

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

MEETING DATE: July10, 2024

ITEM: 3

SUBJECT: Minutes for the June 12, 2024 Board Meeting

June 12, 2024 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). Recordings of Board meetings are available through the following link: [CAL-SPAN](#).

Item 1 – Roll Call and Declaration of a Physical Quorum

Meeting called to order at 9:00 at Elihu H. Harris Building, First Floor Auditorium.

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

Item 2 – Public Forum

The following speakers provided commentary during the public forum at this meeting.

- Vaikko Allen, Contech Engineered Solutions

Item 3 – Minutes of the of May 8, 2024, Board Meeting

Chair Hacker asked for a motion to approve the minutes as presented in the board package and posted online.

Motion: Board Member Gunther

Second: Board Member Belin

Ayes: all

Nos: none

Abstain: none

By a show of hands, the board members approved the minutes of the May 8, 2024, board meeting.

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

Chair Hacker asked for reports from each of the Board Members, starting with Sean Maguire, State Water Board Liaison.

Executive Officer White highlighted several Executive Officer Report Items.

Item 5 – Consideration of Uncontested Items

The Board removed Item 5A from the uncontested items. Board Member Kissinger recused himself from Items 5C and 5A.

Executive Officer White recommended the board adopt Items 5B, 5C, 5D, and 5E. The Board voted on each item separately.

B. West County Agency, West County Wastewater District, City of Richmond, and Richmond Municipal Sewer District; West County Wastewater District Treatment Plant, Richmond Municipal Sewer District Water Pollution Control Plant, and Wastewater Collection Systems; Richmond, Contra Costa County — Reissuance of NPDES Permit

Chair Hacker asked for a motion to approve item 5B, reissuance of the West County Agency NPDES permit.

Motion: Board Member Battey

Second: Board Member Ransom

Ayes: Board Member Ransom, Board Member Belin, Board Member Gunther, Board Member Battey, Board Member Kissinger, Vice Chair Young, Chair Hacker

Nos: none

Abstain: none

Item 5B was unanimously approved.

C. Crockett Community Services District, Port Costa Wastewater Treatment Plant and Wastewater Collection System, Port Costa, Contra Costa County — Reissuance of NPDES Permit

Chair Hacker asked for a motion to approve item 5C, reissuance of the Port Costa NPDES permit.

Motion: Board Member Battey

Second: Board Member Gunther

Ayes: Board Member Ransom, Board Member Belin, Board Member Gunther, Board Member Battey, Vice Chair Young, Chair Hacker

Nos: none

Abstain: none

Recused: Board Member Kissinger

Item 5C was unanimously approved.

D. East Bay Regional Park District, Regional Maintenance Activities, Alameda and Contra Costa Counties – Reissuance of Waste Discharge Requirements and Water Quality Certification

Executive Officer White recommended the board adopt Item 5D, the reissuance of Waste Discharge Requirements and Water Quality Certification for the East Bay Regional Park District routine operation and maintenance as presented in the board package and posted online.

Chair Hacker asked for a motion to approve item 5D, reissuance of the Waste Discharge Requirements for the East Bay Regional Parks District.

Motion: Board Member Battey

Second: Board Member Belin

Ayes: Board Member Ransom, Board Member Belin, Board Member Gunther, Board Member Battey, Board Member Kissinger, Vice Chair Young, Chair Hacker

Nos: none

Abstain: none

Item 5D was unanimously approved.

E. KB Home – South Bay, Inc., Communications Hill 2, Phases 3 & 4 and Industrial Project in the City of San Jose in Santa Clara County – Issuance of Waste Discharge Requirements

Chair Hacker asked for a motion to approve item 5E, issuance of the Tentative Order for Waste Discharge Requirements for Communications Hill.

Motion: Board Member Battey

Second: Board Member Belin

Ayes: Board Member Ransom, Board Member Belin, Board Member Gunther, Board Member Battey, Board Member Kissinger, Vice Chair Young, Chair Hacker

Nos: none

Abstain: none

Item 5E was unanimously approved.

Item 5A – Phillips 66 Company, Rodeo Renewable Energy Complex (formerly San Francisco Refinery), Rodeo, Contra Costa County — Reissuance of NPDES Permit

Executive Officer White introduced Item 5A, reissuance of the NPDES permit for the Phillips 66 Refinery and recommended the Board approve the permit.

The following speakers provided commentary during this portion of the hearing:

- Eric Buescher, San Francisco Baykeeper
- Craig Johns, Partnership for Sound Science in Environmental Policy

Chair Hacker asked for a motion to approve item 5A, reissuance of the NPDES permit for the Phillips 66 Refinery.

Motion: Board Member Ransom

Second: Board Member Young

Ayes: Board Member Ransom, Board Member Belin, Board Member Gunther, Board Member Battey, Vice Chair Young, Chair Hacker

Nos: none

Abstain: none

Recused: Board Member Kissinger

Item 5A was unanimously approved.

Item 6 – Proposed Amendment to the Water Quality Control Plan for the San Francisco Bay Basin to Include Information on Climate Change and Shoreline Adaptation

Executive Officer White introduced the item and turned it over to Christina Toms, Water Resource Control Engineer in the Planning Division who gave the staff presentation.

Executive Officer White asked the board to approve the proposed amendment with the following change in Finding 10 of the resolution as stated by Ms. Toms: ~~“The Regional Water Board prepared a substitute environmental document for the proposed Basin Plan amendment. However, t~~ The proposed Basin Plan amendment is not a "project" within the meaning of the California Environmental Quality Act because it will neither cause a direct physical change in the environment or a reasonably foreseeable indirect change. (See Pub. Resources Code, § 21065; Cal. Code Regs., tit. 14, § 15378.) As a result, the proposed Basin Plan amendment is not subject to the California Environmental Quality Act.”

Chair Hacker asked for a motion to approve Item 6, the Proposed Amendment to the Water Quality Control Plan for the San Francisco Bay Basin to Include Information on Climate Change and Shoreline Adaptation, with the edit to the resolution.

Motion: Board Member Kissinger

Second: Board Member Belin

Ayes: Board Member Ransom, Board Member Belin, Board Member Gunther, Board Member Battey, Board Member Kissinger, Vice Chair Young, Chair Hacker

Nos: none

Abstain: none

Item 6 was unanimously approved.

Item 7 – No Correspondence was received at this meeting.

Item 8 – Closed Session – Personnel

The Board met in closed session for Personnel during this meeting.

Item 9 – Closed Session – Litigation

The Board met in closed session to discuss litigation on the following matters:

- A. Sweeney et al. v. California Regional Water Quality Control Board, San Francisco Bay Region, et al. (Solano County Superior Court; Case Nos. FCS048136, FCS048861, and CU24-01789)
- B. United States and the People of the State of California ex rel. California Regional Water Quality Control Board, San Francisco Bay Region v. City and County of San Francisco (U.S. District Court for the Northern District of California, Case No. 3:24-cv-02594)

Board Member Kissinger recused himself from item 9B.

Item 10 – Closed Session – Deliberation

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

Item 11 – Adjournment 1:20 pm