

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

MEETING DATE: October 12, 2022

ITEM: 4

SUBJECT: **Minutes for the September 14, Board Meeting**

September 14, 2022, 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

Meeting called to order at 9:03 a.m. at Elihu H. Harris Building, First Floor Auditorium.

Board Members Present	Board Members Absent	Status
Acting Chair Jayne Battey		QUORUM
Vice-Chair Jayne Battey		
William Kissinger		
Alexis Hacker		
Dr. Andrew Gunther		
Donald Young		
Letty Belin		

New Staff Introductions

The following new staff joined our staff team and were introduced. First, Executive Officer (EO) White introduced Teresita J. Sablan, an attorney recently assigned to our Board. Then Enforcement Section Supervisor, Brian Thompson introduced Carina Cornejo, new staff in the Enforcement Section, and Assistant Executive Officer (AEO) Lisa Horowitz McCann announced the promotion of Jessica Watkins as the Groundwater Protection Division Manager.

Item 2 – Election of Chair and Vice Chair

EO White introduced the item and said that Vice Chair Battey expressed interest in being Chair. Vice-Chair Battey asked for a nomination for Chair. Board Member Gunther nominated Jayne Battey for the position of the SF Bay Regional Water Board Chair.

EA Haas called the roll.

Ayes: all

Nos: none

Jayne Battey elected Chair.

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Newly elected Chair Battey asked for a nomination for Vice-Chair. Board Member Kissinger nominated Board Member Hacker for the position of the SF Bay Regional Water Board Vice Chair.

EA Haas called the roll.

Ayes: all

Nos: none

Alexis Strauss-Hacker elected Vice Chair.

Item 3 – Confirmation of an Alternate Member to the San Francisco Bay Conservation and Development Commission (BCDC)

EO White introduced the item and said that Board Member Belin expressed interest. Chair Battey asked for a motion to confirm Board Member Belin as Alternate Member to BCDC.

Motion: Board Member Gunther

Second: Vice Chair Hacker

EA Haas called the roll.

Ayes: all

Nos: none

Board Member Belin confirmed as Alternate Member to BCDC.

Item 4 – Appointment of an Alternate Advisory Member to the Executive Board of the Association of Bay Area Governments (ABAG)

EO White introduced the item and said Board Member Bill Kissinger expressed interest. Chair Battey asked for a motion to appoint Board Member Bill Kissinger as an alternate to ABAG.

Motion: Vice Chair Hacker

Second: Board Member Gunther

EA Haas called the roll.

Ayes: all

Nos: none

Board Member Kissinger appointed alternate to ABAG.

Item 5 – Adoption of Resolution Recognizing Jim McGrath’s Contributions to the Work and Mission of the San Francisco Bay Regional Water Quality Control Board

New Chair Battey presented and read the resolution of recognition for former Chair and Board Member Jim McGrath. Board members shared commendation, appreciation, and gratitude.

The following members of the public (affiliation) also shared commendations:

Caitlin Sweeney, (Executive Director, San Francisco Estuary Partnership)

Craig Johns (California Resource Strategies)

Michael Connor

John Coleman (Bay Planning Coalition)

John Gioia (Contra Costa County Supervisor)

Warner Chabot (San Francisco Estuary Institute)

Ellen Blake (US EPA)

AEO Tom Mumley offered comments on behalf of himself and all staff.

Former Board Member Jim McGrath addressed the Board in response.

Chair Battey asked for a motion to approve the resolution.

Motion: Board Member Gunther

Second: Board Member Young

EA Haas called the roll.

Ayes: all

Nos: none

ITEM APPROVED

Item 6 – Public Forum

Chair Battey introduced the public forum and thanked those speaking for their participation and the Board’s commitment to listen.

Michael Connor expressed concern about the low numbers of fish kill represented in the EO Report and wanted to make sure the impact on the fish deaths was not underrepresented. He noted the sense of urgency to address the algal blooms overall. Chair Battey acknowledged the topic will be discussed later in the meeting.

Jon Rosenfield, Senior Scientist for SF Baykeeper, spoke about the major algal bloom in San Francisco Bay. He noted the significant impact on fish populations and stressed the ongoing need to ensure load reductions with water recycling and nature-based solutions. Mr. Rosenfield pressed for the oversight required to mitigate future blooms and noted SF Baykeeper’s advocacy.

Eric Buescher, Managing Attorney at SF Baykeeper, thanked scientists around the Bay for their dedication and focus over a couple of rough weeks with the algal bloom. Mr. Buescher spoke about the Hyde Street Pier, noting the ongoing problem and the Board's engagement in the clean-up project as well as his interest in seeing the Board's response.

Theresa Harlan, founder for the alliance of Felix Cove within Point Reyes National Seashore, asked that the Water Board agendaize the Point Reyes water quality issues for the October Board meeting.

Jude Stalker, a wetland and estuarian biologist, speaking as an independent member of the public asked the Water Board to include the topic of Point Reyes water quality on the agenda for the October Board meeting. Jude noted the high bacterial levels found in the monitoring of the water quality, minimal enforcement, and limited transparency on ranching areas in the National Park.

Kelli Petersen, Concerned Citizen of Marin County, talked about high bacterial levels in the waters of Point Reyes and is concerned that most members of the public are unaware. Ms. Petersen stressed the need for transparency and requested the topic of water quality in the National Seashore at Point Reyes be agendaized for the October Board meeting.

Ken Bouley reiterated that the Point Reyes issues are critical and is concerned that the Park Service needs help to address the needs of water quality in the area. He also noted the need for transparency to help ensure there is a commitment to address the issues by the National Park Service.

Gayle Cerri from Novato, CA reiterated the need to have the Board agendaize the Point Reyes water quality matter at the October Board meeting. Ms. Cerri noted the dereliction of duty of the Park Service to address the health issues, noting monitoring is not sufficient and that there needs to be a plan for resolution and communication to the public.

Jocelyn Knight, long time Marin resident, reiterated the issues presented earlier regarding water quality at Point Reyes. She also noted she has written to the Board previously on this topic. Ms. Knight outlined the simple solution to eliminate the ranches in the area. She requested transparency from the Park Service and the Water Board to better understand how all are addressing the water quality issues in the area.

Chance Cutrano, from the Resource Renewal Institute, noted his regular attendance at these Board meetings as well as the Coastal Commission's. The Coastal Commission discussed the water quality issues in at Point Reyes and noted its limited authority to impact the water quality. The Coastal Commission encouraged the public to attend/participate in the Water Board meetings to move this issue forward. Mr. Cutrano recognized Water Board Staff Laurie Taul for participating in the Coastal Commission and Xavier Fernandez's responsiveness. Mr. Cutrano reiterated the value of having the

Water Board directly involved in the water quality discussions for Point Reyes to facilitate the need for transparency and planning.

Scott Webb, Director of Advocacy with Turtle Island and Restoration Network, noted its role in commissioning the report that many of the public referenced. All areas of research in the report found consistent exceedances. Mr. Webb noted that they will be submitting another report to continue this dialogue. The report outlines some of the worst water quality in California in a National Seashore and noted it is unacceptable. He said working with the agencies engaged in this issue and understanding the authority/jurisdiction is critical to the overall transparency and collaboration for the resolution of the water quality issues.

Kelly Abreu, spoke on land use authority and local stakeholders need for protecting water quality. Mr. Abreu noted that half of the “blue line” streams in the County disappeared in maps in 2018 through a re-categorizing error. The process of correcting this error has stalled and it affects restoration work underway.

EO White responded to commenters statements about Point Reyes water quality. She thanked the speakers, said we take water quality seriously, and shared actions Water Board staff have taken including inspections, review of plans, coordination with agencies, issuing permits and assessing compliance by dairies.

Board Member Kissinger requested a future information item on the Board’s agenda. Board Members Gunther and Hacker asked questions about meeting water quality objectives, which waters are impaired, what implementation actions are planned, and actions of others such as the Coastal Commission, Park Service and Marin County Environmental Health.

Item 7 – Minutes of July 13, 2022, Board Meeting

Chair Battey asked for a motion to approve the minutes.

Motion: Board Member Kissinger

Second: Board Member Young

Ayes: all

Nos: none

ITEM APPROVED

Item 8 – Chair’s, Board Members’, and Executive Officer’s Reports

Chair Battey asked for reports from each of the Board Members, starting with Sean Maguire, State Water Board (SWB) Liaison.

SWB Liaison Maguire spoke in detail about the drought and California’s response. He noted the positive response with California rising to the challenge of water use efficiency, achieving a 10% reduction and noted the SF Bay regions success with a

reduction of 17% in water use over 2020 levels, exceeding the 15% reduction requested by the Governor's office. In addition to efficient use of our water resources, the state is also addressing the need to augment water supplies. SWB Liaison Maguire recommended reading the new water strategy plan developed by the Governor's office in anticipation of a 10% decrease in water supply for the state. The report describes an ask to the Regional Water Boards to support the efforts in addressing the impacts of a hotter and drier climate. SWB Liaison Maguire next noted the work the state is doing to address the microplastic challenges, with a novel approach using testing and analysis of drinking water and water sources. He also shared the restoration order for large habitats and the partnership with the SF Bay Regional Board's support and collaboration. Finally, SWB Liaison Maguire shared the adoption of the statewide Construction General Stormwater Permit. SWB Liaison Maguire spoke to the challenges with sustainable funding and the top mission to ensure the Human Right to Water (10-year anniversary) for communities throughout California.

Board Member Hacker asked about drought impacts on small communities in the region and the risks of running out of water. Mr. Maguire acknowledged that the challenges still exist for these communities and though they have not gotten worse, remain an ongoing concern.

Board Member Young mentioned his engagement with ABAG and the alignment with state regulations and standards. Board Member Young shared that he has been working with Giant Kelp Restoration efforts in Monterey Bay and the work to extend its success across the coast. He looks forward to sharing more about this work with the Board.

Board Member Gunther mentioned recent issues from BCDC meetings: presentation about sea level and groundwater rise by Dr. Kristina Hill, wetlands development grant to advance Baylands goals, and SFEI's Sediment for Survival project. He also offered some climate news: insurance companies are failing in Florida and Louisiana where flooding is intense and property values in Miami used to be highest closer to shores and now that is flipping such that communities will be financially under water before they will be physically under water.

Chair Battey reported she did a tour with Sewer Authority Mid-Coastside and noted that they are planning for sea level rise and advancing technology for early warning and detection systems, generally improving their leadership and effectiveness. She reported that she has been participating in Santa Cruz Mountains Stewardship Spotlight program and touring watershed lands, including burned areas that are in recovery.

EO White highlighted the EO Report Item about the algae bloom. She reviewed next steps including staff coordinating with SFEI to study what caused the problem and what additional actions to take. She summarized the background of studying and controlling nutrients in the Bay and the development of the Nutrient Watershed Strategy. She said the Nutrient Watershed Permit requires consideration of alternatives and nature-based solutions to demonstrate nutrient loading has been reduced. She mentioned that nutrient treatment options are costly and hopes the anniversary of the Clean Water Act

and federal infrastructure funds will bring local funds to this. She concluded by thanking AEO Mumley and former employee Naomi Feger for the vision of the strategy, SFEI and Dave Senn for their science, and Board staff who have been collecting data daily and addressing the problem.

Board Member Gunther asked about Lower Walnut Creek low-flow channel for fish migration and whether it will be an egret buffet. He asked if EO White can follow up about this later. He also thanked EO White for jumping into algae bloom and fish kill issue and handling it well. Board Member Kissinger asked if we know if blooms will happen repeatedly and if we know how to tell when, and what is the state of the technology to treat nutrients. EO White said we do not know if or when this will repeat. She also spoke about Sacramento Sanitary District's full removal of nutrients using biological removal and how it required a lot of land (multiple football fields). She mentioned other technologies such as membranes, natural systems, and side-stream treatment, and that the costs for each of these is in the millions to over a billion dollars for each agency. AEO Mumley commented on the need to make sure the investments return the optimal and most effective levels of nutrient removal without secondary impacts of increased greenhouse gas consumption or other unintended consequences. He also mentioned that this is a time when increased infrastructure funding is available and the Board and wastewater utilities should plan for some of these funds.

Item 9 – Informational Item: Enforcement Actions and Priorities for Fiscal Year 2022/23 – Summary Report - Brian Thompson

EO White introduced the item. Board Member Hacker mentioned supplemental environmental projects and the option for funds to support the regional monitoring program versus local projects near the impact of the violations. She reiterated her high interest for local projects.

Item 10 – Informational Item: Estuary Blueprint - the Comprehensive Conservation and Management Plan for the San Francisco Estuary – Tom Mumley

AEO Mumley introduced the item. SF Estuary Partnership Executive Director (ED) Caitlin Sweeney made the presentation.

Board Member Gunther said that it seems like the Estuary Partnership is in a position to take advantage of newer sources of federal money beyond the current USEPA funding for the Estuary Partnership, to address local needs and get projects in the pipeline and ready for implementation. ED Sweeney indicated that the plan and timeframe to implement the Blueprint does position the Estuary Partnership to get local projects in the pipeline so they can be funded and implemented. Board Member Kissinger said the plan looks impressive and asked if the representation of all the players as partners really exists. ED Sweeney and AEO Mumley both provided affirmative responses and commitments to collaborate to implement.

Item 11 – The Board did not meet in closed session.

Item 12 – Adjournment 12:20 pm