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## Santa Ana Regional Water Quality Control Board

# AGENDA ANNOUNCEMENT

### REGIONAL BOARD MEETING

Friday, December 10, 2021 at 9:00 a.m.

Video and Teleconference Meeting Only

No Physical Meeting Location

(Authorized by Government Code section 11133)

Live video webcast: [LIVE VIDEO](#)

### NOTICE:

**Video and Teleconference Meeting During COVID-19 Emergency:** As a result of the COVID-19 emergency and as authorized by Government Code section 11133, this meeting will occur solely via remote presence.

If you want to watch or listen to the meeting but do not want to comment, you can access the webcast of the meeting at <https://cal-span.org/>

If you want to comment on an item during the meeting, you will need to submit a virtual speaker card by following the instructions included below. A computer is not required to participate in the meeting; the public will also have the option to dial into the meeting by phone. Additional information regarding remote meeting participation is available on the Santa Ana Water Board's website:

[https://www.waterboards.ca.gov/santaana/board\\_info/remote\\_meeting/index.html](https://www.waterboards.ca.gov/santaana/board_info/remote_meeting/index.html)

### Special Virtual Speaker Card Instructions

Persons speaking at Santa Ana Water Board meetings are accustomed to filling out a speaker card. To allow for a more orderly process of identifying speakers in advance, the Santa Ana Water Board will use virtual speaker cards. The virtual speaker card will allow the Board Clerk to locate commenters within the Zoom meeting waiting list and unmute them so they can address the Board at the appropriate time.

To request to speak on an item at this meeting, you must submit a virtual speaker card no later than 5:00 p.m. on Wednesday, December 8, 2021. To register visit:

[https://us02web.zoom.us/webinar/register/WN\\_QqquBVZ3S\\_CEkfm6mWzJ7A](https://us02web.zoom.us/webinar/register/WN_QqquBVZ3S_CEkfm6mWzJ7A)

If you do not submit the registration form by the deadline, please do so as soon as you can. You cannot participate in the Zoom meeting until you receive an email with the

password. Please note, that commenters will generally be taken in the order of the receipt of the virtual speaker cards. Further, note that the Board Chair has the discretion to specify the order of commenters.

After you submit the online registration form, you will receive an email with the Zoom weblink and phone numbers to participate in the meeting. If you do not receive a confirmation email with the Zoom information after filling out the online registration form, please email [jessica.baenre@waterboards.ca.gov](mailto:jessica.baenre@waterboards.ca.gov) or call 951-782-3285. If you need assistance during the Board meeting, please email [r8support@waterboards.ca.gov](mailto:r8support@waterboards.ca.gov).

### **Order of Agenda**

Agenda Items are numbered for identification purposes only and may not necessarily be considered in this order.

### **Item 1. Introductions**

**Item 2. Public Forum** - Any person may address the Regional Board on any matter within the Regional Board's jurisdiction, provided that the matter does not appear elsewhere on the agenda, has not been scheduled to appear on a future agenda, and is not otherwise pending before the Board.

**Item 3. State Water Resources Control Board Liaison Report** – Board Member Dorene D'Adamo will provide an update on State Board activities. (Information item)  
{Dorene D'Adamo 916-641-5609}

**Item 4. Daniel Selmi Resolution of Appreciation** – (Information item)  
{Jayne Joy 951-782-3284 [jayne.joy@waterboards.ca.gov](mailto:jayne.joy@waterboards.ca.gov)}

**Item 5. Board Meeting Dates for 2022** – The Regional Board will consider adoption of the calendar meeting dates for 2022. (Action item)  
{Jayne Joy 951-782-3284 [jayne.joy@waterboards.ca.gov](mailto:jayne.joy@waterboards.ca.gov)}

**Item 6. Appointment of a Committee to Nominate Regional Board Officers for 2022** – (Action item)  
{Jayne Joy 951-782-3284 [jayne.joy@waterboards.ca.gov](mailto:jayne.joy@waterboards.ca.gov)}

**Item 7. Regional Board Meeting Minutes of July 30, 2021** - The Regional Board will consider approval of the Minutes of the regular Board meeting of July 30, 2021. (Action item)  
{Jessica Baenre 951-782-3285 [jessica.baenre@waterboards.ca.gov](mailto:jessica.baenre@waterboards.ca.gov)}

**Item 8. Consideration of the Consent Calendar** - Items below, marked with an asterisk, are expected to be routine and non-controversial. The Board will be asked to consider these items at one time without discussion. If any interested party, Board

Member or staff requests that an item be removed from the consent calendar, it will be taken up in the order shown.

**Item \*9. Waste Discharge Requirements for San Bernardino International Airport Authority (SBIAA), SBIAA City Creek Bypass Channel Repair and Maintenance Project, City of San Bernardino, San Bernardino County, Order Number R8-2021-0058** - The Regional Board will consider adoption of a permit authorizing the discharge of fill material to 6.06 acres of waters of the state for channel repair and ongoing maintenance. **Order Number R8-2021-0058**  
{Glenn Robertson 951-782-3259 [glenn.robertson@waterboards.ca.gov](mailto:glenn.robertson@waterboards.ca.gov)}

**Item \*10. Change of Ownership from Richland Developers, Inc. to LS-Fontana LLC, Monarch Hills Residential Development Project, San Bernardino County, Order Number R8-2021-0061** - The Regional Board will consider adoption of an amendment to transfer the legal responsibility of Order Number R8-2021-0005, which authorizes the discharge of fill material for a residential development project. **Order Number R8-2021-0061**  
{Claudia Tenorio 951-782-4963 [claudia.tenorio@waterboards.ca.gov](mailto:claudia.tenorio@waterboards.ca.gov)}

**Item \*11. Waste Discharge Requirements for KB Home, Moothart (TM 32408) Residential Development Project, Moreno Valley, Riverside County, Order Number R8-2021-0068** – The Regional Board will consider adoption of a permit authorizing the discharge of fill material to waters of the state for a residential development and associated infrastructure. **Order Number R8-2021-0068**  
{Claudia Tenorio 951-782-4963 [claudia.tenorio@waterboards.ca.gov](mailto:claudia.tenorio@waterboards.ca.gov)}

**Item \*12. Waste Discharge Requirements for KB Home, Stephens 104 Residential Project, Moreno Valley, Riverside County, Order Number R8-2021-0069** – The Regional Board will consider adoption of a permit authorizing the discharge of fill material to waters of the state for a single-family residential development and associated infrastructure. **Order Number R8-2021-0069**  
{Claudia Tenorio 951-782-4963 [claudia.tenorio@waterboards.ca.gov](mailto:claudia.tenorio@waterboards.ca.gov)}

**Item 13. Public Hearing on the Administrative Civil Liability Complaint R8-2021-0002, ALCA Machine Industries, Orange County** - The Regional Board will conduct a public hearing on Administrative Civil Liability Complaint R8-2021-0002 and will consider whether to affirm, reject, or modify the monetary penalty as proposed in the Complaint. [Complaint R8-2021-0002](#) / [Hearing Procedure](#)  
{Michelle Beckwith 951-782-4433 [michelle.beckwith@waterboards.ca.gov](mailto:michelle.beckwith@waterboards.ca.gov)}

**Item 14. Amendment to the Water Quality Control Plan for the Santa Ana Region (Basin Plan) to Update to the Salt and Nitrogen Management Program for the Santa Ana Region, Resolution R8-2021-0025** – The Regional Board will consider adoption of an amendment to the Basin Plan to revise and update the Total Dissolved

Solids and Nitrogen Management Program (TDS/N Management Program).

**Resolution R8-2021-0025**

{Cindy Li 951-782-4906 [cindy.li@waterboards.ca.gov](mailto:cindy.li@waterboards.ca.gov)}

**Item 15. Amendment to the Basin Plan to Adopt the Elsinore Groundwater Management Zone Maximum Benefit Program, Resolution R8-2021-0044**

– The Regional Board will consider adoption of an amendment to the Basin Plan to incorporate “maximum benefit” water quality objectives for Total Dissolved Solids and Nitrate as Nitrogen and the Salt and Nutrient Management Plan (Implementation Plan) for the Elsinore Groundwater Management Zone. **Resolution R8-2021-0044**

{Cindy Li 951-782-4906 [cindy.li@waterboards.ca.gov](mailto:cindy.li@waterboards.ca.gov)}

**Item 16. Underground Storage Tanks Corrective Action Plans**

– Regional Board staff will provide a list of sites where Corrective Action Plans have been submitted within the Santa Ana Region as required by California Code of Regulations, title 23, section 2728. (Information item)

{Kenneth R. Williams 951-782-4496 [ken.williams@waterboards.ca.gov](mailto:ken.williams@waterboards.ca.gov)}

**Item 17. Underground Storage Tanks Site Closure Report**

– Regional Board staff will provide a list of site closures that have occurred within the Santa Ana Region as required by the California Code of Regulations, title 23, section 2728(d). (Information item)

{Kenneth R. Williams 951-782-4496 [ken.williams@waterboards.ca.gov](mailto:ken.williams@waterboards.ca.gov)}

**Item 18. Executive Officer’s Report**

{Jayne Joy 951-782-3284 [jayne.joy@waterboards.ca.gov](mailto:jayne.joy@waterboards.ca.gov)}

**Item 19. Regional Board Member and Executive Officer Communications**

– Regional Board Members and the Executive Officer may discuss meetings, communications, correspondence or other items of general interest, relating to matters within the Board’s jurisdiction. There will be no voting or formal action taken.

**Closed Session** – At any time during the regular session, the Regional Board may adjourn to a closed session to:

- a. consider evidence received in an adjudicatory hearing and deliberate on a decision to be reached based on that evidence (Gov. Code, § 11126, subd. (c)(3));
- b. consider the appointment, employment, evaluation of performance, or dismissal of a public employee or to hear complaints or charges brought against a public employee (Gov. Code, § 11126, subd. (a)(1));
- c. discuss significant exposure to litigation (Gov. Code, § 11126, subd. (e)(2)(B)(i));
- d. discuss whether to initiate litigation (Gov. Code, § 11126, subd. (e)(2)(C)(i)); and

- e. discuss pending litigation in the following matters (Gov. Code, § 11126, subd. (e)(2)(A)):
- (1) *United El Segundo, Inc. & Rapid Gas, Inc. vs. Santa Ana Regional Water Quality Control Board*, Riverside Cnty. Super. Ct., Case No. RIC 1722363 [Challenging Cleanup and Abatement Order R8-2016-0048].
  - (2) *Cham-Cal Engineering Inc. and Western Avenue Associates, L.P. v. California Regional Water Quality Control Board-Santa Ana Region et al.*, Riverside Cnty. Super. Ct., Case No. CVRI 2101353 [Challenging Administrative Civil Liability Order R8-2020-0046].
  - (3) *California Coastkeeper and Orange County Coastkeeper v. California Regional Water Quality Control Board, Santa Ana Region*, Alameda Cnty. Super. Ct., Case No. RG21113898 [Challenging Order R8-2021-0011 issued to Poseidon Resources (Surfside) L.L.C. for the Huntington Beach Desalination Facility].
  - (4) *Jonathan H. Cannon, as Trustee of the Cannon Family Trust, et al. v. Santa Ana Regional Water Quality Control Board*, Orange Cnty. Super. Ct., Case No. 30-2021-011835513-CU-WM-CJC [Challenging Investigative Order R8-2020-0047].

**Adjournment** to the regular Board meeting tentatively scheduled for February 4, 2022 at 9:00 am. Please follow our website for further updates:

[https://www.waterboards.ca.gov/santaana/board\\_info/agendas/2021\\_agendas.html](https://www.waterboards.ca.gov/santaana/board_info/agendas/2021_agendas.html)

#### **NOTICES:**

Any person who has a disability and requires reasonable accommodation to participate in this Santa Ana Water Board meeting should contact Jessica Baenre at 951-782-3285 or at [jessica.baenre@waterboards.ca.gov](mailto:jessica.baenre@waterboards.ca.gov), no later than seven business days prior to the meeting.

If you need interpreter services, contact Jessica Baenre at least ten business days prior to the date of the Board meeting at [jessica.baenre@waterboards.ca.gov](mailto:jessica.baenre@waterboards.ca.gov).

Any person interested in obtaining information and/or providing input regarding pending applications for Water Quality Certification under section 401 of the federal Clean Water Act, may contact us by email at [RB8-401application@waterboards.ca.gov](mailto:RB8-401application@waterboards.ca.gov).

Changes and postponements that may occur to this agenda will be placed on our website and automatically forwarded to those who subscribe to our electronic mailing list. Anyone wishing to subscribe to our electronic agenda mailing list, may do so as follows: go to [Santa Ana Water Board Website](#), select “Subscribe” from the homepage. Those who are not subscribers should visit our website prior to the Board meeting date to view any changes to the agenda. Supporting documents for agenda items are now posted on our website at least 10 days prior to the scheduled meeting. To view or download the documentation, go to [Santa Ana Water Board Website](#) and select “Regional Board” then “Agendas” from the homepage.