

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION
BOARD MEETING MINUTES
May 12, 2021**

Pursuant to the Governor's Executive Orders ([N-29-20](#) and [N-33-20](#)) to protect public health by limiting public gatherings and requiring social distancing, this meeting occurred solely by remote presence.

CALL TO ORDER

Chair Celeste Cantú called the remote meeting to order on May 12, 2021 at 9:00 a.m.

The Clerk called the roll, and Roger Mitchell gave an opening statement providing information for attendees to participate in the meeting.

ATTENDANCE:

Board Members present:

Celeste Cantú, Board Chair; Betty H. Olson, Ph.D., Vice Chair; Henry Abarbanel, Ph.D.; Eric Anderson; Megan Blair; Gary Strawn; Stefanie Warren.

Ms. Warren left the meeting at 1:40 p.m.

Staff present:

David Gibson, Kelly Dorsey, Chris Blank, Roger Mitchell, David Barker, Jeremy Haas, Cynthia Gorham, Amy Grove, Sarah Mearon, Chehreh Komeilyan, Brandi Outwin-Beals, Fisayo Osibodu, Keith Yaeger, Vicente Rodriguez, Eric Becker, Sean McClain, Wayne Chiu, Daniel Boyd, Tanya Clark, Jill Harris, Sasha Smirensky, Christina Arias, Laurie Walsh, Melissa Corona, Erica Ryan, Leah Lorch, Regan Morey, Mike Porter, Chiara Clemente, Kimberly McMurray-Cathcart, Frank Melbourn, Whitney Ghoram, Jason DuMond, Tom Alo, Dulce Romero, Joann Lim, Lara Quetin, Tony Felix, Mireille Garcia.

Others present on behalf of the San Diego Water Board:

Laurel Firestone, State Water Resources Control Board; Catherine Hagan, Vincent Vu, Lori Okun, Office of Chief Counsel; Marlee Nelson, California Reporting

Public Attendance:

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|---|---|
| Hoiyin Ip <i>Sierra Club</i> | Nicholas Buhbe <i>Great Ecology/Citizens Development Corporation</i> |
| Rachel Davenport, Ryan Kempster <i>City of San Diego</i> | Lyndon C. Lee <i>U.S. DOJ/IBWC (L.C. Lee & Associates, Inc.)</i> |
| Bethany Case <i>Surfrider Foundation, San Diego</i> | Chris Helmer <i>City of Imperial Beach</i> |
| Debra Carfora <i>U.S. DOJ</i> | Jennifer Pena, Rebecca Rizzuti, Gilbert Anaya, Xochitl Aranda <i>USIBWC</i> |
| Stephanie Bauer <i>Port of San Diego</i> | Viviane Marquez-Waller <i>Concerned Citizen</i> |

BOARD MEETING

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

PUBLIC FORUM

Ms. Hoiyin Ip addressed the Board regarding the use of plastics, PFAS, and other single use packaging.

BOARD BUSINESS:

1. Minutes of Board Meeting: April 14, 2021

Motion to adopt the April 14, 2021 minutes:

- Dr. Olson

Second:

- Ms. Warren

MOTION CARRIED:

- April 14, 2021

Aye:

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

Nay:

- None.

Absent:

- None.

Abstain:

- None
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.*

Laurel Firestone provided an update on the Governor's Drought Emergency Proclamation, recent actions taken by the State Board, and upcoming actions to be taken. Laurel also responded to Board Member questions and comments.

Dr. Olson stated that the San Juan Basin Watershed has been undertaking a number of ground water studies to determine how much water can be maintained in the basin. Dr. Olson expressed interest that every new study has indicated that more study is necessary, but progress is being made. Dr. Olson indicated that two water districts have installed desalters.

Gary Strawn stated that he represents the Board on the San Diego River Conservancy Board, which has grown to include the Sweetwater, Otay, and Tijuana River Watersheds. Gary indicated that the Conservancy Board has allocated approximately \$12 million for fire prevention, primarily clearing out brush. Gary stated that the Conservancy Board had given approximately one million dollars to the City of Santee for their park restoration project and environmental improvement projects, including what is likely the country's largest trash collector and separator, which does not allow any of the trash collected to flow into the river.

Chair Cantú announced that there will be a Board Chairs' meeting on May 21st, during which the Board Chairs will meet with State Board staff to discuss upcoming actions and priorities.

David Gibson stated that staff is planning to bring a San Diego River Conservancy Board informational item to the Board later in the year, perhaps August or September. He also stated the USEPA, in response to a letter expressing community concerns, is granting \$100,000 to the Air Pollution Control District in San Diego to evaluate the potential health risks associated with aerosols from sewage flows and sewage-contaminated dust. He indicated that he will be meeting with both the Air Pollution Control District and CalEPA later in the month to see if there is a way to amplify that funding with State money. Mr. Gibson responded to Board Member questions and comments regarding the written Executive Officer's Report.

Chair Cantú called a brief recess at 10:12 a.m. and reconvened the meeting at 10:18 a.m.

Chair Cantú took the following items out of order:

ACTION ITEMS

4. NPDES Permit Reissuance: Waste Discharge Requirements for the United States Section of the International Boundary and Water Commission (USIBWC), South Bay International Wastewater Treatment Plant, Discharge to the Pacific Ocean through the South Bay Ocean Outfall (Tentative Order No. R9-2021-0001, NPDES No. CA0108928). (*Vicente Rodriguez and Keith Yaeger*)

Chair Cantú gave an opening statement and administered the oath. Vicente Rodriguez and Keith Yaeger provided an introduction and brief overview of the item, followed by a presentation from Debra Carfora, Senior Trial Counsel, U.S. Department of Justice (USDOJ), on behalf of USIBWC.

Vicente Rodriguez, Keith Yaeger, and Debra Carfora responded to Board Member questions and comments.

The following stakeholders commented on the item:

- Chris Helmer, City of Imperial Beach
- Stephanie Bauer, Port of San Diego
- Bethany Case, Surfrider Foundation, San Diego
- Viviane Marquez-Waller, Concerned Citizen

Chair Cantú recessed for lunch at 11:55 a.m. and reconvened the meeting at 12:25 p.m.

Vicente Rodriguez, Keith Yaeger, Vincent Vu, and David Gibson provided closing statements and responded to Board Member questions and comments.

David Gibson made closing remarks and recommended that the Board adopt the Tentative Order.

Chair Cantú then closed the public hearing and called for Board deliberation of the Tentative Order. A motion was made to approve Order No. R9-2021-0001.

Dr. Abarbanel made a substitute motion to table the permit in order to invite representatives from USDOJ, USIBWC, and a local San Diego Congressional delegation to discuss the points of disagreement in the permit. Dr. Abarbanel's motion did not carry.

Motion to approve Order No. R9-2021-0001:

- Ms. Warren

Second:

- Mr. Strawn

MOTION CARRIED

Aye:

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

Nay:

- Dr. Abarbanel

Absent:

- None.

Abstain:

- None.

Chair Cantú called a recess at 12:58 p.m. and reconvened the meeting at 1:08 p.m.

5. Tentative Cease and Desist Order: United States Section of the International Boundary and Water Commission South Bay International Wastewater Treatment Plant, Discharge to the Pacific Ocean Outfall (Tentative Order No. R9-2021-0107). (*Vicente Rodriguez and Keith Yaeger*)

Keith Yaeger provided an introduction and brief overview of the item, followed by a presentation from Jennifer Pena, USIBWC Chief Legal Counsel. David Gibson and Vincent Vu responded to Board Member questions and comments.

David Gibson made closing remarks and recommended adoption of the Tentative Order.

Motion to approve Order No. R9-2021-0107:

- Dr. Abarbanel

Second:

- Mr. Strawn

MOTION CARRIED

Aye:

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

Nay:

- None.

Absent:

- Ms. Warren

Abstain:

- None.

CONSENT CALENDAR

3. NPDES Permit Reissuance: Waste Discharge Requirements for the City of San Diego, South Bay Water Reclamation Plant, Discharge to South Bay Ocean Outfall (Tentative Order No. R9-2021-0011, NPDES No. CA0109045). *(Fisayo Osibodu and Keith Yaeger)*

Motion to approve Order No. R9-2021-0011:

- Dr. Olson

Second:

- Mr. Strawn

MOTION CARRIED

Aye:

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

Nay:

- None.

Absent:

- Ms. Warren

Abstain:

- None.

BOARD MEMBER REQUESTS

6. Future Agenda Items: Recommended Course of Action and Estimated Staff Hours to Address Actions from the March 2021 Board Meeting. In addition, Board Members may discuss items for possible inclusion on future agendas. *(Kelly Dorsey)*

Dr. Abarbanel stated that the Board has heard from SCCWRP several times over the past few years, and he would like to invite them back to update the Board.

ADJOURNMENT

There being no further business, Chair Cantú adjourned the meeting at 1:55 p.m.

These Minutes were prepared by:

Signed by:

Christina A. Blank
Executive Assistant

David W. Gibson
Executive Officer

DRAFT