
San Francisco Bay Regional Water Quality Control Board

AGENDA
March 10, 2021
9:00 a.m.

Video and Teleconference Meeting Only
No Physical Meeting Location

(Authorized by and in furtherance of Executive Orders [N-29-20](#) and [N-33-20](#))

Video and Teleconference Meeting During COVID-19 Emergency: As a result of the COVID-19 emergency and the Governor's Executive Orders to protect public health by limiting public gatherings and requiring social distancing, this meeting will occur solely via remote presence.

For those who wish to comment on an agenda item or are presenting to the Board, additional information about participating telephonically or via the remote meeting solution is available here: (https://www.waterboards.ca.gov/sanfranciscobay/board_info/remote_meeting/)

For those who only wish to watch the meeting, the customary webcast remains available at: <https://cal-span.org/> and should be used UNLESS you intend to comment.

Items are numbered for identification purposes only and may not be considered in order. Items scheduled for the first day of a multi-day meeting may be delayed or continued to the next day of the meeting. Closed session items may be considered on either or both days.

1. **Roll Call and Introductions**

2. **Public Forum**

Any person may address the Water Board regarding a matter within the Board's jurisdiction that is not related to an item on this meeting agenda. Comments will generally be limited to three minutes, unless otherwise directed by the Chair. Comments regarding pending adjudicatory matters will not be allowed. The public is encouraged to visit the Board website [www.waterboards.ca.gov/sanfranciscobay/public_notices] and contact Board staff to determine whether a matter is a pending adjudicatory matter.

3. **[Minutes of February 10, 2021, Board Meeting](#)**

JIM McGRATH, CHAIR | MICHAEL MONTGOMERY, EXECUTIVE OFFICER

1515 Clay St., Suite 1400, Oakland, CA 94612 | www.waterboards.ca.gov/sanfranciscobay

4. [Chair's, Board Members', and Executive Officer's Reports](#)

Other Business

5. **Streamlining and Considerations for Enforcement**

a. Resolution to Delegate Authority to the Executive Officer to Hold Hearings On and Issue Mandatory Minimum Penalties (MMPs) – Consideration of a Resolution to Delegate to the Executive Officer the Authority to Hold Hearings On and Issue MMPs [Michael Montgomery, 510-622-2314, Michael.Montgomery@waterboards.ca.gov]

b. General Discussion on the Use of Hearing Panels – General Discussion on the Use of Hearing Panels [Michael Montgomery, 510-622-2314, Michael.Montgomery@waterboards.ca.gov]

[Executive Officer Summary Report](#)

[Delegation of Authority to The Executive Officer](#)

[Resolution R2-2021-0003](#)

Informational Items

6. **Wetland Regional Monitoring Program (WRMP)** – Presentation on the Status of the WRMP by Heidi Nutters, Steering Committee Chair, and Christina Toms, Technical Advisory Committee Chair [Christina Toms, 510-622-2506, Christina.Toms@waterboards.ca.gov]

[Staff Summary Report](#)

7. **Bay Adapt Joint Platform** – Presentation on the Status of the Bay Adapt Regional Strategy for a Rising Bay by Jessica Fain, Director of Planning, Bay Conservation and Development Commission [Xavier Fernandez, 510-622-5685, Xavier.Fernandez@waterboards.ca.gov]

[Staff Summary Report](#)

8. **Correspondence**

[Correspondence #2](#)

9. **Closed Session – Personnel**

The Board may meet in closed session to discuss personnel matters.
[Authority: Government Code section 11126(a)]

10. Closed Session – Litigation

The Board may meet in closed session to discuss litigation. The Board also may meet to discuss whether or not to initiate litigation.

[Authority: Government Code sections 11126(e)(1) and 11126(e)(2)(A)-(C)]

Items the Board may discuss include the following:

- Sweeney et al. v. Cal. Regional Water Quality Control Bd. et al. (Court of Appeal, First Appellate District, Division Three, Case Nos. A153583 (ACL) and A153585 (CAO))
- City and County of San Francisco v. State Water Resources Control Board and San Francisco Bay Regional Water Quality Control Board (Alameda County Superior Court; Case No. RG19042575)
- In re: UCI International, LLC, Champion Laboratories, Inc., et al. (U.S. Bankruptcy Court for the District of Delaware; Case No. 16-11354)

11. Closed Session – Deliberation

The Board may meet in closed session to consider evidence received in an adjudicatory hearing and deliberate on a decision to be reached based on that evidence.

[Authority: Government Code section 11126(c)(3)]

12. Adjournment to the Next Board Meeting – Wednesday, April 14, 2021

NOTES ON WATER BOARD AGENDA

Agenda Annotations – Uncontested Items are expected to be routine and non-controversial. Recommended action will be taken at the beginning of the meeting without discussion. Any interested party, Board member, or the Executive Officer may request that an item be removed from the Consideration of Uncontested Items, and it will be taken up in the order indicated by the agenda.

Availability of Agenda Items – Tentative orders and their accompanying materials are available one week before the meeting at www.waterboards.ca.gov/sanfranciscobay. Copies of agenda items may be obtained at the Board's office after 9 a.m. on the Thursday preceding the Board meeting from the staff member indicated on the agenda.

Conduct of Board Meetings – Items may not be considered in numerical order. Board meetings are accessible to people with disabilities or who need interpreter services. Individuals who require special accommodations or need interpreter services should contact the Executive Assistant at 510-622-2399 at least 10 working days before the meeting. TTY users may contact the California Relay Service at 800-735-2929 or voice line at 800-735-2922.

Anyone intending to make a presentation using slides, overheads, computer graphics, or other media must coordinate with the staff member for the agenda item in advance of the meeting. Presentation materials must be consistent with and not extend beyond the scope of oral testimony. Power point slides will not be made part of the record unless the Board views them during its meeting. All those addressing the Board should identify themselves for the record.

At any time during the regular session, the Board may adjourn to a closed session to consider litigation, personnel matters, or to deliberate on a decision to be reached based on evidence introduced in a hearing. [Government Code section 11126(a), (c), and (e)]

Administrative Civil Liabilities and Mandatory Minimum Penalties – A discharger may waive the right to a hearing on an agenda item for an ACL or MMP. If there is a waiver, no hearing will be held unless new, substantial information is made available that was not considered during the public comment period.

Petition of Board Actions – Certain Water Board actions or failures to act may be petitioned to the State Water Resources Control Board under Water Code section 13320. Any such petition shall be limited to those substantive issues or objections that were raised before the Water Board, if there was notice and an opportunity to comment. A petition must be received by the State Water Board within 30 days of the Water Board action or failure to act. See Title 23, California Code of Regulations, sections 2050-2068 for regulations governing petitions.

Contributions to Board Members – All persons who actively support or oppose the adoption of waste discharge requirements or an NPDES permit before the Board must submit a statement to the Board disclosing any contribution of \$250 or more to be used in a State, federal, or local election, made by the action supporter or opponent or his or her agent, to any Board member within the past 12 months.

All permit applicants and all persons who actively support or oppose adoption of waste discharge requirements or an NPDES permit pending before the Board are prohibited from making a contribution of \$250 or more to any Board member for 3 months following a Board decision on a permit application.

Water Quality Certification – Information regarding pending section 401 Water Quality Certification applications is available at www.waterboards.ca.gov/sanfranciscobay/public_notices/#section401.

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD**San Francisco Bay Region**

1515 Clay Street, Suite 1400, Oakland, CA 94612

(510) 622-2300 • Fax (510) 622-2460

www.waterboards.ca.gov/sanfranciscobay**Water Board Members****Name**

James McGrath, Chair
 Jayne Battey, Vice-Chair
 Newsha Ajami
 William D. Kissinger
 Alexis Strauss Hacker
 Andrew Gunther

City of Residence

Berkeley
 Half Moon Bay
 San Francisco
 Mill Valley
 Piedmont
 Oakland

Water Board Staff**Executive Officer**

Michael Montgomery

Assistant Executive Officers

Lisa Horowitz McCann
 Thomas Mumley

Executive Assistant

Guy Gutterman

Counsel to the Board

Yuri Won
 Marnie Ajello

Management Services Division

Anna Torres, Chief

Wastewater Control and Enforcement Division

Bill Johnson, Chief
 Jessica Watkins, Section Leader
 Brian Thompson, Section Leader
 Robert Schlipf, Section Leader

Planning and TMDL Division

Xavier Fernandez, Chief
 James Ponton, Section Leader
 Kevin Lunde, Section Leader
 Janet O'Hara, Section Leader

Watershed Management Division

Keith Lichten, Chief
 Derek Beauduy, Section Leader
 Liz Morrison, Section Leader
 Margaret Monahan, Section Leader

Ground Water Protection / Waste Containment Division

Terry Seward, Chief
 Nathan King, Section Leader
 David Elias, Section Leader
 Keith Roberson, Section Leader

Toxics Cleanup Division

Alec Naugle, Chief
 John D. Wolfenden, Section Leader
 Laurent Meillier, Section Leader
 Elizabeth Wells, Section Leader

The primary responsibility of the Water Board is to protect and enhance the quality of regional surface water and groundwater for beneficial uses. This duty is carried out by formulating, adopting, and implementing water quality plans for specific water bodies, by prescribing and enforcing requirements on waste dischargers, and by requiring cleanup

of soil and water contamination and pollution. Specific responsibilities and procedures of the Board are outlined in the Porter-Cologne Water Quality Control Act.

Meetings of the Water Board normally are held on the second Wednesday of each month in the Elihu M. Harris State Office Building, First Floor Auditorium, 1515 Clay Street, Oakland. They are scheduled to begin at 9:00 a.m.

The purpose of the meetings is to provide the Water Board with an opportunity to receive testimony and information from concerned and affected parties and to make decisions after considering the evidence presented. A public forum is held at the beginning of each general meeting where persons may speak on matters within the Board's jurisdiction that are not specific agenda items. The Board welcomes information on pertinent problems, but comments at the meeting should be brief and directed to specifics of the case to enable the Board to take appropriate action. Written comments must be received prior to the Board meeting by the date indicated by staff. Verbal testimony made at the Board meeting should only summarize the written material.

Each Water Board meeting is recorded. You may obtain audiovisual recordings of prior board meetings at the following link: [<https://cal-span.org/static/meetings-RWQCB-SF.php>]. A copy of the written transcript may be obtained by calling California Reporting, LLC, at (510) 313- 0610.