

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION
BOARD MEETING MINUTES
MAY 9, 2018**

CALL TO ORDER

Chair Tomas Morales called the meeting to order on May 9, 2018 at 9:00 a.m. Mission Viejo City Council Chambers, 200 Civic Center, Mission Viejo, California 92691.

ATTENDANCE:

Board Members present:

Tomas Morales, Henry Abarbanel, Eric Anderson, Betty Olson, Gary Strawn.

Board Members absent:

Stefanie Warren.

Staff present:

Dave Gibson, James Smith, Chris Blank, Alex Cali, John Odermatt, Jeremy Haas, Kelly Dorsey, Cynthia Gorham, Jody Ebsen, Laurie Walsh, Roger Mitchell, Fisayo Osibodu, Keith Yaeger, David Barker, Brandi Outwin-Beals.

Others present on behalf of the San Diego Water Board:

State Water Resources Control Board –Catherine Hagan, Adriana Nuñez. California Court Reporting – Elise Hicks.

Public Attendance:

Roger Butow	<i>Clean Water Now</i>	Roshan Chrisoph, Francesca de Leon	<i>Amec Foster Wheeler</i>
Betty Burnett, Amber Baylor	<i>South Orange County Wastewater Authority (SOCWA)</i>	Rich Schlesinger, Joe Ames, Hazel McIntosh	<i>City of Mission Viejo</i>
Bryan Pastor, Cindy Rivers, Jacqueline Sedigni, Jenna Voss, Rita Abeliar, Kelvin Liu	<i>County of Orange</i>	Garth Engelhorn	<i>Alta Environmental</i>
Mark Bonsavage, Matt Winterbourne	<i>MCB Camp Pendleton</i>	Mou Yahye	<i>City of Aliso Viejo and Laguna Woods</i>
Eric Green	<i>Nautilus Environmental</i>	Ken Johanssen	<i>CalTrans</i>

Michael Welch	<i>Michael Welch Consulting</i>	Tammy Bragg, Brian Glenn, Grant Sharp	<i>Orange County Public Works</i>
Lisa Zawaski	<i>City of Dana Point</i>	Ken Schiff	<i>Southern California Coastal Wetland Research Project (SCCWRP)</i>
Alex Heide	<i>City of Poway</i>	Tej Attili, Henry Bojorgam	<i>La Jolla Tribe</i>
Liz Simmons	<i>Kleinfelder</i>	Devin Slaven	<i>City of Lake Forest</i>
Shaun Pelletier	<i>City of Aliso Viejo</i>	Mary Vondrak	<i>City of Laguna Beach</i>
Sheri Dirter	<i>Western Solutions</i>	Clint Boshcen	<i>TetraTech</i>
Alejandra Gavaldon, Rachel Davenport, Ruth Kolb	<i>City of San Diego</i>	Dan Ferons	<i>Santa Margarita Water District (SMWD)</i>
Lesley Dobalian	<i>San Diego County Water Authority (SDCWA)</i>	Rod Woods	<i>Moulton Niguel Water District (MNWD)</i>
Ashli Desai	<i>County of San Diego</i>	Norris Brandt	<i>San Juan Basin Authority</i>

BOARD MEETING

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

PUBLIC FORUM

Roger Butow, Founder and CEO of Clean Water Now, requested another water reliability summit, to be held in the Fall.

BOARD BUSINESS:

3. Minutes of Board Meeting: April 11, 2018

Motion: Member Dr. Olson moved to adopt the proposed minutes.

Seconded by: Member Anderson

MOTION CARRIED: ([April 11, 2018](#))

Aye: Chair Morales
Member Anderson
Member Dr. Olson
Member Strawn

Nay: Vice Chair Dr. Abarbanel

Absent: Member Warren

Abstain: None

4. 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.

Chair Morales summarized the Chairs' Meeting that took place in Sacramento on April 23. He stated that at that meeting, a subcommittee of Chairs was formed to decide the topics of discussion for the Water Quality Coordinating Committee (WQCC).

Dr. Abarbanel asked for a letter requesting answers to the questions posed to the State Board liaison, Joaquin Esquivel, at last month's meeting. Mr. Gibson responded that he would have it done no later than the next Board Meeting on June 20.

Chair Morales thanked the City of Mission Viejo for hosting this meeting and complimented Orange County for their extensive use of recycled water for both non-potable and potable use. He also indicated that after the meeting, two or three Board Members would participate in a tour of the Dairy Fork Wetlands.

Mr. Gibson reported that he and Chair Morales would sign a memo to the State Board expressing concerns about the data used for the last Integrated Report, which the State Board had just adopted, and he responded to Board Member questions on the same topic.

5. Future Agenda Items:

Board members discussed items for possible inclusion on future agendas

Dr. Olson complimented Chair Morales on adding a discussion of issues related to homeless populations to the WQCC agenda, and asked for statistics on the amount of trash generated by such populations and innovative approaches to mitigating it. Mr. Smith asked for clarification of her request, and she provided a response.

Dr. Abarbanel suggested that the Mayor of Temecula be invited as a speaker for that agenda item.

CONSENT CALENDAR

These items are considered non-controversial issues. If there is public interest, concern, or discussion regarding any consent calendar item or a request for a public hearing, then the item(s) will be removed from the Consent Calendar and considered after all other agenda items have been completed.

6. NPDES Permit Amendment: An Order to Amend Order No. R9-2015-0002 as amended by Order No. 2016-0099, NPDES No. CA0107492, Waste Discharge Requirements for the Padre Dam Municipal Water District, Ray Stoyer Water Recycling Facility, Discharge to Sycamore Creek, San Diego County (Tentative Order No. R9-2018-0028). *(Fisayo Osibodu)*

Motion: Vice Chair Dr. Abarbanel

Seconded by: Member Strawn

MOTION CARRIED: (Order No. R9-2018-0028)

Aye: Chair Morales
Vice Chair Dr. Abarbanel
Member Dr. Olson
Member Strawn

No: None

Absent: Member Warren

Abstain: None

Chair Morales called a recess at 9:34 a.m. and reconvened the meeting at 9:46 a.m.

Remainder of the Agenda (Non-Consent Items):

INFORMATIONAL ITEMS:

7. Sierra Club Zero Trash Initiative. *(David Gibson)*

[Presentation](#)

Presenter: Hoiyin Ip, Sierra Club

Mr. Gibson and Ms. Walsh responded to Board Member questions

Roger Butow commented on this item.

8. Orange County Copermittees Status Update: Invasive Plant Removal, Homeless Encampments, Crown Valley Restoration Project, and County Reorganization. *(Laurie Walsh)*

[Presentation](#)

Presenters: Grant Sharp, Cindy Rivers, Bryan Pastor, and Jenna Voss, Orange County.

Roger Butow, Clean Water Now, commented on this item.

Chair Morales recessed for lunch and Closed Session at 11:52 a.m., and reconvened the public meeting at 1:14 p.m.

9. Informational Item: Update on the Waivers of Waste Discharge Requirements. *(Laura Samrad)* **THIS ITEM WAS POSTPONED**

10. Workshop: 2018 Triennial Basin Plan Review Preliminary Issues List. *(Jody Ebsen)*

Presentation

Presenter: Jody Ebsen

Ms. Gorham introduced the following stakeholders, who commented on this item:

- Betty Burnett, General Manager, SOCWA
- Dan Ferons, General Manager, SMWD
- Rod Woods, Engineer, MNWD
- Amber Baylor, Director of Environmental Compliance, SOCWA
- Roger Butow, Clean Water Now
- Norris Brandt, Administrator, San Juan Basin Authority
- Ashli Desai, County of San Diego
- Clint Boschen, TetraTech, representing Orange County
- Ruth Kolb, City of San Diego
- Rachel Davenport, City of San Diego Public Utilities Department
- Lesley Dobalian, Principal Water Resources Specialist, San Diego County Water Authority

ACTION ITEMS:

11. Master Recycling Permit Reissuance: Southern Regional Tertiary Treatment Plant, Camp Pendleton, San Diego County (Tentative Order No. R9-2018-0023). *(Alex Cali)*

[Presentaion](#)

Presenter: Alex Cali

Motion: Member Dr. Olson moved to adopt the Tentative Resolution with revisions.

Seconded by: Member Strawn

MOTION CARRIED: (Order No. R9-2018-0023)

Aye: Chair Morales
Vice Chair Dr. Abarbanel
Member Anderson
Member Dr. Olson
Member Strawn

Nay: None

Absent: Member Warren

Abstain: None

12. Tentative Resolution: Addressing Threats to Beneficial Uses from Climate Change (Tentative Resolution No. R9-2018-0051). *(Jeremy Haas)*

[Staff Presentation](#)

Presenter: Jeremy Haas

[SCCWRP Presentation](#)

Presenter: Ken Schiff

Chair Morales directed that Dr. Abarbanel work with staff to ensure that the language of the Tentative Resolution reflects the desires of the Board, and staff to bring it back before the Board as part of the Consent Calendar for the June meeting.

No Action Taken

CLOSED SESSIONS

Closed Sessions are not open to the Public

13. Discussion of Ongoing Litigation [Authorized under Government Code §11126, subd. (e)]. The San Diego Water Board may meet in Closed Session to discuss ongoing litigation for the following cases:

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). (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). (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). (Catherine George Hagan)*

- f. *Test Claim on California Regional Water Quality Control Board, San Diego Region, Order No. R9-2013-0001 as amended by Order No. R9-2015-0001 and Order No. R9-2015-0100 (Regional MS4 Permit) filed with the Commission on State Mandates by Orange County Copermittees, Test Claim No. 15-TC-02 (filed June 2016). (Catherine George Hagan)*
- g. *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)*
- h. *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)*
- i. *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, North County Division, Case No. 37-2017-00024906-CU-TT-NC (filed July 10, 2017). (Catherine George Hagan)*
- j. *San Diego Regional Water Quality Control Board, et al., v. Paul Warren, San Diego County Superior Court, Central Division, Case No. 37-201740038307-CU-PT-CTL (filed October 13, 2017). (Catherine George Hagan)*
- k. *Ecology Auto Parts, Inc. v. California Regional Water Quality Control Board, San Diego Region, and State Water Resources Control Board, Petition for Writ of Administrative Mandamus and Complaint for Declaratory Relief, San Diego County Superior Court, Case No. 37-2017-00047177-CU-MC-CTL (filed December 8, 2017) (challenging July 14, 2017, amendment to Cleanup and Abatement Order No. R9-2013-0122). (Catherine George Hagan)*
- l. *Burrtec Waste Industries, Inc. v. California Regional Water Quality Control Board, San Diego Region, and David W. Gibson, Executive Officer. Petition for Writ of Mandate and Complaint for Declaratory and Injunctive Relief, San Diego County Superior Court, Case No. 37-2017-00047432-CU-MC-CTL (filed December 8, 2017) (challenging July 14, 2017, amendment to Cleanup and Abatement Order No. R9-2013-0122). (Catherine George Hagan)*

Petitions for Review Pending Before the State Water Board¹

None at this time other than those being held in abeyance.

During this Closed Session, Board Members discussed Items h, j, and k.

14. Consideration of Initiation of Litigation. The San Diego Water Board may meet in Closed Session to discuss the City of Imperial Beach, City of Chula Vista, San Diego Unified Port District, City of San Diego, and County of San Diego's 60-day Notices of Intent to Sue the United States International Boundary and Water Commission (USIBWC) and to consider initiating litigation against the USIBWC over matters within the San Diego Water Board's jurisdiction [Authorized under Government Code §11126, subdivision (e)].
(David Gibson)

The Board Members discussed this item but took no action.

ADJOURNMENT

There being no further business, Chair Morales adjourned the meeting at 3:48 p.m.

These minutes were prepared by:

Signed by:

Christina Blank
Executive Assistant

David Gibson
Executive Officer

¹ 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 or 619-521-3012 for more information.