Item 11 – Closed Session – Litigation

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

Item 12 – Closed Session – Deliberation

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

Item 13 – Adjournment

EO Montgomery concluded with a preview of the October Board Meeting. Assistant Executive Officer Thomas Mumley contributed details about an item scheduled for the October Board Meeting.

Board Member Gunther motioned to adjourn, and Board Member Kissinger seconded.

The meeting was adjourned at 12:16 PM