

**STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION**



Wednesday, November 13, 2024 – 9:00 a.m.
San Diego Regional Water Quality Control Board
Board Meeting Room
2375 Northside Drive, Room 108
San Diego, California 92108
And via Video and Teleconference
(Gov. Code, § 11123.2)

Video and Teleconference Option: *This meeting will occur with both a physical meeting location and an option to participate from a remote location. Members of the public who wish to observe or to address the San Diego Water Board may do so at the noticed, physical location or may use the Zoom application to address the San Diego Water Board from a remote location. A majority of the board members will be physically present at the noticed meeting location above.*

- *Those who only wish to watch the meeting and will not comment or present on an item can view the meeting webcast at either the San Diego Water Board's [YouTube Live Stream Link](#) or <https://video.calepa.ca.gov>.*
 - *Members of the public who wish to comment or give a presentation on an agenda item must register to participate here: [Webinar Registration – Zoom](#).*
 - *Additional information about participating telephonically or via the remote meeting solution is available here: https://www.waterboards.ca.gov/sandiego/board_info/remote_meeting/.*
-

MEETING NOTICE AND AGENDA¹

BOARD MEETING

Public comments on agenda items will be limited to three minutes each. Depending on the number of speakers and the time available, the Board Chair retains discretion to limit the time to less than three minutes or to grant additional time for each person to speak. Where speakers can be grouped by affiliation or interest, such groups may consider consolidating their time to a spokesperson.

DECLARATION OF A QUORUM

Celeste Cantú, Chair; Betty H. Olson, Ph.D., Vice Chair; Megan Blair, Board Member; Gary Strawn, Board Member; Yen Tu, Board Member; Stefanie Warren, Board Member.

PUBLIC FORUM

Any member of the public may address and ask questions of the Board relating to any matter within the San Diego Water Board's jurisdiction, provided the matter is not on the agenda or pending before the San Diego Water Board.

BOARD BUSINESS

1. The Board will consider adoption of the following Board Meeting Minutes: October 9, 2024.
2. Chair's, Board Members', State Board Liaison's, and Executive Officer's Reports.
3. Executive Officer's Update on Transboundary Flows from Mexico.

CONSENT CALENDAR

**Items on the consent calendar may be removed at the request of any Board member or person. If an item is removed from the consent items calendar, it will only be voted on at this meeting if the Board accepts the staff recommendation for the agenda item. Otherwise, the item will be continued to a subsequent board meeting to allow input by interested persons.*

4. Tentative Resolution: Consideration of a Resolution Approving the County of San Diego's Local Agency Management Program for Regulating Onsite Wastewater Treatment Systems (Tentative Order No. R9-2024-0130). Written comments were due on October 3, 2024. *(Mahsa Izadmehr)*
5. Tentative Resolution: Consideration of a Resolution Accepting the Proposed 2025 Board Meeting Schedule (Tentative Resolution No. R9-2024-0172). *(David Gibson)*

ACTION ITEMS

6. Tentative Resolution: A Resolution Accepting South Orange County Wastewater Authority's Salt and Nutrient Management Plan for the San Juan Creek Groundwater Basin (Tentative Resolution No. R9-2024-0131). *(Brandon Bushnell)*

¹ Versión en español disponible en

https://www.waterboards.ca.gov/sandiego/board_info/agendas/.

7. Settlement Agreement: Settlement of Administrative Civil Liability (ACL) in the matter of City of Oceanside April 2020 Sanitary Sewer Overflows as alleged in ACL Complaint No. R9-2023-0015 (Tentative Stipulated Order No. R9-2024-0060). Written Comments were due on July 30, 2024. *(Kate Buckley)*

INFORMATIONAL ITEMS

Written comments on informational agenda items will be accepted by email at rb9agenda@waterboards.ca.gov so long as they are received by November 6, 2024. Please include the Agenda Item Number in the subject line.

8. Update on Population Surveys of Unhoused Individuals: Associated Water Quality Impacts and Management Efforts in the San Diego River. *(Jimmy Smith)*
9. Lower San Diego River Investigative Order Update. *(Jimmy Smith)*

CLOSED SESSIONS

Closed Sessions are not open to the Public

10. 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. *Test Claim on California Regional Water Quality Control Board, San Diego Region, Order No. R9-2015-0100, Provisions A.4, B.2, B.3.a, B.3.b, B.4, B.6, D.1.c(6), D.2.a(2), D.3, D.4, E.3.c(2), E.3.c(3), E.3.d, E.5.a, E.5.c(1)(a), E.5.c(2)(a), E.5.c(3), E.5.e, E.6, F.1.a, F.2.a, F.2.b, F.2.c, F.3.b(3), and F.3.c. 16-TC-05, 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, (June 2017). (Catherine George Hagan)*
- h. *Test Claim on California Regional Water Quality Control Board, San Diego Region, Order No. R9-2017-0077, Sections A.1, A.3, and A.5, 17-TC-05, City of San Juan Capistrano and County of San Diego, Claimants, filed with the Commission on State Mandates, (June 2017). (Catherine George Hagan)*
- i. *Baldwin & Sons, Inc.; Sunranch Capital Partners, LLC; Sunrise Pacific Construction, Inc.; SRC-PH Investments, LLC; Baldwin & Sons, LLC; Shawn M. Baldwin; Randall G. Bone; and Jose Capati v. California Regional Water Quality Control Board San Diego Region, Verified Petition for Writ of Mandate, Orange County Superior Court, Case No. 30-2022-01291447-CU-WM-CJC, filed November 4, 2022. (Lori Okun, Alex Sauerwein)*
- j. *Lockheed Martin Corporation v. California State Water Resources Control Board; Regional Water Quality Control Board, San Diego Region, Verified Petition for Writ of Mandate and Request for Stay, Superior Court of the State of California, County of San Diego, Case No. 37-2023-00001041-CU-WM-CTL, filed January 9, 2023. (Alex Sauerwein)*
- k. *Quality Investors 1 2016 LLC and David G. Epstein v. California State Water Resources Control Board; Regional Water Quality Control Board, San Diego Region, Verified Petition for Writ of Mandate, Superior Court of the State of California, County of San Diego, Case No. 37-2024-00001837-CU-WM-CTL, filed January 16, 2024. (Alex Sauerwein)*

Petitions for Review Pending Before the State Water Board:²

- I. Petitions of San Diego Coastkeeper and Coastal Environmental Rights Foundation; City of Rancho Santa Margarita; City of Laguna Hills; County of Orange & Orange County Flood Control District; City of Dana Point; City of Laguna Beach; City of Mission Viejo; City of Laguna Niguel; Riverside County Flood Control & Water Conservation District et al.; City of San Clemente; City of San Juan Capistrano; and City of Aliso Viejo (Order No. R9-2015-0100, amending Order No. R9-2013-0001 [NPDES No. CAS 0109266] for Discharges from the Municipal Separate Storm Sewer Systems (MS4s) Draining the Watersheds within the San Diego Region), SWRCB/OCC FILE A-2456 (a thru I).
(Laurie Walsh)
11. 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 §11126(e)].
(David Gibson)
12. Deliberation on a Decision to be Reached Based on Evidence Introduced in a Hearing. The San Diego Water Board may meet in closed session to consider evidence received in an adjudicative hearing and to deliberate on a decision to be reached based upon that evidence [Authorized under Government Code §11126(c)(3)].
13. Personnel. The San Diego Water Board may meet in closed session to consider the appointment, employment, evaluation of performance, or dismissal of a public employee or to hear complaints or charges brought against that employee by another person or employee unless the employee requests a public hearing [Authorized under Government Code §11126(a)].

² 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 Alex Sauerwein at Alex.Sauerwein@waterboards.ca.gov or 916-327-8581 for more information.

DIRECTIONS TO MEETING

From Downtown: Green Line light rail towards Santee to Fenton Parkway Station. Walk to 2375 Northside Drive (about 9 minutes). Head northwest on Fenton Parkway to Northside Drive. Right on Northside Drive.

I-15 north – take the Friars Road West exit (toward Qualcomm Stadium) – follow signs to stay on Friars Road. Turn left onto Northside Drive. Turn left at first signal (Fenton Marketplace Drwy). Our building is located at the end of the court – veer to the left into the parking structure.

From the North: Pacific Surfliner Train 572 towards San Diego Santa Fe Depot. Walk to San Diego Old Town Transit Center (about 1 minute). Green Line light rail towards Santee to Fenton Parkway Station. Walk to 2375 Northside Drive (about 9 minutes). Head northwest on Fenton Parkway to Northside Drive. Right on Northside Drive.

I-15 south – take the Friars Road West exit – follow signs to stay on Friars Road. Turn left onto Northside Drive. Turn left at first signal (Fenton Marketplace Drwy). Our building is located at the end of the court – veer to the left into the parking structure.

IMPORTANT INFORMATION

Agenda and items will be available electronically at:
https://www.waterboards.ca.gov/sandiego/board_info/agendas/.

Video broadcast of meetings will be available at either [YouTube Livestream Link](#) or <https://video.calepa.ca.gov>.

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
 SAN DIEGO REGION
 Summary of Board Actions and Proceedings
 At the October 9, 2024 Board Meeting

ITEM TYPE	ITEM NO. AND DESCRIPTION	REGIONAL BOARD ACTION(S)
MINUTES	ITEM 1 – Minutes of the August 14, 2024 Board Meeting	The Minutes were approved.
CONSENT ITEMS	ITEM 3 – NPDES Permit Amendment: Amendment to Order No. R9-2020-0001, as amended by Order No. R9-2020-0183, NPDES No. CA0109398, Waste Discharge Requirements for the City of San Diego North City Reclamation Plant and Pure Water Facility, Discharge to Miramar Reservoir, San Diego County (Tentative Order No. R9-2024-0035). Written comments on this item were due on July 15, 2024. <i>(Fisayo Osibodu)</i>	Order No. R9-2024-0035 was approved.
NON-CONSENT ITEMS	ITEM 4 – Annual Update on the Strategy for a Healthy San Diego Bay. <i>(Wayne Chiu)</i>	Informational item only; no action taken
	ITEM 5 – Public Hearing: Complaint No. R9-2024-0090 for Administrative Civil Liability Failure to Comply with Cleanup and Abatement and Water Code section 13267 Order No. R9-2021-0165. <i>(Maher Zaher and Brian Covellone)</i>	The Board declined to issue an order. The Board allowed Respondent 45-days to submit an RMP that meets the requirement of the CAO. The item will return to the Board for further proceedings.

NOTES

- A. GENERAL STATEMENT. The primary duty of the San Diego Water Board is to protect the quality of the waters within the region for all beneficial uses. This duty is implemented by formulation and adoption of water quality plans for specific ground or surface water basins and by prescribing and enforcing requirements on all domestic and industrial waste discharges. Responsibilities and procedures of the Regional Water Quality Control Board come from the State's Porter-Cologne Water Quality Act and the Nation's Clean Water Act.

The purpose of the meeting is for the Board to obtain testimony and information from concerned and affected parties and make decisions after considering the recommendations made by the Executive Officer.

All interested persons may speak at the San Diego Water Board meeting and are expected to orally summarize their written submittals. Testimony should be presented in writing prior to the meeting and only a summary of pertinent points presented orally. Oral testimony (i.e., direct testimony or comment) will be limited in time by the Board Chair (typically 3 minutes for interested persons and no more than 10 minutes for designated parties). A timer may be used, and speakers are expected to honor the time limits.

- B. PROCEDURE FOR CONSENT (UNCONTESTED) CALENDAR (see Cal. Code of Regs., tit. 23, § 647.2) Consent or uncontested agenda items are items for which there appears to be no controversy, and which can be acted upon by the San Diego Water Board with no discussion. Such items have been properly noticed and all interested parties consent to the staff recommendation. The San Diego Water Board Chair will recognize late revisions submitted by staff and will then call for a motion and vote on all of the consent calendar items by the San Diego Water Board.

If any San Diego Water Board member or member of the public raises a question or issue regarding an item that requires San Diego Water Board discussion, the item may be removed from the consent calendar and considered separately in an order determined by the Chair. Anyone wishing to contest a consent item on the agenda is expected to appear at the San Diego Water Board meeting telephonically or via the remote meeting solution and explain to the San Diego Water Board the reason that it is contested.

- C. PROCEDURE FOR INFORMATION ITEMS (see Cal. Code of Regs., tit. 23, § 649 et. seq.). Information items are items presented to the San Diego Water Board for discussion only and for which no San Diego Water Board action or vote is normally taken. The San Diego Water Board usually will hear a presentation by staff but may hear presentations by others. Comments by interested persons shall also be allowed. Members of the public wishing to address the San Diego Water Board on the topic under discussion should notify the clerk beforehand and indicate their request to speak to the San Diego Water Board. Comments from the public should be for clarification or to add to the San Diego Water Board's understanding of the item; such comment should not be testimonial in nature or argumentative, as speakers are not under oath and the proceeding is not adversarial. Time limits may be imposed on interested persons.

- D. PROCEDURES FOR NON-CONSENT (CONTESTED) AGENDA ITEMS. Non-consent or contested agenda items are items to which the parties involved have not consented and the staff recommendation is in dispute. The procedure that applies to such items depends on the nature of the matter. Matters before the San Diego Water Board may be quasi-legislative or quasi-judicial (adjudicative proceedings). Such items may require a public hearing and all interested persons will be provided an opportunity to make comments.

Contested Adjudicative Matters

Contested agenda items that are adjudicative, not quasi-legislative, are governed by the rules for adjudicative proceedings. State Water Resources Control Board (State Water Board) regulations setting forth the procedures for adjudicative proceedings before the State and Regional Water Boards are codified in Division 3 of Title 23 of the California Code of Regulations. Adjudicative proceedings before the State and Regional Water Boards are governed by State Water Board regulations as authorized by Chapter 4.5 of the Administrative Procedures Act (commencing with Gov. Code, § 11400). State Water Board regulations further provide that, with certain exceptions, adjudicative proceedings will be conducted in accordance with Evidence Code sections 800 through 805 and Government Code section 11513. Other provisions of Chapter 5 of the Government Code do not apply to adjudicative proceedings before the State and Regional Water Boards. For more information about laws and regulations relevant to adjudicative proceedings, please visit https://www.waterboards.ca.gov/laws_regulations/.

Quasi-legislative Matters

Quasi-legislative matters include rulemaking and some informational proceedings. These matters may include hearings for the adoption or amendment of regulations, water quality control plans, and hearings to gather information to assist the State and Regional Water Boards in formulating policy for future action. They are not adjudicative proceedings and are subject to different procedures. (See Cal. Code of Regs., tit. 23, § 649 et seq.)

- E. CONTRIBUTIONS TO SAN DIEGO WATER BOARD MEMBERS SEEKING ELECTED OFFICE (see also Gov. Code §84308). All persons who actively support or oppose the adoption of waste discharge requirements or an NPDES permit before the San Diego Water Board shall disclose on the record of the proceeding any contributions of \$250 or more to be used in a federal, state, or local election, made by the action supporter or opponent, or his or her agent, within the last 12 months to any San Diego Water Board member who holds an elected office or is seeking elected office. All permit applications and all person who actively support or oppose adoption of a set of waste discharge requirements or an NPDES permit pending before the San Diego Water Board are prohibited from making a contribution of \$250 or more to any San Diego Water Board member who holds an elected office or is seeking elected office for three months following a San Diego Water Board decision on the permit application.

- F. PROCEDURAL INFORMATION. The San Diego Water Board may meet in closed session to discuss matters in litigation, including discussion of initiated litigation, significant exposure to litigation, or decisions to initiate litigation (Gov. Code, § 11126, subd. (e)); deliberate on a decision to be reached based upon evidence introduced in an adjudicatory hearing (Gov. Code, § 11126, subd. (c)(3)); or to consider the appointment, employment or dismissal of a public employee to hear complaints or charges brought against a public employee (Gov. Code, § 11126, subd. (a)).

The San Diego Water Board may break for lunch at approximately noon at the discretion of the Chair. During the lunch break San Diego Water Board members may have lunch together. Other than properly noticed closed session items, San Diego Water Board business will not be discussed.

Agenda items are subject to postponement. A listing of postponed items will be posted in the meeting room. You may contact the designated staff contact person in advance of the meeting day for information on the status of any agenda item.

Speaker Cards: All persons desiring to address the San Diego Water Board are required to fill out a speaker card. Speaker cards are normally provided near the entrance to the meeting room. San Diego Water Board staff can assist you in locating the speaker cards.

Please fill out a separate card for each item you plan to speak on. All relevant sections, including the oath, must be completed. Please use the appropriate color card, as indicated below:

- Blue: Public Comments (for items requiring no San Diego Water Board action—Public Forum, status reports, etc.).
- Green: Public Testimony, in support of the tentative action.
- Pink: Public Testimony, opposed to the tentative action.

- G. AVAILABILITY OF EXECUTIVE OFFICER'S REPORT AND AGENDA MATERIAL.

Visit our website at

https://www.waterboards.ca.gov/sandiego/publications_forms/publications/eoreports.html to view the Executive Officer's Report, which will be available two days prior to the San Diego Water Board meeting. A copy can also be obtained by contacting Ms. Chris Blank at (619) 521-3382 or Christina.Blank@waterboards.ca.gov.

The Board meeting agenda and copies of most agenda items to be considered by the San Diego Water Board are posted on the San Diego Water Board's website at https://www.waterboards.ca.gov/sandiego/board_info/agendas/.

Details concerning other agenda items are available for public reference. The appropriate staff contact person, indicated within the specific agenda item, can answer questions and provide additional information. For additional information about the Board, please see the San Diego Water Board's website at [Board Members | San Diego Regional Water Quality Control Board \(ca.gov\)](https://www.waterboards.ca.gov/sandiego/board_info/agendas/)

- H. PETITION OF SAN DIEGO WATER BOARD ACTION. In accordance with Water Code section 13320 and section 2050 et seq. of title 23 of the California Code of Regulations, any person affected adversely by most decisions of the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) may petition the State Water Board to review the decision. The petition must be received by the State Board within 30 days of the San Diego Water Board's meeting at which the adverse action was taken. Copies of the law and regulations applicable to filing petitions will be provided upon request.

- I. HEARING RECORD. Material presented to the Board as part of testimony (e.g. photographs, slides, charts, diagrams etc.) that is to be made part of the record must be provided to the Board. Photographs or slides of large exhibits are acceptable.

All Board files, exhibits, and agenda material pertaining to items on this agenda are hereby made a part of the record.

- J. ACCESSIBILITY. Individuals who have special accommodation needs, please contact Ms. Chris Blank at (619) 521-3382 or Christina.Blank@waterboards.ca.gov at least 5 business days prior to the meeting. If interpreter services are required, please contact Ms. Blank at least 10 business days prior to the meeting. TTY/TDD/Speech-to-Speech users may dial 7-1-1 for the California Relay Service.

- K. PRESENTATION EQUIPMENT. Providing and operating projectors and other presentation aids are the responsibilities of the speakers.