

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION
BOARD MEETING MINUTES
October 9, 2024**

CALL TO ORDER

Chair Celeste Cantú called the meeting to order on October 9, 2024 at approximately 9:00 a.m. in the San Diego Regional Water Quality Control Board Hearing Room, 2375 Northside Drive, Room 108, San Diego, California 92108

ATTENDANCE

Board Members present:

Celeste Cantú, Board Chair; Betty H. Olson, Ph.D., Vice Chair; Gary Strawn, and Stefanie Warren. Megan Blair arrived at 9:05 a.m.

Board Members absent:

Yen Tu

Staff present:

David Gibson, Chris Blank, Jeremy Haas, Roger Mitchell, Laurie Walsh, Chad Loflen, Chiara Clemente, Jessica Taylor, Cailynn Smith, Abigail Pashina, Ariel Cutter, Sean McClain, Tom Alo, Wayne Chiu, Tino Gamboa, Vinty Siev, Fisayo Osibodu, Mireille Lecourtois, Lisa Honma, Heidi Fletcher, Lauren Kim, Alan Monji, Vanessa Cacayan, Sherrie Komeylyan, Jody Ebsen, Brian Covellone, Maher Zaher, Michelle Santillan, Riley Nolan.

Staff remote attendance:

Kelly Dorsey, James Smith, Cleo Muñoz, Tanya Clark, Melissa Corona, Sarah Mearon, Hiram Sarabia, Amy Grove, Christina Arias, Cynthia Gorham, Liz Nguyen, Kimberly McMurray-Cathcart, Sheila Christine McQuaid-Moran, Erica Ryan, James Chhor, Lara Quetin.

Others present on behalf of the San Diego Water Board

Nichole Morgan, for the State Water Resources Control Board; Jennifer Fordyce and Alex Sauerwein, State Water Board Office of Chief Counsel; Vinty Siev, Tino Gamboa, Kevin Heinemann, DIT; Rebecca Christmann (remote), DDW; Elise Hicks, California Reporting.

Public Attendance:

Present:

Olivia Liu, Yingquan Liu, Ren Tang Zhang, John Dian Lei <i>Party and party witnesses to ACLC No. R9-2024-0090</i>	Chris Stransky <i>GEI Consultants</i>
Pierre Battice <i>U.S. Dept of Veterans Affairs</i>	Karen Holman, Kelly Tait, Eileen Maher <i>Port of San Diego</i>
Arielle Peaulieu, Juan Guerrero, Doug Campbell, Vicki Kalkirtz, Kelly Baker <i>City of San Diego</i>	Rolf Schottle <i>WSP</i>
Heather Jidkov <i>State Water Board, Office of Enforcement</i>	

Remote attendance:

Irene McCormack <i>San Diego Working Waterfront</i>	Patrick McDonough <i>San Diego Coastkeeper</i>
Junsha Li <i>Party witness to ACLC R9-2024-0090</i>	Kimbrie Gobbi <i>WSP</i>
Frank Haskell, NCIS Investigator <i>Prosecution Team</i>	

BOARD MEETING

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

PUBLIC FORUM

Patrick McDonough, Senior Attorney, San Diego Coastkeeper, requested an update on PFAS-contaminated water in the Camp Pendleton Southern Regional Tertiary Treatment Plant Lemon Grove Basins, and he expressed concern regarding purple pipe reuse of aqueous film-forming foam contaminated water. He also asked about any potential enforcement actions. Sarah Mearon, Senior Engineering Geologist, responded to Mr. McDonough.

BOARD BUSINESS

Item 1 – Minutes of Board Meeting: August 14, 2024

Motion to adopt the August 14, 2024 minutes:

- Mr. Strawn

Second:

- Ms. Warren

Aye:

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

Nay:

- None

Absent:

- Ms. Tu

Abstain:

- Ms. Blair

Item 2 – Chair's, Board Members', State Water Board Liaison's, and Executive Officer's Reports. *These items were for Board discussion only. No public testimony was allowed, and the Board took no formal action.*

Nichole Morgan provided updates on recent State Board actions and priorities and responded to Board Member questions and comments.

Chair Cantú presented a Sustained Superior Accomplishment award to Mireille Lecourtois for her work on the Stormwater Time Schedule Order.

Chair Cantú stated that the Board Members' and Executive Officer's Report portions of the meeting would be completed at the end of the meeting.

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 items. Otherwise, the item will be continued to a subsequent Board meeting to allow input by interested persons.*

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. *(Fisayo Osibodu)*

Motion to approve the consent calendar:

- Ms. Warren

Second:

- Dr. Olson

Aye:

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

Nay:

- None

Absent:

- Ms. Tu

Abstain:

- None

INFORMATIONAL ITEM

Item 4 – Annual Update on the Strategy for a Healthy San Diego Bay. Written comments were due by 5:00 p.m. on October 2, 2024. (*Wayne Chiu*)

Wayne Chiu introduced the item and provided a brief overview.

Chad Loflen, Tom Alo, Sean McClain, Jessica Taylor, Alan Monji, and Jeremy Haas participated in the staff presentation and responded to Board Member questions.

Andy Yuen, U.S. Department of Fish and Wildlife, presented on behalf of U.S. Fish and Wildlife Service and responded to Board Member questions.

Chair Cantú called a recess at 11:17 a.m. and reconvened the meeting at 11:26 a.m.

Irene McCormack, San Diego Working Waterfront, gave a presentation regarding the Port of San Diego's Working Waterfront project and responded to Board Member questions.

Chair Cantú asked for public comments in person and on Zoom.

The following stakeholders commented on the item:

- Karen Holman, Director, Environmental Protection, Port of San Diego
- Kelly Tait, Program Manager for Sediment and Water Quality, Port of San Diego
- Patrick McDonough, Senior Attorney, San Diego Coastkeeper

ACTION ITEM

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. For deadlines related to this matter see the Hearing Procedure.¹ The San Diego Water Board may deliberate in a closed session to consider evidence introduced in an adjudicative hearing. (*Maher Zaher and Brian Covellone*)

Chair Cantú gave an opening statement, provided rulings on pre-hearing motions and objections, and administered the oath to persons who intended to testify.

Chair Cantú recessed for lunch at 11:55 a.m. and reconvened the meeting at 12:35 p.m.

Maher Zaher presented for the Prosecution Team and responded to Board Member questions.

Olivia Yutang Liu (Respondent) gave a statement.

Chair Cantú called a recess at 1:50 p.m. and reconvened the meeting at 1:56 p.m.

Prosecution Team presented a rebuttal

Respondent and representatives presented a rebuttal.

The Board adjourned to closed session at 2:26 p.m. Mr. Sauerwein announced that the Board would meet in closed session to consider the evidence presented for ACL Complaint No. R9-2024-0090. Chair Cantú reconvened the public meeting at 3:12 p.m.

The parties provided closing statements and Chair Cantú closed the public hearing.

After hearing arguments and considering the evidence presented, the Board decided that it was inclined to find Respondent liable for both violations alleged in Administrative Civil Liability Complaint No. R9-2024-009 but decided not to issue an order imposing a penalty that day and that this matter will come back to the Board for further proceedings at a future meeting. The Board provided Respondent with one last chance to submit a compliant Restoration and Monitoring Plan (RMP) within 45 days of the hearing pursuant to the Cleanup and Abatement Order, emphasizing the need for Respondent to hire a qualified professional as defined in the Cleanup and Abatement Order.

Motion made consistent with the Board's decision deferring this matter to a future meeting and allowing Respondent an opportunity to submit a compliant RMP within 45 days.

- Dr. Olson

Second:

- Mr. Strawn

¹ [Hearing Procedure R9-2024-0090 \(ca.gov\)](#)

Aye:

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

Nay:

- None

Absent:

- Ms. Tu

Abstain:

- None

BOARD BUSINESS (continued)

Mr. Gibson responded to Board Member questions and provided updates that were not in the written Executive Officer's Report.

Mr. Strawn stated that the San Diego State University will hold its annual Water Day on October 18, 2024, from 8:30 a.m. to 6:00 p.m.

There being no further business, Chair Cantú adjourned the meeting at 3:55 p.m.

These Minutes were prepared by:

Signed by:

Christina A. Blank
Executive Assistant

David W. Gibson
Executive Officer