

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

MEETING DATE: March 10, 2021

**ITEM:**               **3**

**SUBJECT:**           **Minutes for the February 10, 2021, Board Meeting**

**February 10, 2021 Board Meeting**  
**Adopted March 10, 2021**

Note: Copies of orders, resolutions, and minutes are posted on the Regional Water Board's website ([www.waterboards.ca.gov/sanfranciscobay](http://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 9:03 a.m. via Zoom Virtual Meeting Platform.

<b>Board Members Present</b>	<b>Board Members Absent</b>	<b>Status</b>
Chair James McGrath		QUORUM
Vice-Chair Jayne Battey		
William Kissinger		
Alexis Strauss Hacker		
Andrew Gunther		

From the Watershed Division, Division Chief (DC) Keith Lichten introduced new, acting Supervisor Laurie Taul, who introduced Scientific Aid Sam Good.

**Item 2 – Election of Chair and Vice Chair**

Board Member William Kissinger motioned, and Board Member Andrew Gunther seconded for both the nominations of the Chair and Vice Chair, Jim McGrath and Jayne Battey, respectively.

Ayes: McGrath, Battey, Kissinger, Hacker, Gunther

Nos: none

ITEM APPROVED

**Item 3 – Public Forum**

Former Board Member Newsha Ajami joined the meeting. Each of the Board members, including State Water Board Member Tam Doduc, provided brief comments about their appreciation for Former Board Member Ajami's time on the Board. Assistant Executive Officers (AEO) Thomas Mumley and Executive Officer (EO) Michael Montgomery also contributed their comments. Former Board Member Ajami concluded by sharing a few parting remarks, including the inspirational work of the Regional Water Board.

Doug Silverstein, San Francisco native and Burlingame resident, representing THRIVE Alliance and Circular SMC (San Mateo County), spoke about their collaborative work on the costs of single use plastic in the county. He shared findings from the study and actions items moving forward. Vice Chair Jayne Battey shared remarks about her involvement and feedback on the project. Chair McGrath shared his appreciation of Circular SMC's work and the work of similar groups in the region.

Joshua Quigley, Policy Manager at Save The Bay, summarized comments he shared with the Board on Caltrans trash control workplan. Chair McGrath asked that a follow up be submitted in the March Executive Officer's Report.

Five speakers joined the meeting to provide comments and share the public's feedback on the Newark Area 4 development proposal. Jana Sokale, Citizens Committee to Complete the Refuge; Lisa Belenky, Center for Biological Diversity; Daniela Ades, Greenbelt Alliance; Julia Foote, Sierra Club, San Francisco Bay Chapter; and Arthur Feinstein, California Sierra Club. 4665 petitions were signed by the citizens of the city of Newark, and the region, against the proposed developments. DC Lichten shared with the Board some of the history of the project and summarized the letter we sent to the City of Hayward regarding the project.

#### **Item 4 – Minutes of the December 16, 2020, Board Meeting and January 13, 2021 Closed Session**

Motion to approve: Vice Chair Battey

Second: Board Member Kissinger

Ayes: McGrath, Battey, Kissinger, Hacker, Gunther

Nos: none

ITEM APPROVED

#### **Item 5 – Chair's, Board Members' and Executive Officer's Reports**

State Board Member Doduc provided details on three upcoming informational items at State Board meetings: the current and projected hydrology for the Bay Delta and conditions of California fisheries; a report from staff on State Water Board drought efforts, as it relates to water rights; and the Division of Water Rights' efforts in water availability analysis and water rights permitting as it relates to climate change.

Board Member Gunther shared that the Climate Action subcommittee met recently and will report out progress in the coming months. Board Member Battey added her thoughts on the need to prioritize our climate related activities based on risk and need.

Vice Chair Battey reported out on her previous meeting with ABAG (Association of Bay Area Governments), highlighting the adoption of Plan Bay Area 2050.

Chair McGrath shared about his work with the East Bay Regional Parks District as it relates to sea level rise and erosion vulnerabilities. AEO Mumley provided

supplementary information on erosion and sediment as it relates to the Regional Monitoring Program.

EO Montgomery reported on the petroleum spill at the Chevron Refinery Long Wharf. He thanked State Board Member Doduc for her efforts on the Statewide Winery Order. EO Montgomery highlighted a couple items from the EO Report, including the low-income and homeless housing projects and recognition of the staff deployed as contact tracers. Board Member Gunther asked a question about the San Francisco Airport item as it relates to their sea level rise numbers.

Break at 10:33 a.m.

Back in session at 10:45 a.m.

### **Item 6 – Uncontested**

#### **6A. The Exploratorium, Heating and Cooling System and Fog Bridge Desalination System, San Francisco, San Francisco County - Reissuance of NPDES Permit**

Chair McGrath administered the oath to persons testifying.

EO Montgomery introduced the item and provided some background.

Chair McGrath asked for a motion.

Motion to approve: Board Member Hacker

Second: Board Member Kissinger

Ayes: McGrath, Battey, Kissinger, Hacker, Gunther

Nos: none

ITEM APPROVED

### **Item 7 – Proposed Amendment to the Water Quality Control Plan (Basin Plan) to Establish a Total Maximum Daily Load (TMDL) and Implementation Plan for Bacteria at the Beaches in Pillar Point Harbor and Venice Beach and to Update the Bacteria Objectives for Protecting Water Contact Recreation in the Basin Plan**

EO Montgomery introduced Staff Barbara Baginska, who made a presentation on the topic.

Supervisor Jan O'Hara and DC Xavier Fernandez were made available to provide support.

Vice Chair Battey expressed her gratitude for the work on the TMDL, which is located where she lives. She asked about how all the relevant stakeholders will work together to share responsibility for the implementation plan. Staff Baginska provided a reply. Vice Chair Battey re-emphasized her hope that the collaboration will be fruitful. She also recognized that local environment is ever-changing, with growing tourism and sea level

rise. Staff Baginska added that the Regional Water Board has been working with the local RCD (Regional Conservation District).

Chris Sommers, representing Santa Clara Valley Urban Runoff Pollution Prevention Program, commented on the Basin Plan Amendment for the Water Quality Section, specifically the implementation of the plan in the future. He asked the Board to consider additions to the proposed language. Attorney Marnie Ajello provided feedback on the question at hand, emphasizing the change would be clarifying and not necessary for the TMDL currently being considered. EO Montgomery and AEO Mumley supported Attorney Ajello's interpretation.

Board Member Hacker asked three questions to Staff Baginska: the first on the onsite wastewater treatment systems, the second on the attention given to horse-sporting activities and whether they should be enrolled in Waste Discharge Requirements, and the third on the vessels docked at the outer harbor. Staff Baginska provided a reply to each question.

Board Member Gunther asked a question related to the surveillance of non-point source discharges. Staff Baginska provided a reply. Supervisor O'Hara added a note on resources currently used to pinpoint illicit discharges.

Chair McGrath asked for a motion. With a change as presented in the presentation (slide 17). He gave feedback on importance of the work to the community and thanked staff for their efforts.

Motion to approve with the change: Vice Chair Battey

Second: Board Member Gunther

Ayes: McGrath, Battey, Kissinger, Hacker, Gunther

Nos: none

ITEM APPROVED

Board Member Kissinger added his appreciation for staff's work on the TMDL and Basin Plan Amendment.

### **Item 8 – Correspondence**

EO Montgomery mentioned the correspondence from Save the Bay on Caltrans, which was referred to during Public Forum.

### **Item 9 – Closed Session – Personnel**

The Board did not meet 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**

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

Board Member Kissinger motioned to adjourn, and Board Member Gunther seconded.

**The meeting was adjourned at 11:54 AM**

