

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION
BOARD MEETING MINUTES
September 13, 2023**

CALL TO ORDER

Chair Celeste Cantú opened the meeting September 13, 2023 at 9:00 a.m. in the San Diego Regional Water Quality Control Board Hearing Room, 2375 Northside Drive, Room 108, San Diego, California 92108.

ATTENDANCE

Board Members present:

Celeste Cantú, Board Chair; Betty H. Olson, Ph.D., Vice Chair; Eric Anderson, Megan Blair, and Gary Strawn. Ms. Blair left at 11:09 a.m.

Board Members absent:

Stefanie Warren

Staff present:

David Gibson	Regina Coughlin
Chris Blank	Roger Mitchell
Brandon Bushnell	Regan Morey
Abby Pashina	Cailynn Smith
Melissa Corona	Cynthia Gorham
Jody Ebsen	Chad Loflen
Jeremy Haas	Fisayo Osibodu
Christina Arias	Chiara Clemente
Wayne Chiu	Melissa Liotta
Laurie Walsh	Erica Ryan

Staff remote attendance:

Kelly Dorsey	James Smith
Brandi Outwin-Beals	Vicente Rodriguez
Joann Lim	Kimberly McMurray-Cathcart
James Chhor	Carey Kowalski
Debbie Woodward	Christopher Means
Frank Melbourn	

Others present on behalf of the San Diego Water Board

Vincent Vu, Alex Sauerwein, Office of Chief Counsel; David Boyer, Paul Ciccarelli, Office of Enforcement; Elise Hicks, California Reporting

Public Attendance:

Present:

Justin Gamble <i>City of Oceanside</i>	Kelley Gage, Jeremy Crutchfield <i>San Diego County Water Authority (SDCWA)</i>
Gregory Amparano, Michelle Peters, Paul Rajmaira <i>Poseidon Resources Channelside LP</i>	Margarita Diaz <i>Proyecto Fronterizo de Educacion Ambiental (PFEA)</i>
Laura Wilkinson Sinton <i>STOP THE SEWAGE!</i>	Sarah Davidson, Laura Walsh, Bethany Case <i>Surfrider Foundation</i>
Paloma Aguirre <i>Mayor, Imperial Beach</i>	Phillip Musegaas <i>San Diego Coastkeeper</i>
Maria Elena Giner, Commissioner; Isela Canava, Principal Engineer; Sally Spener, Foreign Secretary; Frank Fisher, PAO <i>International Boundary and Water Commission</i>	James Mortensen <i>SoCal Law Group, PC</i>
Peter Olah <i>Quality Investors 1 2016 LLP</i>	

Remote attendance:

Hector Aguirre, Lily Lee <i>USEPA</i>	Vivan Marquez Waller <i>Imperial Beach Resident</i>
Mia Gil <i>Viejas Tribal Government</i>	Marely Ramirez <i>Resident of Coronado</i>
Andrew Meyer <i>San Diego Audubon Society</i>	

BOARD MEETING

Public comments on agenda items were limited to 3 minutes or otherwise at the discretion of the Board Chair

PUBLIC FORUM

There were no speakers for the Public Forum

BOARD BUSINESS

Item 1 – Minutes of Board Meeting: August 9, 2023

Motion to adopt the August 9, 2023 minutes:

- Dr. Olson

Second:

- Mr. Anderson

Aye:

- Mr. Anderson
- Ms. Blair
- Dr. Olson
- Mr. Strawn
- Chair Cantú

Nay:

- None

Absent:

- Ms. Warren

Abstain:

- None

Item 2 – Chairman’s, Board Members’, State Water Board Liaison’s, and Executive Officer’s Reports. *These items were for Board discussion only. Public testimony was not allowed, and the Board took no formal action.*

Nichole Morgan, the State Board liaison, updated the Board regarding recent State Board actions and priorities and responded to Board Member questions.

Mr. Gibson responded to Board Member questions about the written Executive Officer’s Report.

CONSENT CALENDAR

**Items on the consent calendar may be removed at the request of any Board member or person. If an item is removed from the consent items calendar, it will only be voted on at this meeting if the Board accepts the staff recommendation for the agenda item. Otherwise, the item will be continued to a subsequent board meeting to allow input by interested persons.*

Item 3 – Rescission of Order No. 94-119, Waste Discharge Requirements for Ivan and Adele Potts, Ivy Del Trailer Park, Near Escondido, San Diego County (Tentative Order No. R9-2023-0044). *(Mahsa Izadmehr)*

Item 4 – Rescission of Order No. 95-34, Waste Discharge Requirements for Outdoor Resorts Rancho California, Inc., Outdoor Resorts Rancho California RV Park, Aguanga, Riverside County (Tentative Order No. R9-2023-0028). *(Brandon Bushnell)*

Motion to adopt the Consent Calendar:

- Dr. Olson

Second:

- Mr. Anderson

Aye:

- Mr. Anderson
- Ms. Blair
- Dr. Olson
- Mr. Strawn
- Chair Cantú

Nay:

- None

Absent:

- Ms. Warren

Abstain:

- None

ACTION ITEMS:

Item 5 – NPDES Permit Amendment: An Order Amending Order No. R9-2019-0003, NPDES No. CA0109223, Waste Discharge Requirements for the Poseidon Resources (Channelside) LP Claude “Bud” Lewis Carlsbad Desalination Plant Discharge to the Pacific Ocean (Tentative Order No. R9-2023-0137). (*Fisayo Osibodu*)

Fisayo Osibodu gave the staff presentation and responded to Board Member questions.

Chair Cant? paused Agenda Item 5 to hear Agenda Item 8 out of order.

INFORMATIONAL ITEM

Item 8 – Update on Status of the International Boundary and Water Commission International Wastewater Treatment Plant. (*David Gibson*)

Mr. Gibson introduced the item. Maria-Elena Giner, Commissioner of the International Boundary and Water Commission (IBWC), gave a presentation and responded to Board Member questions.

The following stakeholders commented on the item:

- Paula Aguirre, Mayor, Imperial Beach
- Laura Sinton, STOP THE SEWAGE!, resident of Coronado
- Margarita Diaz, PFEA
- Sarah Davidson, Manager, Clean Border Water Now, Surfrider Foundation
- Phillip Musegaas, Executive Director, San Diego Coastkeeper
- Laura Walsh, Surfrider Foundation (remote)

Chair Cantú and Mr. Gibson responded to the commenters.

Chair Cantú called a recess at 11:25 a.m., reconvened the meeting at 11:38 a.m., and then continued with Agenda Item 5.

Gregory Amparano, CEO, and Michelle Peters, Director of Operations, for Poseidon Resources Channelside LP, also gave a presentation and responded to Board Member questions.

Motion to approve Tentative Order No. R9-2023-0137:

- Dr. Olson

Second:

- Mr. Anderson

Aye:

- Mr. Anderson
- Dr. Olson
- Mr. Strawn
- Chair Cantú

Nay:

- None

Absent:

- Ms. Blair
- Ms. Warren

Abstain:

- None

Item 6 – Tentative Resolution: A Resolution Endorsing the Fiscal Year 2023-2024 Operational Plan (Tentative Resolution No. R9-2023-0138). (*David Gibson*)

Dave Gibson gave the staff presentation and responded to Board Member questions. The following members of staff also responded to Board Member questions:

Motion to approve Tentative Order No. R9-2023-0138:

- Mr. Strawn

Second:

- Mr. Anderson

Aye:

- Mr. Anderson
- Dr. Olson
- Mr. Strawn
- Chair Cantú

Nay:

- None

Absent:

- Ms. Blair
- Ms. Warren

Abstain:

- None

Chair Cantú recessed for lunch at 12:43 p.m. and reconvened the meeting at 1:26 p.m.

ACTION ITEM

Item 7 – Administrative Civil Liability Hearing: Administrative Civil Liability Order in the Matter of Quality Investors 1 2016 LLC and David G. Epstein for Alleged Violations of Water Quality Requirements as set forth in Administrative Civil Liability (ACL) Complaint No. R9-2023-0013. (*David Gibson, Vincent Vu*)

Chair Cantú made an opening statement and administered the oath.

Christina Arias gave a presentation on behalf of the Prosecution Team.

The Dischargers asked Ms. Arias questions.

The Dischargers called Peter Olah as a witness, Mr. Ciccarelli cross-examined the witness, and Mr. Mortensen conducted re-direct examination.

The Prosecution Team and the Dischargers presented closing statements.

Motion to approve Tentative Order No. R9-2023-0168, with errata:

- Dr. Olson

Second:

- Mr. Anderson

Aye:

- Mr. Anderson
- Dr. Olson
- Mr. Strawn
- Chair Cantú

Nay:

- None

Absent:

- Ms. Blair
- Ms. Warren

Abstain:

- None

BOARD MEMBER REQUESTS

Item 9 – Future Agenda Items: Recommended Course of Action and Estimated Staff Hours to Address Action Items from the August 2023 Board Meeting. In addition, Board Members may discuss items for possible inclusion on future agendas. *(Kelly Dorsey)*

Board Member Olson asked for information from the Division of Drinking Water (DDW) regarding the circumstances and cause of the Cal-Am boiled water order that was issued to Imperial Beach and some surrounding areas.

There being no further business, Chair Cantú adjourned the meeting at 3:29 p.m.

These Minutes were prepared by:

Signed by:

Christina A. Blank
Executive Assistant

David W. Gibson
Executive Officer