

STATE OF CALIFORNIA

REGIONAL WATER QUALITY CONTROL BOARD SAN FRANCISCO BAY REGION

MEETING DATE: December 15, 2021

ITEM: 4

SUBJECT: Minutes for the November 10, 2021, Board Meeting

November 10, 2021 Board Meeting Minutes for Board Consideration

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 9:02 a.m. via Zoom Virtual Meeting Platform.

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

Executive Officer (EO) Michael Montgomery introduced Staff Rebecca Nordenholt, who introduced two new Watershed Stewards Corps members, Jacqueline Hewitt and Jamal Jaffer. Next, Supervisor Laurie Taul introduced new staff Morgan Williams.

EO Montgomery announced the Sustained Superior Achievement Award winners, Staff David Tanouye and Supervisor Jessica Watkins.

Division Chief (DC) Terry Seward introduced new staff Sarah Acker.

EO Montgomery announced the departure of staff Guy Gutterman.

Item 2 – Public Forum

Chris Malan, Institute for Conservation, Advocacy, Research and Education (ICARE), shared work her nonprofit had done in the Napa River with members of the Planning Division and stressed the importance of protecting local watersheds for recreation.

Kelly Abreu, Mission Peak Conservancy, shared comments about the oversight mechanisms related to grading activities taking place across the region.

Item 3 – Minutes of the October 12-13, 2021, Board Meeting

Motion: Vice Chair Jayne Battey

Second: Board Member Donald Young

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

Nos: none

ITEM APPROVED

Item 4 – Chair’s, Board Members’ and Executive Officer’s Reports

Board Member Andrew Gunther had nothing to report.

Board Member Alexis Hacker had nothing to report.

Board Member William Kissinger had nothing to report.

Board Member Young had nothing to report.

Vice Chair Battey reported on the amount of rainfall she has received this year.

Chair McGrath reported on the annual meeting of the Regional Monitoring Program. He shared details from a series of meetings he held with local agency representatives, including: MTC (Metropolitan Transportation Commission), East Bay Parks and South Bay Salt Pond Stakeholders Group.

State Water Board (SWB) Liaison Sean Maguire reported out on recent rainfall in the Sacramento area, but shared that the State is still under drought conditions. He shared details on the State’s recycled water efforts. SWB Liaison Maguire provided an update on the drinking water arrearages program. He shared details from the recent WQCC (Water Quality Coordinating Committee) meeting, including an update on the Racial Equity Resolution and Action Plan. Lastly, SWB Liaison Maguire detailed the State Board’s current work on microplastics.

Board Member Kissinger inquired about the timeline related to the microplastics monitoring program. SWB Liaison Maguire provided a response. Board Member Hacker inquired about when the new infrastructure funds will become available to States and Tribes and how that money will be allocated. SWB Liaison Maguire did not have an answer but provided a reply. Chair McGrath made comments on the State’s microplastics work.

Executive Officer (EO) Michael Montgomery reported out on the WQCC, made comments on the State Board’s arrearages program, and shared details about the

impact of the infrastructure bill on the region. He also highlighted the EO report on the recent storm.

Vice Chair Battey requested written details regarding the infrastructure bills and made comments about the EO Report Item on the recent storm. EO Montgomery provided a clarifying response on the EO Report item. DC Bill Johnson contributed to the reply. Board Member Gunther asked about how the infrastructure funds specific to the region will be allocated. EO Montgomery provided a reply. Board Member Gunther commented on region-wide activities and access to federal funding. EO Montgomery, Board Member Hacker, Board Member Gunther and Chair McGrath continued the conversation. Board Member Kissinger asked a follow up question related to the EO Report Item on the recent storm. DC Johnson responded.

Item 5. City and County of San Francisco – Hearing to Consider Adoption of Stipulated Cleanup and Abatement Order

Chair McGrath administered the oath to persons testifying.

Board Member Kissinger recused himself from the item.

EO Montgomery provided a summary of the item. He introduced Staff Sam Plummer who made a presentation on the item.

Chair McGrath introduced Michael Carlin, Deputy General Manager / Chief Operating Officer of the San Francisco Public Utilities Commission (SFPUC) who made comments related to the item specific to the Mission Terrace neighborhood.

Lisa Dunseth, Solutions not Sandbags, made comments in support of the Cleanup and Abatement Order. She also inquired about impacts from the recent storm related to City of San Francisco. David Hooper, Solutions not Sandbags, made comments about his experience with impacts related to the item and in support of the agreement.

Board Member Gunther asked Michael Carlin how climate change is being incorporated into the design of future projects. Michael Carlin provided a reply.

Board Member Hacker asked Michael Carlin for an example of a successful project from the grant program for people with flood-prone property. Michael Carlin provided a reply.

Board Member Young asked Michael Carlin about details on how city-wide implementation will be impacted by lessons learned from the areas currently being address in the Order. Michael Carlin provided a reply.

Chair McGrath inquired about the potential impact of cost to the project, specifically if additional areas were included in the Order. EO Montgomery and Michael Carlin provided separate replies. Greg Norby, Assistant General Manager, Wastewater and Stormwater Enterprise at SFPUC, contributed to the discussion.

Chair McGrath asked for a motion to approve the Stipulated Order.

Motion: Board Member Hacker

Second: Board Member Gunther

Ayes: McGrath, Battey, Hacker, Gunther, Young

Nos: none

Abstain: Kissinger

ITEM APPROVED

Basin Plan

Item 6 – 2021 Triennial Review of the Water Quality Control Plan for the San Francisco Bay Basin (Basin Plan) – Hearing to Consider Adoption of Resolution and Prioritized List of Basin Planning Projects

EO Montgomery provided background on the item. Staff Samantha Harper and Senior Staff Richard Looker made a presentation.

Vice Chair Battey asked about the impact of infrastructure funding on the Triennial Review. Assistant Executive Officer (AEO) Thomas Mumley said there will be no impact. DC Xavier Fernandez contributed to the reply.

Andria Ventura, Clean Water Action, made a comment on the beneficial uses portion of the Triennial Review, specifically related to tribal populations and subsistence fishing.

Chris Malan, ICARE, made a comment about their request for a stream flow project on the Napa River.

Ben Eichenberg, San Francisco Baykeeper, echoed Chris Malan's comments on stream flow criteria. He made comments related to subsistence fishing. He concluded with comments related to Selenium standards.

Chris Sommers, on behalf of the Santa Clara Valley Urban Runoff Program, made comments on the submission of the Santa Clara Valley Contact Recreation Standards Study.

Lunch break at 12:10 p.m.

Back in session at 1:00 p.m.

Staff Harper read a public comment into the record related to tribal beneficial uses from Sherri Norris of the California Indian Environmental Alliance.

Board Member Gunther inquired about the weighting criteria used to establishing the prioritized list. He asked about the future phases of the wetlands project referred to in the list. DC Fernandez provided a reply. Board Member Gunther asked about temperature limits related to salmonids. Supervisor Kevin Lunde provided a reply. Board Member Gunther inquired about existing flow criteria in Region 2. DC Fernandez provided a reply. Chair McGrath and EO Montgomery provided additional context.

Board Member Hacker made comments related to the Selenium standards and beneficial uses for tribal subsistence fishing. Chair McGrath, Board Member Hacker and Board Member Kissinger continued the conversation on tribal subsistence fishing. EO Montgomery provided general context related to program funding. AEO Mumley and DC Fernandez added to the conversation.

Board Member Kissinger asked about the focus areas for planned projects. Staff Harper provided an answer. Senior Staff Looker provided additional context.

Chair McGrath commented on fish conditions in streams, particularly in Santa Clara County.

Chair McGrath asked for the Board members if they would like to change any of the priorities. Board Member Young shared his thoughts while expressing his support.

Motion: Board Member Young

Second: Board Member Kissinger

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

Nos: none

Break at 10:01 a.m.

Back in session at 10:13 a.m.

Item 7 – Follow up on PCB Legacy Sites – Status Update

AEO Mumley introduced Jay Davis, Senior Scientist at the San Francisco Estuary Institute. Jay Davis made a presentation on the topic. EO Montgomery provided a brief summary on the item and introduced Staff Mark Johnson. Staff Johnson made a presentation on the topic.

Vice Chair Battey asked if the outlook is optimistic given the size of current projects. Staff Johnson provided a reply.

Board Member Gunther commented on the long-term scale of PCB research in the Bay. He asked why the region has such a high concentration of PCB sites. Jay Davis

provided an answer. AEO Mumley contributed to the discussion. Chair McGrath added historical context.

Item 8 – Correspondence

No correspondence

Item 9 – Closed Session – Personnel

Attorney Yuri Won, Attorney Marnie Ajello and Chair McGrath discussed the logistics of the Closed Session. The Board met 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 Gunther motioned, and Board Member Kissinger seconded.

The meeting was adjourned at 3:50 PM