

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
SAN DIEGO REGION  
Riverside County Flood Control and  
Water Conservation District (RCFC & WCD)  
1995 Market Street  
Riverside, California 92501

MINUTES OF MEETING  
SEPTEMBER 13, 2017

At 9:00 a.m., Chairman Abarbanel called to order the meeting of the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) at the Riverside County Flood Control and Water Conservation District Board Meeting Room, 1995 Market Street, Riverside, California 92501.

**Item 1** - Roll Call and Introductions:

Board Members present: Henry Abarbanel, Eric Anderson, Gary Strawn, Stefanie Warren.

Board Members absent: Tomas Morales, Betty Olson

Staff present: Dave Gibson, James Smith, Chris Blank, Laurie Walsh, Julie Chan, Jeremy Haas, Barry Pulver, Craig Carlisle, Hiram Sarabia, Cynthia Gorham, Mayra Estrada, Erica Ryan, Lisa Honma, David Barker.

Others present on behalf of the San Diego Water Board: State Water Resources Control Board - Catherine Hagan, Adriana Nuñez, Sophie Froelich. California Court Reporting – Mason Booker.

Public Attendance: Neil Mohr, *Republic Services*; Edwin Quinonez, Kris Flanigan, Penny Nanney, Ava Moussar, Darcy Kuenzi, Jason Uhley, *Riverside County Flood Control and Water Conservation District*; Al Javin, *Eastern Municipal Water District*; Elizabeth Hernandez, *Riverside County Department of Public Social Services, Homeless Program Unit*; Robin Gillibrand, *Temecula Community Center*; Matt Rich, *Amec Foster Wheeler*; Martha Sutula, *Southern California Coastal Water Research Project*; Craig Lawson, Jo Ann Weber, *County of San Diego*; Nancy Cullen, *Riverside County Transportation Department*; Paul Hartman, *Larry Walker Associates*.

**Item 2** - Public Forum

Neil Mohr, General Manager, Republic Services, addressed the Board regarding the timeline of the Sycamore Landfill upgrades.

**Item 3** - Minutes of Board Meeting: August 9, 2017.

Mr. Strawn moved to approve the minutes, and Mr. Anderson seconded the motion. The Executive Assistant polled the Board, and Board Members Abarbanel, Anderson, Strawn, and Warren voted "aye." The motion passed.

**Item 4** - Chairman's, Board Members', State Water Board Liaison's, and Executive Officer's Reports. These items were for Board discussion only. No public testimony was allowed, and the Board took no formal action.

Ms. Warren thanked Mr. Gibson and staff for providing her with a tour of the Chollas Creek Watershed last week.

Mr. Gibson provided updates on the IBWC and the Minute 320 Working Group; he also announced that the Board is currently recruiting for a Water Resources Control Engineer to work on the Commercial Agricultural WDR program and responded to Board Member questions.

**Item 5** - Future Agenda Items: Board members may discuss items for possible inclusion on future agendas (*David Gibson*)

Ms. Warren asked for an informational item at a future Board Meeting regarding emergency preparedness for events such as fires, tropical storms, earthquakes, etc.

**Item 6** – Information Item: Update on Enrollment in the Waste Discharge Requirements for Commercial Agriculture (*Barry Pulver*)

Mr. Pulver gave the staff presentation and responded to Board Member questions.

Eric Larsen, San Diego Regional Irrigated Lands Group (Farm Bureau), reported confusion regarding enrollment in the program by producers enrolled in a Third Party Group.

Mr. Pulver and Mr. Carlisle addressed concerns expressed by Mr. Larsen, and Mr. Carlisle responded to Board Member questions.

Mr. Gibson also responded to Board Member questions.

*Chair Abarbanel called a recess at 10:12 a.m. and reconvened the meeting at 10:25 a.m.*

**Item 7** – Information Item: Status Update on a Pathway to Water Quality Restoration in the Santa Margarita River Estuary. (*Hiram Sarabia*)

Mr. Sarabia gave the staff presentation and responded to Board Member questions.

**Item 8** – Information Item: Update on the Clean Water Act §401 Dredge and Fill Program. (*Eric Becker*)

Mr. Gibson introduced the item, and Mr. Becker gave the staff presentation and responded to Board Member questions.

Ms. Honma, Mr. Gibson, and Ms. Hagan also responded to Board Member questions.

Jason Uhley, Chief Engineer and Director of the Riverside County Flood Control and Water Conservation District, commented on this item and responded to Board Member questions.

**Item 9** – Discussion Item: Concerns Related to the Impacts on Receiving Waters from Homeless Populations in the Santa Margarita Watershed. *(Erica Ryan)*

Ms. Ryan introduced the item, and Mr. Uhley gave his presentation and responded to Board Member questions.

Robin Gillibrand, Community Services Supervisor of the Temecula Community Center, gave a presentation regarding Temecula's approach to addressing watershed issues related to their homeless populations.

Elizabeth Hernandez, Riverside County Homeless Program Unit responded to Board Member questions.

**Item 10** – Information Item: Walking Tour of Storm Water Best Management Practices at the Riverside County Flood Control District Office. *(Erica Ryan)*

Ms. Ryan, Mr. Uhley, and Ava Moussar introduced the item.

*Chair Abarbanel recessed for lunch and Closed Session at 12:36 p.m.*

*Ms. Hagan stated that the Board would discuss Item 11(h) during Closed Session.*

**Item 11** – *Closed Session* – Consideration of Initiation of Litigation or Discussion of Significant Exposure to Litigation. The San Diego Water Board may meet in Closed Session to initiate or consider initiating litigation concerning matters within its jurisdiction or to discuss significant exposure to litigation [Authorized under Government Code Section 11126(e)]. *(David Gibson)*

**Civil Actions (Judicial and Administrative, other than Petitions for Review filed with the State Water Board)**

- a. *In re: Test Claim on California Regional Water Quality Control Board, San Diego Region, Order No. R9-2007-001, (NPDES No. CAS0108758) Waste Discharge Requirements for Discharges of Urban Runoff from the Municipal Separate Storm Sewer Systems (MS4s) Draining the Watersheds of the County of San Diego, the Incorporated Cities of San Diego County, the San Diego Unified Port District, and the San Diego County Regional Airport Authority adopted on January 24, 2007. Test Claim filed by San Diego County, et al., with Commission on State Mandates, No. 07-TC-09 (filed June 2008). (Catherine George Hagan)*
- b. *State of California Department of Finance, State Water Resources Control Board, And California Regional Water Quality Control Board, San Diego Region v. Commission on State Mandates. Petition for Writ of Administrative Mandamus. Sacramento County Superior Court, Case No. 34-2010-80000604 (filed July 2010), pending at Court of Appeal. (Catherine George Hagan)*
- c. *Test Claim on California Regional Water Quality Control Board, San Diego Region, Order No. R9-2009-0002, (NPDES No. CAS0108740) Waste Discharge Requirements for Discharges of Urban Runoff from the Municipal Separate Storm Sewer Systems (MS4s) Draining the Watersheds of the*

- County of Orange, the Incorporated Cities of the County of Orange, and the Orange County Flood Control District adopted on December 16, 2009. Test Claim filed by County of Orange, et al., with Commission on State Mandates, No. 10-TC-11 (filed June 2011). (Catherine George Hagan)*
- d. *Test Claim on California Regional Water Quality Control Board, San Diego Region, Order No. R9-2010-0016 (NPDES No. CAS0108766) adopted November 10, 2010, County of Riverside, Riverside County Flood Control and Water Conservation District, and the Cities of Murrieta, Temecula and Wildomar, Co-Claimants, filed with Commission on State Mandates, No. 11-TC-03 (filed November 2011) (Inactive per Test Claimants' request pending outcome of related litigation). (Catherine George Hagan)*
  - e. *Test Claim on California Regional Water Quality Control Board, San Diego Region, Order No. R9-2013-0001 (Regional MS4 Permit) filed with Commission on State Mandates by County of San Diego. (San Diego Region Water Permit – County of San Diego, Test Claim No. 14-TC-03 (filed June 2015). (Inactive per Test Claimants' request pending outcome of related litigation). (Catherine George Hagan)*
  - f. *San Diego Gas & Electric Company v. San Diego Regional Water Quality Control Board. Petition for Writ of Administrative Mandamus. San Diego County Superior Court Case No. 37-2015-00032608-CU-WM-CTL (filed September 2015) (Challenging Cleanup and Abatement Order No. R9-2012-0024 for San Diego Bay Shipyard Sediment Site). (Catherine George Hagan)*
  - g. *San Altos-Lemon Grove, LLC. v. California Regional Water Quality Control Board, San Diego Region, a State of California Agency, David Gibson, Executive Officer, California Regional Water Quality Control Board, San Diego Region. Petition for Writ of Mandate. San Diego County Superior Court Case No. 37-2017-00012461-CU-WM-CTL (filed April 2017) (challenging Administrative Civil Liability Order No. R9-2016-0064). (Catherine George Hagan)*
  - h. *People of the State of California, ex. rel. The San Diego Regional Water Quality Control Board v. Paul Lee Warren, et al., Complaint for Declaratory and Injunctive Relief Based on Violations of the California Water Code. San Diego County Superior Court, Case No. 37-2017-00024906-CU-TT-NC (filed July 10, 2017). (Alan Monji)*

### **Petitions for Review Pending Before the State Water Board<sup>1</sup>**

*No active petitions at this time.*

The Board discussed item 11(h) during this Closed Session

<sup>1</sup> Petitions for review of San Diego Water Board actions or inactions filed with the State Water Board being held in abeyance by the State Water Board are generally not listed in the agenda. The titles of these matters are available at the San Diego Water Board. Please contact Catherine George Hagan at [Catherine.Hagan@waterboards.ca.gov](mailto:Catherine.Hagan@waterboards.ca.gov) or 619-521-3012 for more information.

Chair Abarbanel and Ms. Warren left at the conclusion of the Closed Session (1:24 p.m.) and did not participate in the walking tour.

Vice Chair Gary Strawn reopened the public meeting at 1:27 p.m. and indicated that no action had been taken during Closed Session.

There being no further business, Mr. Strawn adjourned the meeting at 1:28 p.m.

These minutes were prepared by:

Signed by:

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Christina Blank  
Executive Assistant

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David Gibson  
Executive Officer

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