

State of California
Santa Ana Regional Water Quality Control Board

Minutes of the September 22, 2023 Board Meeting
Chino Basin Water Conservation District
4594 San Bernardino St.
Montclair, CA 91763
And via Video and Teleconference (Gov. Code, § 11133)

Court Reporter recorded items: 1, 4 and 5.

Chair Murray called the meeting to order at 9:05 a.m.

Item 1. Introductions

Information pertaining to this item is contained in a verbatim transcript of the proceedings.

***Indicates that attendance was virtual.

Board Members Present at Board Meeting

Kris A. Murray, Chair
Letitia Clark, Vice Chair***
William Ruh, Board Member***
Gloria Alvarado, Board Member
John Scandura, Board Member

Board Members Absent at Board Meeting

None

Staff Present at Board Meeting

Jayne Joy, Executive Officer***
Jessica Baenre, Executive Assistant
Nick Amini, Branch Manager
Eric Lindberg, Branch Manager
Don Nguyen, Information Technology Associate
Gerardo Rabelo, Southern IT and Bay Area Services Supervisor
Fernanda Arechiga, Scientific Aid***
Michelle Beckwith, Senior Environmental Scientist
Steven Stephansen, Environmental Scientist
Chuck Griffin, Senior Water Resource Control Engineer
Brian Covellone, Senior Engineering Geologist

State Water Board Present at Board Meeting

Dorene D'Adamo, State Water Board Member
Katharine Bramble, Regional Board Counsel
Lori Okun, Regional Board Counsel***
Asa Standfeldt, Attorney with the Office of Enforcement
David Boyers, Assistant Chief Counsel with the Office of Enforcement

Court Reporter Present at Board Meeting

Marlee Nelson***

Public Attendance Present at Board Meeting

Hal Schillinger, Contech Engineered Solutions

Julianna Adams, Chief of Emergency Management & Government Affairs, Riverside County Flood Control & Water Conservation District

Kayla Brown, General Manager/ Parks Director of Riverside County Regional Park and Open-Space District

Item 2. Public Forum

None

Item 3. State Water Resources Control Board (State Water Board) Liaison Report

This item was presented by State Water Board Member Dorene D'Adamo.

Board Member D'Adamo provided an update on the following:

Urban Water Use Conservation

The State Water Board began the rulemaking process for Urban Water Use Conservation for outdoor landscapes in California. Due to climate change (a hotter and drier climate) it is expected that California will see a 10% reduction in water supplies. A workshop will take place on October 4, 2023. The public comment deadline is October 17, 2023.

Fee Schedule

The State Water Board adopted the fee schedule. The State Water Board is a fee-based organization and adopts a fee schedule every year in September. Ms. D'Adamo mentioned that there will be four stakeholder meetings held throughout the year to help keep the feepayer community engaged.

Cease and Assist Order

The State Water Board adopted a cease and assist order for Triton Brands (formerly known as Nestle Waters) to immediately cease its unauthorized diversions from springs in the San Bernardino National Forest. Triton Brands has 30 days to petition for reconsideration.

Central Coast Irrigated Lands Regulatory Program

The State Water Board adopted a petition for the Central Coast Regional Water Quality Control Board Irrigated Lands Regulatory Program. When they adopted their irrigated lands regulatory program, there were some provisions that didn't follow the State Water Board's precedential decision that was issued in 2018. Board Member D'Adamo mentioned to be mindful that precedential orders are expected to be followed by each regional board.

Direct Potable Reuse

State Water Board staff are working on standards and requirements for direct potable reuse of recycled water. A public hearing was held on September 7, 2023. The public

comment period closed on September 8, 2023. Adoption is anticipated in December 2023.

Water Quality

In June 2023, the State Water Board proposed hexavalent chromium maximum contaminant level regulations. A public hearing was held on August 2, 2023. A written comment period was extended to August 18, 2023. Staff are currently processing response to comments and it is anticipated to be brought to the Board early 2024.

Once-Through Cooling Policy

On August 15, 2023 the State Water Board adopted a proposed final amendment to the once-through cooling policy on the use of coastal and estuarine waters for power plant cooling. The Statewide Advisory Committee (SAC) recommended an extension of some power plants because of grid reliability concerns. Alamitos, Huntington Beach, Ormond Beach Power Plants were extended from December 2023 to December 2026. The Scattergood Power Plant compliance schedule was extended from December 2024 to December 2029.

Basins

The State Water Board is considering six basins for potential probation; the first two are Tulare Lake and the Bay Delta Water Quality Plan.

Board Members asked questions and provided comments.

Item 4. Regional Board Meeting Minutes of July 28, 2023

Information pertaining to this item is contained in a verbatim transcript of the proceedings.

Chair Murray asked the Board Members for a motion and asked Board Clerk Ms. Baenre for a roll call vote.

Motion: It was moved by Board Member Ruh, seconded by Board Member Scandura, and the Regional Board Meeting Minutes of July 28, 2023 was unanimously approved as presented by roll call vote.

Roll call vote: Board Member Scandura- Aye, Board Member Alvarado- Aye, Board Member Ruh- Aye, Vice Chair Clark- Aye, Chair Murray- Aye.

Item 5. Public Hearing on Mandatory Minimum Penalty Complaint, Placentia Hospitality LLC, Orange County; Complaint No. R8-2023-0012

Information pertaining to this item is contained in a verbatim transcript of the proceedings.

Chair Murray made an opening statement for the Mandatory Minimum Penalty (MMP) Complaint No. R8-2023-0012 Hearing for Placentia Hospitality LLC.

Chair Murray named the Board Members, Advisory Team, Prosecution Team, and Respondent.

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Board Members

Kris Murray
Letitia Clark
William Ruh
Gloria Alvarado
John Scandura

Advisory Team

Jayne Joy
Katharine Bramble

Prosecution Team

Nick Amini
Michelle Beckwith
Charles Griffin
Steven Stephansen
David Boyers
Asa Standfeldt

Respondent

Placentia Hospitality LLC

Chair Murray shared the hearing procedure order and administered the oath.

No ex parte communication was reported by the Board members.

Prosecution Presentation

Santa Ana Water Board staff Steven Stephansen began his presentation by defining the Construction General Permit (CGP). The CGP is a National Pollutant Discharge Elimination System Permit under the Federal Clean Water Act. The permit regulates stormwater discharge from construction sites greater than one acre, requires that dischargers submit an annual report by September 1st of each year, and that dischargers submit a notice of termination on projection completion.

Ms. Stephansen stated that MMP Complaint No. R8-2023-0012 was issued to the discharger, Placentia Hospitality LLC, in the amount of \$4,165 for failure to submit the 2021-22 annual report as required under the CGP.

Mr. Stephansen explained and reviewed the Stormwater Enforcement Act of 1998, California Water Code Section 13399.31, outreach efforts, enforcement timeline, notice of non-compliance dates and discharger communications and outreach.

The Prosecution Team recommended that the Santa Ana Water Board adopt proposed MMP Complaint Order No. R8-2023-0012 and impose the MMP amount of \$4,165 on Placentia Hospitality LLC.

Respondent Presentation

Respondent not present.

Public Comments

None

Closing Statement by the Prosecution Team

Ms. Standfeldt stated that the regional board has gone above and beyond in its attempt to bring the discharger into compliance and recommended that the Board adopt the MMP and impose the penalty in the amount of \$4,165 on Placentia Hospitality LLC.

Closing Statement by the Respondent

Respondent not present.

Board Members asked questions and provided comments.

Regional Board Counsel, Ms. Bramble, had two recommended changes to the proposed findings of fact and conclusions of law submitted by the prosecution team.

Chair Murray stated that with no objection the changes were accepted.

Chair Murray closed the record for the hearing.

Chair Murray asked the Board Members for a motion and asked Board Clerk Ms. Baenre for a roll call vote.

Motion: It was moved by Board Member Ruh, seconded by Board Member Alvarado, and Complaint No. R8-2023-0012 with amended changes was unanimously approved as presented by roll call vote.

Roll call vote: Board Member Scandura- Aye, Board Member Alvarado- Aye, Board Member Ruh- Aye, Vice Chair Clark- Aye, Chair Murray- Aye.

Item 6. Homeless and Flood Risk Reduction in Riverside County

This information item was presented by Julianna Adams, Chief Emergency Management & Government Affairs, Riverside County Flood Control and Water Conservation District and Kayla Brown, General Manager/ Parks Director of the Riverside County Regional Park and Open-Space District.

Ms. Adams presentation entitled Unhoused Population Coordination and Cleanup Effort discussed the project description and location, assistance and partnerships, 90-day workplan and unhoused populations coordination and cleanup results.

This project was located between Mission Boulevard and the Santa Ana River. In 2010 and 2011 the area experienced major storms that caused a lot of erosion and damage to the levees. The U.S. Army Corps of Engineers studied this portion of the river and it was determined that a rehabilitation project was needed. 4,000 lineal feet on the left levee and 9,000 lineal feet on the right levee would be rehabilitated, the levee toe would be extended 10 to 15 feet, and the face of the levee would be re-routed. In June 2022 the U.S. Army Corps of Engineers awarded the project.

There was a large, unhoused population within this project and the Riverside County Flood Control and Water Conservation District agreed to spearhead the coordination. The Riverside County Flood Control and Water Conservation District partnered with multiple agencies and the district hired a dedicated staff person to manage the cleanup efforts, coordinated meetings with partners to discuss roles and goals, developed a 90-day workplan, and determined the number of unhoused individuals within the different areas.

Ms. Adams shared coordination and cleanup results highlighting that 13 individuals were permanently housed, 52 individuals were temporarily housed, 25 individuals were provided mental health resources, 19 individuals were provided legal services and 500,000 pounds of trash were removed from the river bottom resulting in a net cost of \$400,000.

Ms. Brown discussed the collaborative efforts for the Santa Ana River bottom. In late 2020 early 2021 Ms. Brown and her team worked with Supervisor Spiegel to develop a plan to coordinate the river bottom issues, and as a result a collaboration of 80 participants from different areas was formed to meet on a regular basis.

The collaborative group developed four goals: rehouse existing encampment residents living in the Santa Ana River Bottom area, remove and mitigate physical encampments, conduct cleanup, maintenance repairs, and habitat restoration, and establish effective tools to prevent the reoccurrence of encampments.

Ms. Brown shared the following results:

Goal 1 rehouse existing encampment residents living in the Santa Ana River Bottom area:

503 encampments have been mapped since 2022, 606 individuals have been positively engaged, 199 individuals require long-term engagement, 130 individuals have been connected for employment services, 94 individuals have been placed in temporary housing, 191 individuals have been referred to rapid housing, and 65 individuals have been placed in permanent housing.

Goals 2 and 3 remove and mitigate physical encampments/ conduct clean-up, maintenance repairs, & habitat restoration:

39 multi-unit encampments were cleaned up and restored, 265 tons of waste removed, 78 acres of vegetation have been actively managed, 1300 maintenance hours have been completed, 3000 hours of ranger patrol hours, 2023 individual camps were cleaned up, 38 abandoned vehicles removed, 48 stolen vehicles recovered, 264 notices of abatement issued.

Goal 4 establish effective tools to prevent the reoccurrence of encampments:

Ms. Brown mentioned that effective communication and mapping are important tools. There have been 9 resource fairs, 15 arrests made and 9 citations issued.

Next Ms. Brown shared that the future of the collaborative is to continue to meet on a bi-monthly basis, create comprehensive plans for projects within the Santa Ana River, and to track on-going progress towards goals.

Lastly, Ms. Brown shared the success story of Abby who attended the Longest Night Vigil on December 21, 2022. Abby was unhoused for 15 years and with the help of the Santa Ana River Multidisciplinary Team she was able to receive mental health services and move into an apartment on April 28, 2023.

Board Members asked questions and provided comments.

Item 7. Enforcement Priorities Update

This information item was presented by Chuck Griffin, Senior Water Resources Control Engineer Enforcement Coordinator.

The Santa Ana Water Board issues enforcement actions to educate and bring a discharger into compliance, to create deterrence and to ensure a level playing field by encouraging business practices to protect water quality within the Santa Ana region. The enforcement policy establishes a fair, firm, consistent and transparent process, eliminates the economic advantage of non-compliance, bears a reasonable relationship to the gravity of the violation, and provides a deterrence to both the dischargers and the regulated community. The Santa Ana Water Board enforcement priorities focuses a higher consideration for areas identified in the Human Right to Water, Environmental Justice, Tribal Considerations and Disadvantaged Communities.

The Enforcement Priorities for Fiscal Year 23/24 are as follows:

Planning, Implementation and Permitting Branch

- Focus on dischargers who fail to submit annual reports, who fail to provide notification for beginning remediation work, or who fail to provide notification of termination of remediation projects.

Groundwater Protection Branch

- Ensure the timely implementation of cleanup of contaminated sites, including industrial spill sites, underground storage tanks, and Department of Defense facilities.
- Ensure compliance with waste discharge requirements (WDRs) for municipal solid waste facilities, surface impoundments, and in-situ remediation to minimize impacts to groundwater quality and drinking water supply.
- Prioritize projects where dischargers have demonstrated a pattern of failing to meet requirements specified in WDRs, voluntary cleanup agreements, Investigative Orders (IOs), or Cleanup and Abatement Orders (CAOs).

Surface Water and Agriculture Branch

- Focus on compliance with stormwater permits for industrial facilities that incurred Total Maximum Daily Load - numeric effluent limitation exceedances.
- Pay particular attention to the efforts by the MS4 authorities toward meeting water quality objectives for receiving waters through implementation of monitoring programs, as reported via their annual reports.
- Focus on illegal Cannabis Cultivation sites, unpermitted sites that have potential to impact streams, listed impaired water bodies, and wild and scenic waters. In

addition, consideration will be made for the size and density of cultivation sites, potential to threaten drinking water supplies, and those sites near disadvantaged communities, over-draft groundwater basins, and other conserved lands.

- Focus on compliance with wastewater permits with numeric effluent limitations, and to encourage dischargers to connect to local sanitary sewer systems.
- Focus on educating the agricultural community regarding the Irrigated Lands General Order, assisting the community in enrolling under the Order, and submitting compliance reports.
- Focus on the dairy program dischargers who have failed to submit annual reports.

Mr. Griffin shared the enforcement activity taken in fiscal year 2022/2023, highlighting that this data is in addition to the regular planning, permitting, inspecting and oversight that staff performs daily. It was noted that voluntary agreements, that often avoid enforcement, are not listed in the following data:

- Over 6,000 facilities have been regulated
- 11,000 acres of irrigated lands
- Over 1,400 notices of violations
- 58 Expedited Payment Letters/ Administrative Civil Liabilities
- 58 Investigative Orders

Mr. Griffin provided an update on the amicus brief that was filed on August 23, 2023 by the Office of the Attorney General.

Board Members asked questions and provided comments.

Item 8. Cannabis Program Update

This information item was presented by Brian Covellone, Senior Engineering Geologist. Mr. Covellone provided an update on the South Coast Cannabis Cultivation Unit activities.

Mr. Covellone reviewed the State Water Board Cannabis Cultivation Policy and General Order. The Statewide Cannabis Cultivation Policy was adopted in October 2017, minor updates to language are scheduled for re adoption in November 2023 and the next major update will take place in 2025.

The South Coast Regional Cannabis Cultivation Regulatory Unit represents Santa Ana, Los Angeles, and San Diego Regional Water Quality Control Boards for compliance and enforcement covering 11,000 square miles and a population of 20 million people. The unit is made of three employees Maher Zaher, Water Resources Control Engineer, Victor M. Gonzalez, Engineering Geologist and Brian M. Covellone, Senior Engineering Geologist. The role of the Cannabis Unit is enrollment and compliance, enforcement, and coordinating.

Mr. Covellone shared that the Statewide Cannabis General Order Enrollment number was 5,869. It was noted that the South Coast has the most new enrollments statewide since January 1, 2022 and is the only region that has not seen attrition of active enrollees.

South Coast Region Enforcement since January 1, 2023 has inspected 42 unlicensed sites (29 in San Diego Region, 13 in Santa Ana Region).

Informal Enforcement includes:

- Field Notice of Water Quality Violations
- Inspection report and Notice of Violation (NOV) issued to the landowners

Formal Enforcement includes:

- 3 active cleanup and abatement and investigative orders issued in 2021 and 2022 (R9-2021-0165, R8-2022-0031 and R9-2022-0013)

Mr. Covellone mentioned that the South Coast Cannabis Cultivation Unit also participates in interagency coordination efforts such as bi-weekly coordination meetings with the CA Department of Fish and Wildlife, monthly case triage meetings with the Department of Cannabis Control, Department of Fish and Wildlife and Water Boards, regular attendance at county environmental crimes task force meetings and training sessions in Riverside and San Diego Counties for District Attorney Officers.

Board Members asked questions and provided comments.

Item 9. Executive Officer's Report

Ms. Joy provided a report on four items:

- Racial Equity
- OC Reclamation Inert Waste Disposal Operation Public Workshop
- Public Meeting for the former Ford Aeronutronics Site in Newport Beach
- Emergency Projects in San Bernardino County due to damage from Tropical Storm Hilary

Board Members asked questions and provided comments.

Item 10. Board Member and Executive Officer Communications

Board Member Ruh looks forward to seeing everyone at the next Board meeting.

Vice Chair Clark complimented Executive Officer Joy for the work thus far on the racial equity resolution.

Board Member Alvarado thanked staff for the information provided.

Board Member Scandura attended the Newport Bay Watershed Executive Committee and reported on the following:

- Santa Ana Water Board staff Terri Reeder provided a *Caulerpa Prolifera* update and mentioned that *Caulerpa* has been eradicated in China Cove.
- A presentation and tour was given of the \$10 million Santa Ana-Delhi Diversion project.
- The next Newport Bay Watershed Executive Committee meeting will be mid-March 2024.

Chair Murray attended the monthly State Board Chairs meeting and reported on the following:

- A presentation on making conservation a California Way of Life was given.
- On October 4, 2023 the State Water Board will be having a major statewide workshop on the rulemaking process standards that are being considered for outdoor consumption elements.

Item 11. Chino Basin Water Conservation District Garden Tour

Board members, staff and the public went on a guided 30-minute informational tour of the Chino Basin Water Conservation District garden.

Closed Session

None

Adjournment

Chair Murray adjourned the meeting at 11:26 a.m.

Respectfully submitted:

JAYNE JOY, P.E.
Executive Officer

/jb