

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

MEETING DATE: July 14, 2021

ITEM: **3**

SUBJECT: **Minutes for the June 9, 2021, Board Meeting**

**June 9, 2021 Board Meeting
Draft 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 9:01 a.m. via Zoom Virtual Meeting Platform.

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 – Public Forum

Rhoda Fry began speaking about sediment issues related to the Lehigh Cement settlement. Attorney Yuri Won informed Rhoda that she would be unable to continue. Rhoda then raised concerns about a potential manmade landslide related to Permanente Creek that is a potential hazard to downstream homes.

Item 3 – Minutes of the May 12, 2021 Board Meeting

Motion to approve: Vice Chair Battey

Second: Board Member Kissinger

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

Nos: none

ITEM APPROVED

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

Board Member Gunther shared that he attended a webinar related to the Ora Loma Horizontal Levee project and shared a few details about its success. He asked if the presentation could be made to the Board.

Board Member Kissinger had nothing to report.

Board Member Young had nothing to report.

Board Member Hacker shared information on her discussions related to increasing staffing at the federal level. She will provide updates as they are relevant to the region.

Vice Chair Battey brought to the Board's attention a series of webinars related to the 2021 State Adaptation Strategy Update. She shared her thoughts on the current drought situation, particularly as it relates to agriculture.

Chair McGrath shared that he attended three events related to climate resilience: Financing the Future, with BCDC (SF Bay Conservation and Development Commission), a Sierra Club webinar on funding and planning for the future, and a Bay Planning Coalition meeting on multipurpose projects. He spoke about the East Bay Times article on State funding for restoration efforts for San Francisco Bay. Chair McGrath reported on the Chairs' meeting, specifically on Caltrans' efforts related to trash and homelessness, and the racial equity plan in progress. He provided a brief update on the priorities discussion currently ongoing with State Board.

State Board Member Tam Doduc reported that drought is primary issue of concern at the State Water Board, with focus on the Upper Russian River, Fort Bragg, and Marin municipal water districts and Folsom Lake. She shared an update on the State Water Project's and Central Valley Project's inability to meet water quality standards over the summer. State Board Member Doduc stated that mandatory conservation requirements have not been issued by the administration, though conservation is generally encouraged. She provided an updated on the Construction General Permit.

Board Member Kissinger inquired about the news that created a change in drought policy. State Board Member Doduc provided a reply.

Chair McGrath posited a question related to the current drought crisis influencing the pricing of water in California. State Board Member Doduc provided a personal reply, not on behalf of the State Water Board.

Vice Chair Battey asked if the Board could receive a drought update specific to the SF Bay region. Executive Officer (EO) Michael Montgomery said this could be done in the future. Vice Chair Battey reiterated the importance of participating in the Strategy Update webinars she previously mentioned.

Board Member Hacker expressed her concern about the State's ability to provide assistance to smaller, more rural communities that are experiencing water quality issues. State Board Member Doduc provided a reply. EO Montgomery and Board Member Hacker continued the conversation.

Chair McGrath shared information about a current project in the City of Berkeley that he helped attain funding for.

Chair McGrath administered the oath to persons testifying.

EO Montgomery highlighted items from the Executive Officer's Report, including the All Staff Training and the India Basin cleanup project. He gave a brief update on the Long-Term Management Strategy Group's plans and State Board's racial equity resolution to be adopted by the State Board. EO Montgomery shared an update on the Bay Area Regional Collaborative meeting. He shared a social media post that described contamination cleanup work on a housing project for homeless people. The Vice President of LifeMoves, a key stakeholder in the State's Homekey project, sent a letter praising the work of staff. He concluded by recognizing the contributions of the LGBTQ+ community within the regional board.

Board Member Gunther thanked EO Montgomery for his participation in the letters sent to State legislators regarding the importance of identifying beneficial reuse for sediment.

Item 5 – Uncontested Items

5A. Eco Services Operations Corp., Eco Services Martinez Plant, Martinez, Contra Costa County - Reissuance of NPDES Permit

EO Montgomery provided background on the item.

Board Member Gunther asked to hear more about how Eco Services is considering Sea Level Rise for this facility. Staff Lindsay Whalin made a brief presentation to the Board on these efforts.

Board Member Gunther asked EO Montgomery how staff is preparing for the potential that organizations in charge of cleanup of fossil fuel sites run out of funding. He asked Staff Whalin if a new slough has ever been created and how that impacts future planning. EO Montgomery and Assistant Executive Officer (AEO) Thomas Mumley provided replies. Chair McGrath shared background on sloughs in the region.

Board Member Kissinger inquired about the possibility of receiving similar presentations in the future. EO Montgomery provided an explanation for the preparation of the presentation.

Chair McGrath asked for a motion.

Motion to approve: Board Member Kissinger

Second: Board Member Gunther

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

Nos: none

ITEM APPROVED

Break: 10:19 a.m.

Return: 10:37 a.m.

Item 6 – Development of the Former Santa Clara All-Purpose Landfill - Status Report

EO Montgomery provided background on the item and introduced Supervisor Keith Roberson. Supervisor Roberson made a presentation on the topic.

Board Member Hacker asked about groundwater extraction and the best way to handle dewatered material. Supervisor Roberson and EO Montgomery provided responses. Jeff Ludlow, Principal at Langan Engineering, provided a more detailed, technical reply.

Board Member Hacker inquired if this project will be a future individual stormwater permit. Supervisor Roberson provided a reply.

Chair McGrath asked for clarification regarding Jeff Ludlow's statement that no dewatering will take place. Jeff provided a reply. Chair McGrath, Supervisor Roberson and Jeff continued the discussion.

Vice Chair Battey inquired about the timeline for construction and the percentage of affordable housing units. Scott Borland, Related Companies, provided replies.

Board Member Kissinger asked about leachate movement and the potential risk that it poses. Supervisor Roberson provided a reply. They continued the discussion.

Chair McGrath asked about the effectiveness of the barriers between the three groundwater zones. Supervisor Roberson provided a reply. Chair McGrath asked how differential settlement is being accounted for. Supervisor Roberson and Jeff Ludlow provided replies.

Item 7 – Correspondence

None

Item 8 – Closed Session – Personnel

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

Item 9 – Closed Session – Litigation

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

Item 10 – Closed Session – Deliberation

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

Item 11 – Adjournment

EO Montgomery concluded with a preview of the July Board Meeting.

Board Member Kissinger motioned to adjourn, and Vice Chair Battey seconded.

The meeting was adjourned at 11:22 AM