

State of California
Santa Ana Regional Water Quality Control Board

Minutes of the October 21, 2022 Board Meeting
California Air Resources Board
4001 Iowa Avenue
Riverside, CA 92507

Chair Murray called the meeting to order at 9:02 a.m.

Court Reporter recorded items: 1, 4, 6, 7 and 8.

Item 1. Introductions

*** Indicates that attendance was virtual.

Board Members Present at Board Meeting

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

Board Members Absent at Board Meeting

None

Staff Present at Board Meeting

Jayne Joy, Executive Officer
Ann Sturdivant, Assistant Executive Officer
Katharine Bramble, Regional Board Counsel
David Lancaster, Attorney, State Water Board
Julie Macedo, Attorney, State Water Board***
Dorene D'Adamo, State Water Board Liaison***
Nick Amini, Division Manager
Eric Lindberg, Division Manager
Maile Gee, Senior Engineering Geologist
Julio Lara, Senior Water Resource Control Engineer***
Valerie Jahn-Bull, Senior Environmental Scientist (Specialist)
Jessica Law, Engineering Geologist
Jessica Baenre, Associate Governmental Program Analyst
Daniel Mefford, Information Technology Specialist I
Don Nguyen, Information Technology Associate
Fernanda Arechiga, Scientific Aid***

Court Reporter Present at Board Meeting

Marlee Nelson***

Public Attendance at Board Meeting

Mark Gilmartin***

Abigail Gomez***

Cynthia Gabaldon, County of San Bernardino

Aaron Ares, City of Redlands

Arlene Chun, San Bernardino County SW Program

Chris Bland, San Bernardino County Flood Control District

Item 2. Public Forum

None

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

This item was presented by Dorene D'Adamo.

The State Water Board recently celebrated the 10th Anniversary of the Human Right to Water. EPA Secretary Yana Garcia and community representatives spoke on the opportunities they have had since the passage of the Human Right to Water.

The State Water Board held a workshop for the Racial Equity Action Plan, the deadline for public comments is Monday, October 24, 2022.

Statewide conservation for the month of August 2022 showed a 10.5% reduction in use compared to 2020. The City of Orange and Mesa Water District both had a 35% reduction compared to August 2020.

The State Water Board adopted a measure for water loss performance in October 2022. Ms. D'Adamo highlighted the tremendous stakeholder engagement between the NGO and regulated community having over 10 staff and Board workshops.

Ms. D'Adamo provided an update on the Sanitary Sewer System Order Reissuance. Staff is working on updating the language to the General Order. The draft was released in January 2022 and received over 500 comments. Staff is preparing to issue a proposed order that will be brought to the State Water Board for adoption, target date is the December 6th meeting.

The State Water Board adopted a fee schedule at the September 2022 Board meeting. Staff encourages stakeholders to attend State Water Board and Regional Board meetings to bring up concerns related to cost implementation.

The State Water Board adopted a policy handbook establishing a standard methodology for testing and reporting for microplastics in drinking water. The State Water Board became the first agency in the world to order a standard methodology for testing and monitoring of microplastics in public water systems. There is a one-year delay with implementation to allow the regulated community and labs time to develop processes.

Ms. D'Adamo discussed Safe and Affordable Drinking Water and mentioned that the State Water Board will have its third affordability workshop on November 1, 2022.

Lastly, Ms. D'Adamo reminded everyone to save the date for the upcoming Water Quality Coordinating (WQCC) Committee meeting.

Item 4. Regional Board Meeting Minutes of September 9, 2022

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 Vice Chair Kerr, and the Minutes of the September 9, 2022 Board Meeting were approved by roll call vote.

Roll call vote: Board Member John Scandura- Aye, Board Member Gloria Alvarado- Aye, Board Member Letitia Clark- Not present, Board Member William Ruh- Aye, Vice Chair Joe Kerr- Aye, Chair Kris Murray- Aye.

Item 5. Proposed Board Meeting Dates for 2023

Chair Murray asked Board Members to review the proposed Board Meeting dates for the 2023 calendar year. If there are any dates to be reconsidered, Board Members should notify Executive Officer Joy. Final adoption of the 2023 Board Meeting calendar will take place at the December Board meeting.

Item 6. Appointment of a Committee to Nominate Regional Board Officers for 2023

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

Board Members agreed to appoint Board Member Ruh and Board Member Alvarado to nominate the Regional Board Officers for 2023.

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 Chair Murray, seconded by Board Member Ruh, to appoint Board Member Ruh and Board Member Alvarado to the Nomination Committee.

Roll call vote: Board Member John Scandura- Aye, Board Member Gloria Alvarado- Aye, Board Member Letitia Clark- Not present, Board Member William Ruh- Aye, Vice Chair Joe Kerr- Aye, Chair Kris Murray- Aye.

Item 7. Renewal of Waste Discharge Requirements, Master Recycling Permit, and National Pollutant Discharge Elimination System (NPDES) Permit No. CA0105376 for City of Beaumont Wastewater Treatment Plant; Order Number R8-2022-0042

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

This item was presented by Regional Board staff, Julio Lara.

Mr. Lara provided an overview of the City of Beaumont's Wastewater Treatment Plant, discussed the City of Beaumont's current NPDES permit requirements, plant improvements and new proposed permit.

The City of Beaumont is a public agency that provides wastewater collection, treatment, and disposal to 53,000 people living in Riverside County. It owns and operates 200 miles of sewer trunk lines, 12 sewage lift stations and one wastewater treatment plant.

The proposed waste discharge requirements for tentative Order Number R8-2022-0042:

- Implements anti-degradation and Maximum Benefit Water Quality Objectives for Total Dissolved Solids and Nitrate-Nitrogen Total Inorganic Nitrogen for San Timoteo and Beaumont Groundwater Management Zones.
- Includes water quality based effluent limitations for total Copper and total Zinc based on reasonable potential analysis.
- Incorporates maximum daily and average monthly effluent limitations for chronic toxicity.

In addition, the tentative order also contains an asset management program, climate change action plan and a maximum benefit evaluation provision.

Mr. Lara mentioned that no letters of support or comments were received and recommended the adoption of Order Number R8-2022-0042.

Board Members had questions and comments for Mr. Lara.

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 unanimously carried to adopt Order R8-2022-0042 as presented by roll call vote.

Roll call vote: Board Member John Scandura- Aye, Board Member Gloria Alvarado- Aye, Board Member Letitia Clark- Aye, Board Member William Ruh- Aye, Vice Chair Joe Kerr- Aye, Chair Kris Murray- Aye.

Item 8. Resolution Requesting Attorney General of California Initiate Judicial Enforcement of Cleanup and Abatement Order Against My Montecito Inc SH (My Montecito) and Restructure Petroleum Marketing Services of California, Inc. (RPMS); Resolution R8-2022-0063

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

Chair Murray stated that this is not an evidentiary hearing and is not a final determination as to the affected party's liability.

Chair Murray stated the order of proceeding:

1. Presentation from Prosecution Team

2. Presentation from My Montecito Representative
3. Presentation from RPMS Representative
4. Presentation from United Parties Representative
5. Public Comments

Prosecution Team-

The presentation from the prosecution team was done by Valerie Jahn-Bull, Senior Environmental Scientist and David Lancaster, Attorney III.

The prosecution team discussed an overview of Tentative Resolution R8-2022-0063, summarized key aspects of the adopted Cleanup and Abatement Order R8-2021-0006 (CAO), described the affected areas under the CAO, explained the responsibility of compliance under the CAO, discussed the current compliance status for the E-Z Serve Source Property, discussed enforcement options, and requested relief.

Ms. Jahn-Bull explained that by adopting Tentative Resolution R8-2022-0063 the Board would formally request that the matter be referred to the Attorney General. The Attorney General would be able to file a petition in Superior Court against the E-Z Serve Parties with respect to the E-Z Serve Source Property. Requested remedies would be a court injunction and imposition of Civil Penalties.

Ms. Jahn-Bull recommended the adoption of Tentative Resolution R8-2022-0063 with late changes.

Board Members had questions and comments for Ms. Jahn-Bull and Mr. Lancaster.

Chair Murray asked if there were any representatives from the other parties present to speak in-person or online.

My Montecito-

No representatives present.

RPMS-

No representatives present.

United Parties-

Mark Gilmartin, counsel for the United Parties spoke.

Mr. Gilmartin mentioned that he has been involved with this cleanup project since the late 1990s. The United Parties have spent a lot of time and money assessing the extent of the problem, concluding that the E-Z Serve site was a contributory site. Mr. Gilmartin stated that The United Parties have been forced to do much of the work themselves, particularly as it relates to CAO requirements set forth for the Commingled Plume Area, spending approximately a million dollars to date. Mr. Gilmartin mentioned that My Montecito is being rewarded for years of bad conduct and disregarding any enforcement against My Montecito is unfair. Mr. Gilmartin stated that United Parties will perform soil vapor testing at the school property over the Thanksgiving break.

Mr. Gilmartin asked the Board to reconsider the notion that My Montecito is being rewarded for its bad behavior and that it be ordered that the Attorney General's office be directed to obtain an injunction with regard to the obligation to do future work, not just on the My Montecito property but in offsite areas (i.e., Commingled Plume Area).

Board Members had questions and comments.

Chair Murray asked the Board Members for a motion and asked Board Clerk Ms. Baenre for a roll call vote; it was noted that Item 8 had an errata sheet, for Finding 21.

Motion: It was moved by Board Member Ruh, seconded by Board Member Scandura, and unanimously carried to adopt Resolution R8-2022-0063 with the errata sheet as presented by roll call vote.

Roll call vote: Board Member John Scandura- Aye, Board Member Gloria Alvarado- Aye, Board Member Letitia Clark- Aye, Board Member William Ruh- Aye, Vice Chair Joe Kerr- Aye, Chair Kris Murray- Aye.

Item 9. Executive Officer's Report

Executive Officer Joy discussed the Municipal Separate Storm Sewer System (MS4) permit. The Santa Ana Water Board has been working closely with Arlene Chung and Cynthia Gabaldon on the development of the MS4 permit, and recently received a red line strike out of the staff working proposal. Ms. Joy recognized the time and effort that groups have put into the development of the MS4 permit.

Next, Ms. Joy discussed the National Federal Facility Excellence in Site Reuse Award Ceremony. Board Member Scandura spoke at the ceremony and Regional Board staff Patricia Hannon received an award from the US EPA for the Former Marine Corps Air Station in El Toro which has been repurposed into a park called the Great Park in Irvine.

Item 10. Resolution of Appreciation for Vice Chair Joe Kerr

Chair Murray read the Resolution of Appreciation for Vice Chair Joe Kerr, Resolution Number R8-2022-0061.

Chair Murray and Board Members recognized Vice Chair Joe Kerr for his service.

Item 11. Board Member and Executive Officer Communications

Board Member Scandura thanked Executive Officer Joy for the invitation to the El Toro awards ceremony.

Board Member Alvarado thanked staff for working hard to keep our communities safe.

Board Member Ruh thanked staff, informed the Board that he will be unable to attend WQCC due to a preset work commitment, and wished everyone a happy Thanksgiving.

Vice Chair Kerr wished the new officers and directors of the Santa Ana Water Board luck and thanked everyone.

Chair Murray wished everyone a happy Thanksgiving, thanked the California Air Resources Board and staff.

Closed Session

None

Adjournment

Chair Murray adjourned the meeting at 11:24 a.m.

Respectfully submitted:

JAYNE JOY, P.E.

Executive Officer

/jb