



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

**Wednesday, April 9, 2025 – 9:00 a.m.**

**City of Mission Viejo**

**City Council Chambers**

**200 Civic Center**

**Mission Viejo, California 92691**

**And via Video and Teleconference**

**(Gov. Code, § 11123.2)**

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**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 <https://cal-span.org/>.*
  - *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/](https://www.waterboards.ca.gov/sandiego/board_info/remote_meeting/).*
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## MEETING NOTICE AND AGENDA<sup>1</sup>

### 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

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

### 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: March 12, 2025.
2. Chair's, Board Members', State Board Liaison's, and Executive Officer's Reports.
3. Executive Officer's Update on Transboundary Flows from Mexico.

### INFORMATIONAL ITEMS

*Written comments on informational items will be accepted by email at [rb9agenda@waterboards.ca.gov](mailto:rb9agenda@waterboards.ca.gov) so long as they are received by April 1, 2025. Please include the Agenda Item Number in the subject line.*

4. Orange County Presentation on Spill Response Process. (*Laurie Walsh*)
5. Santa Margarita Water District and Moulton Niguel Water District Updates on Water Supply Diversification Projects. (*Fisayo Osibodu*)

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<sup>1</sup> Versión en español disponible en [https://www.waterboards.ca.gov/sandiego/board\\_info/agendas/](https://www.waterboards.ca.gov/sandiego/board_info/agendas/).

**CLOSED SESSIONS****Closed Sessions are not open to the Public**

6. 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:<sup>2</sup>**

- 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)*

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<sup>2</sup> 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](mailto:Alex.Sauerwein@waterboards.ca.gov) or 916-327-8581 for more information.

7. 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)].
8. 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)].
9. 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)].

***DIRECTIONS TO MEETING***

**From San Diego:** I-5 N to I-5 N/San Diego Fwy; continue straight to stay on I-5 N. Take exit 88 for Oso Pkwy; turn right on Oso Pkwy. Use the left 2 lanes to turn left onto Marguerite Pkwy. Turn left onto Civic Center.

**IMPORTANT INFORMATION**

Agenda and items will be available electronically at:

[https://www.waterboards.ca.gov/sandiego/board\\_info/agendas/](https://www.waterboards.ca.gov/sandiego/board_info/agendas/).

Video broadcast of meetings will be available at <https://cal-span.org/>.

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
 SAN DIEGO REGION  
 Summary of Board Actions and Proceedings  
 At the March 12, 2025, Board Meeting

ITEM TYPE	ITEM NO. AND DESCRIPTION	REGIONAL BOARD ACTION(S)
<b>MINUTES</b>	<b>ITEM 1</b> – Minutes of the February 12, 2025, Board Meeting	The Minutes were approved.
<b>CONSENT ITEMS</b>	<b>ITEM 4</b> – NPDES Permit Amendment: Amendment of Waste Discharge Requirements for the South Orange County Wastewater Authority (SOCWA) Discharge to the Pacific Ocean through the San Juan Creek Ocean Outfall (Tentative Order No. R9-2025-0001, amending Order No. R9-2022-0005, NPDES No. CA90107417). Written comments on this item were due on January 15, 2025. <i>(Joann Lim)</i>	Order No. R9-2025-0001 was approved.
	<b>ITEM 5</b> – NPDES Permit Amendment: Amendment of Waste Discharge Requirements for the Discharge to the Pacific Ocean Related to the Decommissioning of the San Onofre Nuclear Generating Station (SONGS) (Tentative Order No. R9-2025-0002, amending Order No. R9-2023-0011, NPDES No. CA90109282). Written comments on this item were due on January 13, 2025. <i>(Joann Lim)</i>	Order No. R9-2025-0002 was approved.
<b>NON-CONSENT ITEMS</b>	<b>ITEM 6</b> – Presentation of results from the Community Assessment for Public Health Emergency Response (CASPER) Centers for Disease Control and Prevention Investigation in the Tijuana River Valley by Dr. Ankita Kadakia. <i>(David Gibson)</i>	Informational item only; no action taken.
	<b>ITEM 7</b> – City of San Diego Pure Water Update. <i>(Fisayo Osibodu)</i>	Informational item only; no action taken.

**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/](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](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](mailto: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/](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. LANGUAGE SERVICES. This meeting will be offered in English. To request translation of written document, interpretation services in another language, or sign language services, please use one of the following options at least ten (10) business days before the meeting:
- Submit a [Language Services Request](#) online
  - Call the Office of Public Participation at (916)-341-5254
  - Email the Office of Public Participation at [opp-languageservices@waterboards.ca.gov](mailto:opp-languageservices@waterboards.ca.gov).
- K. ACCESSIBILITY. Individuals who have special accommodation needs, please contact Ms. Chris Blank at (619) 521-3382 or [Christina.Blank@waterboards.ca.gov](mailto:Christina.Blank@waterboards.ca.gov) at least 5 business days prior to the meeting. TTY/TDD/Speech-to-Speech users may dial 7-1-1 for the California Relay Service.
- L. PRESENTATION EQUIPMENT. Providing and operating projectors and other presentation aids are the responsibilities of the speakers.