

State of California
Santa Ana Regional Water Quality Control Board

Minutes of the July 28, 2023 Board Meeting
Inland Empire Utilities Agency
6075 Kimball Ave.
Chino, CA 91708

Alternative Meeting Location
Grand Sierra Hotel
2500 E 2nd Street
Reno, NV 89595

Chair Murray called the meeting to order at 10:01 a.m.

Item 1. Regional Water Recycling Plant No. 5 Tour

Members of the Santa Ana Regional Water Quality Control Board, staff and the public took an informational tour of the Inland Empire Utilities Agency Regional Water Recycling Plant No. 5.

Item 2. Introductions

***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 Member Alvarado attended the Board meeting remotely from the alternative meeting location.

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
Jagroop Khela, Branch Manager
Daniel Mefford, Information Technology Specialist I
Fernanda Arechiga, Scientific Aid
Mona Behrooz, Senior Water Resource Control Engineer
Jessica Law, Engineering Geologist
Maile Gee, Senior Engineering Geologist

Claudia Tenorio, Environmental Scientist
Gabby Pocius, Engineering Geologist
Kyle Wright, Engineering Geologist
Aleks Stankovic, Engineering Geologist
Gongde Chen, Water Resources Control Engineer
Julio Lara, Senior Water Resource Control Engineer***
Miguel Oviedo, Engineering Geologist***
Chris Marino, Contractor- RedHorse***
Mark Allen, Engineering Geologist***

State Water Board Present at Board Meeting

Katharine Bramble, Regional Board Counsel
Laurel Firestone, State Water Board Member

Public Attendance Present at Board Meeting

Toyasha Sebbag, City of Rialto
Nicole Hemmans, City of Rialto
Kelly Majewski, Metabolic Studio
Samantha Adams, West Yost
Michael Barnes, WSP Earth & Environment

Item 3. Public Forum

None

Item 4. State Water Resources Control Board (State Water Board) Liaison Report

This item was presented by State Water Board Member Laurel Firestone.

Board Member Firestone provided an update on the following:

Ocean Desalination-

Under Governor Newsom's direction the State Water Board and Ocean Protection Commission (OPC) developed and chaired an inter-agency work group to develop citing criteria for seawater desalination and recommended ways to streamline and expedite the permitting for new facilities. A draft report was recently released on the State Board's website and includes an executive summary. The report provides clarity around new or expanded seawater desalination facilities, technologies that are identified in the ocean plan, conducting community outreach, performing appropriate analyses, and providing mitigation to help permitting move as quickly as possible.

Direct Potable Reuse Regulations-

The State Water Board is mandated by the statute to adopt criteria for direct potable reuse if an expert panel found criteria that's adequate to protect public health. The State Water Board received a report from an expert panel and have been moving forward to meet the timeline. Draft regulatory language was posted on the State Water Board website on July 11, 2023. The Office of Administrative Law published the draft online and opened it for public comment on July 21, 2023. A public hearing and workshop are scheduled to take place on September 7, 2023. The public comment period will close on September 8, 2023. The State Water Board anticipates adoption by the end of the year.

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Water Use Efficiency Regulations-

The State Water Board has held several workshops on water use efficiency regulations and are expected to release draft regulations in early fall. The tentative date for the next workshop is October 16, 2023.

Once-Through Cooling Policy-

The public was notified of the coming release of the proposed final amendments to the Once-Through Cooling Policy for Los Alamitos, Huntington Beach, Ormond Beach, Scattergood Generating Stations, and Diablo Canyon Nuclear Power Plant. The public comment period ran from January 31, 2023 through March 17, 2023. A hearing was held in March and an adoption hearing is scheduled for August 15, 2023. If adopted, the Once-Through Cooling Policy will go to the Office of Administrative Law and the effective date would be in November of 2023.

Intended Use Plans-

A workshop was held on June 20, 2023 to provide an overview for intended use plans for both clean water and drinking water State Revolving Funds (SRFs). The State Water Board adopted the SRF Interagency Ecological Programs (IEPs) and are currently working through comments and adjustments on the Clean Water SRF.

Budget Updates-

Board Member Firestone mentioned that the State Water Board received an additional \$600 million for water and wastewater arrearages from the Covid-19 pandemic and rescue funds from the Federal Government. The State Water Board will do another round of distributing funds for people who had economic hardships during the Covid-19 pandemic. Previously, the State Water Board distributed \$435 million in 10 months for customer debt that accrued during the pandemic.

Board Members asked questions and provided comments.

Item 5. Regional Board Meeting Minutes of May 5, 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 Board Member Ruh, seconded by Vice Chair Clark, and the Regional Board Meeting Minutes of May 5, 2023 were 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. Regional Board Meeting Minutes of June 9, 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 Board Member Ruh, seconded by Board Member Scandura, and the

Regional Board Meeting Minutes of June 9, 2023 were 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 7. Consideration of the Consent Calendar items are listed with an asterisk

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

Item *8. Waste Discharge Requirements and Clean Water Act Section 401 Water Quality Certification for Sunmeadows, LLC, Roquet Ranch Specific Plan, San Bernardino County; Order Number R8-2023-0038

Motion: It was moved by Board Member Ruh, seconded by Vice Chair Clark, and unanimously carried to adopt Order R8-2023-0038 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 9. Overview of Recycled Water Reuse in the Santa Ana Region

This information item was presented by Santa Ana Water Board staff Eric Lindberg and Samantha Adams from West Yost.

Mr. Lindberg stated that the Santa Ana Region is the leader in the state for recycled water. Mr. Lindberg defined recycled water, explained potable vs non-potable, direct vs indirect, the water supply strategy and examples of projects within the Santa Ana region.

Recycled water is treated municipal wastewater that is a beneficial use and valuable resource. Non-potable reuse is water that is not suitable for drinking. Potable reuse is water that is treated to a level that allows it to be used for drinking. Potable reuse water can be either indirect or direct. Indirect Potable Reuse (IPR) is treated to potable quality and introduced into the environment. Direct Potable Reuse (DPR) is the same water, treated at the same level but there is no environmental barrier used. Mr. Lindberg showed diagrams for the IPR Groundwater Replenishment process, the IPR Surface Water Augmentation process, the DPR Raw Water Augmentation process and the DPR Treated Drinking Water Augmentation process.

Mr. Lindberg highlighted three developments related to DPR:

- An expert panel has determined that DPR water is safe.
- The draft DPR regulations have been published.
- The legislature has mandated that DPR regulations are adopted by the end of the year.

Mr. Lindberg mentioned that the state has a goal of recycling and reusing at least 800,000 acre-feet of water per year (AFY) by 2030. The Santa Ana Water Board's role as a regulator is to encourage, facilitate projects (by the permitting process), and work collaboratively with other agencies. Statewide in 2021, 732,000 AFY was recycled and the Santa Ana Region accounted for approximately 28% (204,910 AFY).

Mr. Lindberg provided information on two recycled water projects within the Santa Ana Region: the Orange County Water District (OCWD) Groundwater Replenishment System (GWRS) and the Eastern Municipal Water District (EMWD) Recycled Water Program. The OCWD GWRS is a world class facility; in early 2023, a final expansion was completed and this facility will be able to produce 134,000 AFY. The EMWD Recycled Water Program is one of the largest by-volume recycled water providers in the nation; the system treats more than 49 million gallons per day of wastewater, which is approximately 40% of EMWD's overall water supply.

Board Members asked questions and provided comments.

Samantha Adams from West Yost discussed the Basin Plan Salt and Nutrient Management Plan (SNMP), programmatic approach to recycled water planning, programmatic case studies, and future challenges for recycled water use projects and programs.

Ms. Adams explained that the Basin Plan SNMP provides the regulatory framework for recycled water permitting. The Santa Ana Water Board is the leader in California for this area demonstrated by the adoption and implementation of the 2004 Basin Plan SNMP. The SNMP focused on a collaborative approach to manage surface and groundwater quality. Dischargers within the region developed a task force, administered by the Santa Ana Watershed Project Authority, and for the past 20 years have met on a monthly basis to talk about their collective duty to comply with the Basin Plan and how to address challenges and opportunities as the planning environment evolves. Ms. Adams stated that recycled water is increasingly important to water supply reliability.

Ms. Adams discussed two case studies: Chino Basin and Elsinore Valley Municipal Water District. The Chino Basin case study reviewed the origin and goals of the Optimum Basin Management Program (OBMP), OBMP water supply management solutions, barriers to OBMP implementation, maximum-benefit solution, successful outcomes of the OBMP and ongoing and future plans. The Elsinore Valley Municipal Water District case study reviewed the 2017 integrated resources plan, regulatory problem statement, maximum benefit proposal, and progress and next steps.

Ms. Adams mentioned several potential future challenges for recycled water use projects and programs. These include dealing with drought conditions, managing reduced discharge into the Santa Ana River, maintaining groundwater quality, addressing brine line capacity, and tackling issues related to PFAS contamination.

Board Members asked questions and provided comments.

Item 10. Annual Update on the Underground Storage Tank Program in the Santa Ana Region

This information item was presented by Santa Ana Water Board staff Maile Gee. Ms. Gee gave an overview of the Underground Storage Tank (UST) Program and provided regional UST updates.

The definition of UST, is any one or combination of tanks, including pipes connected thereto, that is used for the storage of hazardous substances and that is substantially or totally beneath the surface of the ground.

The State Water Resources Control Board (State Water Board), California Environmental Protection Agency (CalEPA), and United States EPA (U.S. EPA) work under a cooperative agreement to regulate activities related to the UST Program in California. The U.S. EPA oversees the state agencies' implementation of the federal UST statute. The State Water Board is the lead regulatory agency for implementing federal UST statute and regulations, and the development and management of the state UST Program, regulations, and policy. The State Water Board also certifies local oversight program agencies. CalEPA is responsible for the State Water Board's UST program and is responsible for the administration of the Unified Program and the review and certification of Unified Program agencies. Ms. Gee stated that the primary goal of the UST program is to protect public health, safety, and the environment from releases of petroleum products from USTs.

The State Water Board UST Program consists of 4 sub-programs: leak prevention, tank integrity testing and licensing, enforcement, and cleanup of leaking USTs. It was mentioned that reports and data for the UST program sites are on the online database GeoTracker.

UST regulations and statutes are found in the California Code of Regulations, the California Health and Safety Code and the Porter Cologne Water Quality Control Act. These regulations and statutes provide state regulations for UST construction, monitoring, repair, closure, release reporting, and corrective actions. The UST regulations and statutes give the State Water Board, Regional Water Quality Control Boards, and certain local agencies the authority to oversee investigation and cleanup of leaking petroleum UST sites and allows assessment and corrective actions for leaking UST sites. In addition, the lead oversight agencies ensure that leaking petroleum UST investigations and corrective actions are consistent with all applicable waste discharge requirements, state policies for water quality, and regional basin plans.

Ms. Gee briefly discussed Certified Unified Program Agencies (CUPAs) and Local Oversight Programs (LOPs). CUPA's perform routine UST inspection and enforcement activities related to UST tank permitting, testing, removals, and system upgrades. Most UST leaks are detected during tank removals and upgrade activities, they are reported by CUPAs to the State Water Board, Regional Water Boards, and local agencies. LOPs are local agencies certified by the State Water Board to oversee the investigation and cleanup of leaking UST sites. Orange County Health Care Agency (OCHCA) is the only certified LOP in the Santa Ana Region. Ms. Gee explained that after years of tank upgrades, replacements, leak prevention activities and enforcement activities, the Santa Ana region

has fewer underground storage tank leaks that are discoverable or detectable, resulting in fewer cases and fewer agencies seeking certification to become an LOP.

Next, Ms. Gee explained the UST Cleanup Fund. The California Legislature passed the Barry Keene UST Cleanup Fund Act of 1989. The Cleanup Fund is administered by the State Water Board, Division of Financial Assistance, the funds are used to help UST owners and operators to meet federal and state requirements and provides reimbursement for eligible cleanup and investigation costs, up to \$1 million per occurrence. The Cleanup Fund is scheduled to end by January 1, 2026; Assembly Bill 1115 was proposed to extend the Cleanup Fund to January 1, 2036 and is currently under review by the Senate Appropriations Committee.

The UST Site Assessment gathers data about the size and magnitude of the petroleum release in soil, soil vapor, and groundwater. The UST Site Assessment establishes a site conceptual model for the release, exposure pathways, and risk to human health and the environment. Data used can help determine an appropriate cleanup strategy and evaluate feasible cleanup alternatives.

UST Cleanup and Corrective Action begins with an approved Corrective Action Plan and can include free product removal, vapor extraction, enhanced bioremediation, air or ozone sparging, or excavation and disposal of soil.

The Low Threat UST Closure Policy went into effect in 2012 and it applies to petroleum UST sites that are subject to Chapter 6.7 of the Health and Safety Code. It is based on numerous studies showing that many petroleum release sites pose a low threat to human health and the environment. The Low Threat UST Closure Policy establishes both general and media-specific criteria to determine when sites are ready for closure. First a 60-day notification letter is sent, along with a proposal for closure and opportunity for public comment. The notifications are sent to all interested parties and before a site is closed staff will respond to any concerns or comments that were received. Once the comment period is over staff requires that the responsible parties abandon their monitoring wells and remove all waste from the sites, then a No Further Action (NFA) letter is issued. NFAs can be issued by LOPs, Regional Water Boards or the State Water Board.

UST Program staff oversees the assessment and cleanups associated with unauthorized releases at petroleum UST sites (active and inactive gasoline stations, automobile service sites, Brownfield redevelopment sites, airports, bulk fuel storage terminals and industrial facilities). UST Program staff also reviews work plans, direct action plans, meet with responsible parties and consultants for each site. In addition, UST Program staff provides technical assistance and support to the OCHCA LOP when requested and they also review tank removal reports submitted by CUPAs to determine if new cases need to be opened. Ms. Gee noted that Military UST sites within the Santa Ana Region are overseen by Department of Defense staff and some industrial and waste oil UST cleanup sites are overseen by Site Cleanup Program staff.

Ms. Gee provided the following Santa Ana Water Board UST Program updates for fiscal year 2022/2023:

- 14 NFAs were issued for UST cleanup cases

- 2 Corrective Action Plans were approved for new remediation
 - 7 NFAs were issued for UST cleanup cases by the OCHCA LOP UST Program
- As of July 28, 2023, Santa Ana Water Board staff oversee a total of 108 UST cases.

Ms. Gee mentioned that the UST Section has changed its name to the UST/ SCP Section and that staff are currently managing over 230 cases. Ms. Gee introduced and recognized the following UST/ SCP Section staff for the work accomplished this year: Mark Allen, Gongde Chen, Chris Marino (Redhorse), Miguel Oviedo, Kyle Wright, and Pamela Ybarra.

Board Members asked questions and provided comments.

Item 11. Update on the Progress of Environmental Investigation and Remediation at the Former Ford Aeronutronics Site in Newport Beach

This information item was presented by Santa Ana Water Board staff, Jessica Law. Ms. Law gave an overview of vapor intrusion and provided an update on the vapor intrusion assessment activities at the former Ford Aeronutronics Site. The former Ford Aeronutronics Site, located in the city of Newport Beach, is the largest residential vapor intrusion project in California.

Ms. Law began her presentation by providing several terms and definitions. Vapor intrusion is the migration of chemicals in the vapor phase into a building. For there to be the potential of vapor intrusion there must first be contaminated soil gas. The primary contaminants of concern at the Former Ford Aeronutronics Site are tetrachloroethene (PCE) and trichloroethene (TCE); PCE and TCE are volatile organic compounds that are vapor forming chemicals that can cause vapor intrusion. Soil gas is the gas that is found in the soil's airspace. Impacted soil gas originates from a source of vapor forming chemicals (soil contamination or dissolved contamination in groundwater that is off gassing), this type of contamination can migrate below the ground. Ms. Law explained that as the soil gas moves below ground, it can enter a building through cracks in the foundation or utilities that enter the building. Normal ventilation can flush these chemicals out of the building but if they do collect in a building and there is not enough ventilation to flush out the chemicals, the chemicals could collect at concentrations that can pose a risk to human health.

Ms. Law mentioned that if vapor intrusion is occurring at concentration above what is considered an acceptable risk, then it is addressed with mitigation, remediation, or a combination of both. Mitigation is an engineered exposure control that decreases the amount of vapor entry into a building or it can address the accumulation of vapors in an occupied space; these measures can be short or long term. Remediation is the removal action of the underlying source.

Ms. Law discussed new vapor intrusion guidance from the state level. The California EPA Vapor Intrusion Workgroup was formed to develop state-wide consistency in the approach used to evaluate vapor intrusion and to screen potential vapor intrusion health risks earlier in the site investigation process. The workgroup developed the Supplemental Guidance: Screening and Evaluating Vapor Intrusion which was released as a final draft in February this year. The workgroup is a joint effort with members from the Department of Toxic Substance Control, the State Water Board, and Regional Boards. This document was

intended to supplement existing state vapor intrusion guidance and to provide consistency using a four-step process. The guidance also discusses:

- Indoor air sampling at all buildings where there is a potential for vapor intrusion.
- Expedited response actions for immediate threat to human health.
- A building-specific dataset for improved risk management decisions.
- Assessment of future risk using subsurface data.
- Promoting public engagement early and throughout the site investigation process.

Ms. Law discussed the Water Board Vapor Intrusion Policy and mentioned that the State Board is currently in the process of amending Resolution 92-49 to establish requirements for vapor intrusion assessments. Resolution 92-49 is the policies and procedures for investigation and cleanup and abatement of discharges under Water Code Section 13304. It was mentioned that Resolution 92-49 provides the Site Cleanup Program with its authority. The members working on the policy are the State Board and four Regional Boards. The policy will include:

- Public participation and tribal outreach
- GeoTracker requirements
- Initial screening of buildings
- Risk assessment and risk management
- Feasibility and remedy selection
- Mitigation
- Vapor intrusion risk-based closure criteria

The public comment period is anticipated to start early 2024. State Board adoption is anticipated in the Summer- Fall of 2024. It was noted that this will not change the existing groundwater requirements in Resolution 92-49.

Ms. Law then provided an update on the progress of the environmental investigation and remediation at the Former Ford Aeronutronics Site which discussed the following:

- Site history;
- Vapor intrusion investigation summary, including indoor air investigation results;
- Risk management decisions, which are the path forward from the human health risk assessment;
- Clean-up strategies for the former Ford Aeronutronics Site, including remediation activities, the remediation process, challenges with remediation implementation, and next steps; and
- Public outreach efforts.

Board Members asked questions and provided comments.

Public Comment:

Michael Barnes from WSP Earth & Environment is an environmental consultant who represents the Ford Motor Company. Mr. Barnes has managed this project for eight years and thanked Ms. Law and Water Board staff for all of the support on this project. Mr. Barnes provided the following updates:

- The Air Quality Management District Permit public notice will go out next week.
- The building permit to the City of Newport was submitted on 7/27/23.

Mr. Barnes answered additional questions asked by Board Members.

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Item 12. Executive Officer's Report

Ms. Joy provided a verbal report on the following:

- Ms. Joy signed a letter of support to the Elsinore Municipal Water District for septic to sewer systems project within their communities.
- Ms. Joy mentioned that a staff level workshop for the OC Reclamation Inert Waste project will take place on August 17, 2023 from 5:30 p.m. to 7:30 p.m. in the City of Orange Council Chamber.
- Ms. Joy shared that a PFAS webpage was developed for the public to be able to obtain accurate information on PFAS.

Board Members asked questions and provided comments.

Item 13. Board Member and Executive Officer Communications

Board Member Alvarado thanked the staff.

Board Member Ruh thanked the staff.

Board Member Scandura thanked the staff and the public for attending the meeting.

Chair Murray thanked her colleagues, staff, the public and the Inland Empire Utilities Agency and staff for hosting the tour and meeting.

Closed Session

None

Adjournment

Chair Murray adjourned the meeting at 1:11 p.m.

Respectfully submitted:

JAYNE JOY, P.E.

Executive Officer

/jb