

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

MEETING DATE: March 9, 2022

ITEM: 3

SUBJECT: **Minutes for the February 9, 2022 Board Meeting**

February 9, 2022 Board Meeting
Adopted March 9, 2022

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.

Item 1 – Roll Call and Introductions

Chair James McGrath called the meeting to order at 9:05 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		

Interim Executive Officer (EO) Thomas Mumley introduced supervisors to make introductions.

Supervisor John Wolfenden introduced Staff Geologists Katherine Ward and Minh Ngo who are joining the Toxics Cleanup Division. Supervisor Ron Goloubow introduced Staff Engineer Katie Kulha and Staff Engineering Geologist Jeff Melby who joined the Toxics Cleanup Division. Supervisor Jessica Watkins introduced Staff Environmental Scientist Alessandra Moyer who joined the NPDES/Enforcement Division.

Item 2 – Election of Chair and Vice-Chair

Chair McGrath introduced the item. He said he had asked Board Member Hacker to entertain nominations. Board Member Hacker said she spoke with each Board member and nominated Chair McGrath to serve as Chair for another year. Chair McGrath said he was willing. Clerk to the Board, Victor Aelion, called for the votes.

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

Nos: none

Chair McGrath was approved to continue as chair.

Board Member Hacker then nominated Vice-Chair Battey to serve as Vice-Chair for another year. Vice-Chair Battey said she is willing. Clerk Aelion called for the vote.

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

Nos: none

Vice-chair Battey was approved to continue as Vice-chair.

Item 3 – Public Forum

Mary Sackett, aide to Marin County Supervisor Damon Connoly, speaking on the Marinwood Plaza site, said she appreciates reassignment to the case of Staff Geologist Cleet Carlton since Staff Engineer Ralph Lambert's retirement. She said there is high interest in the site and continuing to move forward.

Renee Silveira, owner Silveira Ranch and neighbor to Marinwood Plaza, said she is relieved that Hoyt is doing demolition and excavation at the site and is concerned about missed deadlines and flip flopping. She added that cleanup is taking too much time which is not good for the affected properties.

Stephen Nestel, Marinwood resident, said he wants the cleanup to stay on schedule and that it has taken too long. He said they need action and that nothing has happened even though the polluters have missed compliance dates based on directives.

Chair McGrath asked if an update in a future Executive Officer's Report would be helpful. EO Mumley said he will gather the facts and recommend the best timing and approach for an update.

Board members expressed concern about the length of time for the dischargers to comply and cleanup, said they are interested in follow up information and recognized the frustration of the community members. Several Board members asked for staff to bring an update, such as in an Executive Officer Report, including the violations and plans to address them.

David Hooper, San Francisco resident, expressed concerned about implementation of the stipulated agreement with SF PUC at locations where sewer flooding continues. He commented that there was sewer flooding into homes last week and wondered if the City caused the flooding. He expressed frustration that this continues.

Gregg Dieguez, San Mateo City, expressed concern about sewer overflows from SAM (Sewer Authority Mid-Coastside) and wanted the Board to know about the shut down of the plant recently that resulted in an overflow that almost shorted out the Half Moon Bay plant. He said that due to climate change and sea level rise, sewer operations on the coast must be relocated. He recommended several actions that should be taken such as protect electrical systems from flooding, set a moratorium on hook ups, create wet weather storage for high flows, and require houses to pass inspections of sewer laterals upon sale. He asked the Board to endorse these actions, suggest others and enforce permits to address the problems.

Vice-chair Battey asked for a future report on actions and improvement in progress.

Ashley Wessinger, resident of Marina Boulevard in San Francisco, said the neighborhood experienced a sewer overflow on October 24, 2021 which caused damage to several homes for costs as much as \$350,000 - \$400,000. She said claims for damage costs to the City were denied. She complained that the City did not reach out to the community, issue warnings about possible flooding nor inform the community about the sealing of one of the outfalls. She requested additional communication with our Board about this situation and help to address it.

Item 4 — Minutes of the November 10, 2021, Board Meeting

Motion: Vice Chair Jayne Battey

Second: Board Member Kissinger

Ayes: All

Nos: none

ITEM APPROVED

Board Member Hacker asked for the information about Caltrans projects that she previously asked about.

Item 5 – Chair’s, Board Members’ and Executive Officer’s Reports

Board Member Gunther mentioned he was recently asked about climate actions of the Water Board and he was pleased to be able to talk about the Board’s work with permittees and wetlands protection.

Vice-chair Battey will be on a panel for San Mateo County RISE talking about climate action.

Chair McGrath attended the monthly Chair’s meeting. He said highlights included how we can have in-person meetings or hybrid, and upcoming items where state board is considering general orders that overlap with region’s issues and work. He reported that he spoke to the City of Alameda about their working group on shoreline resilience with communities and environmental justice advocates.

State Water Board (SWB) Member Sean Maguire spoke about the drought and considering controls on system water losses to improve water use efficiency. He said SWB is moving forward on new general orders for sanitary sewers construction stormwater facilities, getting new funding, six billion dollars over next five years, for safe drinking water, and recently addressed drinking water arrearages for those customers with difficulty paying water bills plus will be doing the same for wastewater treatment customers.

Board Member Gunther asked how agricultural use is addressed in drought. SWB Member Maguire explained how the SWB regulates agricultural use through the water rights system and the Sustainable Groundwater Management Act. He also said farms must produce water management plans and submit to irrigation districts.

Chair McGrath commented on drought and appreciated that the arrearages have been addressed.

EO Mumley highlighted the Executive Officer’s Report item on the Municipal Wastewater Agencies’ climate readiness and responses to a questionnaire.

Chair McGrath introduced a tribute to Michael Montgomery, former Executive Officer, who completed his time in that position on January 28, 2022. Board members shared thoughts about Mr. Montgomery’s positive attributes and contributions. They specifically noted how he strengthened the Board’s relationship with USEPA and other partners,

was collaborative and strategic, all of which are important and will help the Board tackle problems that are increasingly growing more complex and integrated. EO Mumley and Assistant Executive Officer Lisa Horowitz McCann also thanked Mr. Montgomery for his leadership and support for staff.

Chair McGrath administered the oath.

Item 6. Uncontested Items

Item 6A- Napa Sanitation District, Soscol Water Recycling Facility and Wastewater Collection System, Nap, Napa County

Item 6B- Midpeninsula Regional Open Space District, Open Space Maintenance and Restoration Program, San Mateo and Santa Clara Counties

Item 6C- Pinole Point Properties, Inc., 5000 Giant Road, Richmond, Contra Costa County

EO Mumley introduced the Uncontested Items.

Board Member Hacker asked about seasonality of recycled water discharge and Napa River flows. EO Mumley responded that flow is year-round. She then asked if there is an opportunity to increase proportion of recycled water used. EO Mumley said it is possible.

Chair McGrath commented that the Midpeninsula manual and enrollment in this permit is important and impressive.

Chair McGrath asked for a motion to approve the uncontested items.

Motion: Board Member Kissinger

Second: Vice Chair Battey

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

Nos: none

ITEM APPROVED

NPDES Permits

Item 7 – City of San Leandro, City of San Leandro Water Pollution Control Plant – Treatment Wetland, San Leandro, Alameda County

EO Mumley introduced the item and Supervisor Robert Schlipf made a presentation.

Board member Gunther asked if staff thinks it is safe to say that we could confidently approve this project based on our permitting approach of pilot facilities like Ora Loma horizontal levees. Supervisor Schlipf responded affirmatively. Board Member Gunther emphasized that this demonstrates that the Board supports and collaborates with permittees to pilot and study scientific innovations so technology and improvements can be expanded. He said he credits our staff and Board with making this great type of project happen.

Board Members asked some technical questions about denitrification processes, flow, timing of project, size, and wildlife impacts. Supervisor Schlipf and Division Chief Johnson responded about how the system works and the quality of the discharge. EO Mumley added that staff asks similar questions to make sure facilities are permitted to minimize risks and treat emerging contaminants.

Board Member Hacker asked if staff knows why San Leandro decided to create this project. Staff Environmental Scientist James Parrish answered that the wastewater agencies want to collaborate and pilot shoreline resilience and nature-based solutions; they are looking for opportunities.

Chair McGrath added that many entities are looking at these projects and praised the collaboration.

Chair McGrath asked for a motion.

Motion: Board Member Gunther

Second: Board Member Hacker

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

Nos: none

ITEM APPROVED

Site Cleanup Requirements

Item 8.A. – Pacific Gas and Electric Company and the Port of San Francisco, Pier 39 to Pier 43&1/2 Sediment Remediation Project, San Francisco – Adoption of Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program

Item 8.B. – Pacific Gas and Electric Company and the Port of San Francisco, Pier 39 to Pier 43&1/2 Sediment Remediation Project, San Francisco- Adoption of Site Cleanup Requirements

EO Mumley introduced the item. Staff Geologist Ross Steenson made the presentation.

Board Member Kissinger asked how the dredge spoils are going to be taken to Pier 96, why it is going to take more than five years, and what is the cost. Staff Steenson responded that the sediments will be transported by barge, that the timeframe is relatively fast, and the cost is \$210 million.

Board Member Gunther asked about the environmental impacts observed and the evidence. Staff Steenson responded that the data is from toxicity and bioaccumulation testing, and the highest concentration of PAHs measured are much higher than known screening levels and impact levels for toxicity and bioaccumulation.

Vice-chair Battey noted that the community protections listed and note that they are not in the mitigation program but in the Order and asked why. Staff Steenson and Ajello explained how and why the protections are documented only in the Order.

Board Member Hacker asked where and how the sediments will be beneficially reused. Staff Steenson responded that the amount, character, and locations will be determined during the project. She also asked who will keep concerned citizens informed as project

progresses. Steenson said keeping the community informed will be collaborative during the project and all documents will be uploaded to GeoTracker.

Chair McGrath commented that the analysis was comprehensive, the contamination levels were high and this seems like the best place and approach to truck the materials, protect the public, and remediate appropriately.

Kathryn Purcell, Port of San Francisco, said she appreciated the Water Board staff and all the collaborators on this project- the analysis and permitting, found the tentative order helpful, and acknowledged the importance of the public participation.

Chair McGrath asked for a motion on Item 8A. EO Mumley clarified that the recommendation is to adopt the resolution.

Motion: Board Member Battey

Second: Board Member Kissinger

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

Nos: none

Chair McGrath asked for a motion on Item 8B, to adopt the Tentative Order.

Motion: Board Member Young

Second: Board Member Gunther

Item 9 – Closed Session – Personnel

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

The meeting was adjourned at 1:44 PM