

**State of California**  
**Santa Ana Regional Water Quality Control Board**

**Minutes of the October 25, 2024 Board Meeting**

Inland Empire Utilities Agency  
6075 Kimball Ave. (Building A)  
Chino, CA 91708

And via Video and Teleconference (Gov. Code, § 11123.2)

Chair Murray called the meeting to order at 9:01 a.m.

Court Reporter recorded items: 1, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14.

Chair Murray adjourned the meeting at 10:35 a.m.

**Item 1. Introductions and Declaration of Quorum**

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

\*\*\*Indicates that attendance was virtual.

**Board Members Present at Board Meeting**

Kris A. Murray, Chair  
John Scandura, Vice Chair  
William "Bill" Ruh, Board Member  
Letitia Clark, Board Member  
Gloria Alvarado, Board Member  
Sixto "Al" Lopez, Board Member

**Board Members Absent at Board Meeting**

None

**Staff Present at Board Meeting**

Jayne Joy, Executive Officer  
Eric Lindberg, Assistant Executive Officer  
Jessica Baenre, Associate Governmental Program Analyst/ Board Clerk  
Nick Amini, Branch Manager, Surface Water and Agriculture Branch  
Jagroop Khela, Branch Manager, Planning, Implementation and Permitting Branch  
Dan Mefford, Information Technology Specialist I  
Don Nguyen, Information Technology Associate  
Claudia Tenorio, Senior Environmental Scientist (Supervisor), Regional Planning  
Terri Reeder, Senior Engineering Geologist (Supervisor), Basin Planning Coastal Waters  
Lauren Briggs, Environmental Scientist, Basin Planning Inland Waters  
Michelle Beckwith, Senior Environmental Scientist (Supervisor), General Stormwater Unit  
David Rosas, Environmental Scientist, General Stormwater Unit  
Cindy Li, Senior Engineering Geologist, Land Disposal & DOD  
Bill Rice, Engineering Geologist, Land Disposal & DOD

### State Water Board Present at Board Meeting

Lori Okun, Attorney IV, Office of Chief Counsel

Dorene D'Adamo, State Water Board Liaison\*\*\*, State Water Resources Control Board

David Lancaster, Attorney III\*\*\*, Office of Chief Counsel

Carson Capps, Attorney, Office of Enforcement

### Court Reporter Present at Board Meeting

Marlee Nelson\*\*\*

### Public Attendance Present at Board Meeting

Chris Bland, SBCFCD

Arlene Chun, SBCFCD

Mike Reason, Geologic Associates

### **Item 2. Public Forum**

No public forum.

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

State Water Board Member Dorene D'Adamo provided an update on the following:

#### Small Municipal Stormwater Permit

Staff released an informal draft of the general permit for small municipal stormwater entities in the summer and had two workshops in September. The public comment period closed on October 4, 2024. Staff is currently working on the response to comments and will release a draft general permit.

#### Water Supply Strategy

Ocean Desal: On September 12, 2024, staff issued a public notice to comment on the proposed amendments to the seawater desal provisions of the water quality control plans for ocean waters. A public scoping meeting is scheduled for October 28, 2024. The deadline for public comments is November 13, 2024.

Recycled Water: The Division of Water Quality is preparing to present an informational item to the Board on November 5, 2024, to share the results of the 2023 volumetric annual report of wastewater and recycled water in California.

#### Delta Conveyance Project

The Delta Conveyance Project was assigned to the Administrative Hearings Office, and a pre-hearing conference was held on October 17, 2024.

#### Outdoor Water Conservation

On July 3, 2024, the State Water Board approved outdoor water conservation regulations for California, which will take effect on January 1, 2025.

#### SAFER Drinking Water Program

The SAFER Drinking Water Program has been in place for five years. As a result of this program, the Drinking Water Revolving Fund and the Wastewater Revolving Fund, the State of California has received \$1 billion in grants. Ms. D'Adamo mentioned that the

SAFER Drinking Water Program has been helpful in closing the gap on important projects that the State Water Board was not able to work on because of financial challenges. Ms. D'Adamo highlighted that the number of people being served by failing water systems has significantly decreased from 1.6 million to 700,000 people resulting in a net gain of 900,000 Californians who now have safe and affordable water. The SAFER Drinking Water Program concludes in five years and Ms. D'Adamo stated that there is a strong case for continued funding for this program.

#### **Item 4. Racial Equity**

Jayne Joy, Executive Officer, presented this item.

Ms. Joy discussed the following:

- The racial equity action plan has been completed and is now available online.
- A dedicated racial equity webpage has been created.
- Pomona College contacted Ms. Joy and expressed interest in collaborating with the Santa Ana Regional Water Quality Control Board on racial equity projects.
- The Regional Programs section sent a letter to thirty tribes requesting their input on tribal beneficial uses.

Board members asked questions and provided comments.

#### **Item 5. Board Meeting Dates for 2025**

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

Board Members discussed the Board Meeting dates for 2025. The January 31, 2025, meeting date was amended to February 14, 2025. All other listed dates were accepted.

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 Lopez, to adopt the Board Meeting Dates for 2025 as amended.*

Roll call vote: Board Member Lopez- Aye, Board Member Alvarado- Aye, Board Member Clark- Aye, Board Member Ruh- Aye, Vice Chair Scandura- Aye, Chair Murray- Aye.

#### **Item 6. Appointment of a Committee to Nominate Regional Board Officers for 2025**

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

Board Members agreed to appoint Board Member Lopez and Board Member Ruh to nominate the Regional Board Officers for 2025. The nominations will be announced at the February 14, 2025 Board Meeting.

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, to appoint Board Member Lopez and Board Member Ruh to the nomination committee.*

Roll call vote: Board Member Lopez- Aye, Board Member Alvarado- Aye, Board Member Clark- Aye, Board Member Ruh- Aye, Vice Chair Scandura- Aye, Chair Murray- Aye.

**Item 7. Regional Board Meeting Minutes of September 13, 2024**

*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 Board Member Clark, and the Regional Board Meeting Minutes of September 13, 2024, were approved as presented by roll call vote.*

Roll call vote: Board Member Lopez- Aye, Board Member Alvarado- Aye, Board Member Clark- Aye, Board Member Ruh- Aye, Vice Chair Scandura- Aye, Chair Murray- Aye.

**Item 8. Consideration of the Consent Calendar items are listed with an asterisk**

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

Item \*9. Waste Discharge Requirements for County of San Bernardino, Colton Sanitary Landfill, City of Colton, San Bernardino County; R8-2024-0036

Item \*10. Waste Discharge Requirements for Dauchy Project TTM 38074, Riverside County; R8-2024-0058

Item \*11. Waste Discharge Requirements for Tract 24067, Riverside County; R8-2024-0059

Item \*12. Waste Discharge Requirements for San Bernardino County Department of Public Works, Maple Lane Drainage Maintenance Project, Big Bear Lake, San Bernardino County; R8-2024-0064

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 Order Number R8-2024-0036, Order Number R8-2024-0058, Order Number R8-2024-0059 and Order Number R8-2024-0064 were approved as presented by roll call vote.*

Roll call vote: Board Member Lopez- Aye, Board Member Alvarado- Aye, Board Member Clark- Aye, Board Member Ruh- Aye, Vice Chair Scandura- Aye, Chair Murray- Aye.

**Item 13. Triennial Review of the Water Quality Control Plan for the Santa Ana River Basin**

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

Chair Murray stated that this is the time and place for the public hearing on the Santa Ana Water Board's 2024 through 2027 Triennial Review of the Water Quality Control Plan for the Santa Ana River Basin, also known as the Basin Plan.

This item was presented by Claudia Tenorio, Senior Environmental Scientist Supervisor in the Regional Planning Programs section. Ms. Tenorio provided an overview of the Basin Plan, explained the purpose of the Triennial Review, discussed the proposed priority list projects, comments received and provided staff recommendations.

The Basin Plan is a Water Quality Control Planning document that contains regulatory provisions to protect water quality and beneficial uses of the Santa Ana region's ground and surface waters. The Basin Plan prescribes beneficial uses, water quality objectives, and implementation strategies and timelines.

The purpose of the Triennial Review:

- Is to solicit comments on water quality issues.
- Review water quality standards and the Basin Plan to ensure that standards are based on current science, methodologies, and guidance.
- Identify necessary updates and revisions to the Basin Plan.
- Identify priority Basin Plan amendment projects.

Ms. Tenorio provided an overview of the projects that have been identified as high-priority for the region.

- Project 1: Copper Total Maximum Daily Loads (TMDLs) for Newport Bay
- Project 2: Revise the Lake Elsinore and Canyon Lake Nutrient TMDLs
- Project 3: Extend the Wet Weather Conditions Compliance Date for the Middle Santa Ana River Watershed TMDLs
- Project 4: Consider Separating the Shellfish Harvesting and Water Contact Recreation Uses from the Newport Bay Fecal Coliform TMDLs
- Project 5: Incorporate all Statewide Objectives, Plans and Policies
- Project 6: Revise and Clarify the Compliance with Salinity Objectives for Santa Ana River Reaches and Update the Frequency of Ambient Water Computation for Groundwater Management Zones with a Maximum Benefit Program
- Project 7: Update the Total Dissolved Solids/ Nitrogen Salt Management Plan for the Chino Basin Groundwater Management Zones
- Project 8: Designation of the Commercial and Sport Fishing Beneficial Use
- Project 9: Consider Designation of the Tribal Tradition and Culture and Tribal Subsistence Fishing Beneficial Uses
- Project 10: Consider Reinstating the Minimum Lot Size Requirements for New Developments Using On-Site Septic Tank-Subsurface Leaching Systems

- Project 11: Site-Specific Objective for Shellfish Harvesting in Newport Bay
- Project 12: Add Adopted Basin Plan Amendments to the Online Basin Plan

Ms. Tenorio mentioned that staff also created a medium-priority project list. These projects are unlikely to be completed during the Triennial Review period, but staff will monitor and work with interested parties on these projects as necessary and as resources allow.

Staff released a draft Triennial Review for public comment (30-day comment period) on March 29, 2024, and received three comment letters from the United States Environmental Protection Agency, Riverside County Flood Control and Water Conservation District, and Orange County Public Works.

Staff released the final proposed Triennial Review for public comment (45-day comment period) on August 15, 2024, and one comment letter was received from the County of Orange and Orange County Flood Control.

Ms. Tenorio highlighted the following general comments that were received:

- There was support of the items on the High-Priority List.
- There were recommendations to move Medium-Priority List items to the High-Priority List for the Newport Bay Sediment TMDL.
- There were comments about available resources.

Staff recommended to adopt Resolution R8-2024-0054 and approve the Triennial Review high-priority list, medium-priority list, and work plan.

Chair Murray asked if there were any public comments. There were no public comments for this item.

Chair Murray asked if Board members had any questions or comments. Board Members asked questions and provided comments.

Chair Murray closed the hearing.

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 Clark, and Resolution Number R8-2024-0054 was approved as presented by roll call vote.*

Roll call vote: Board Member Lopez- Aye, Board Member Alvarado- Aye, Board Member Clark- Aye, Board Member Ruh- Aye, Vice Chair Scandura- Aye, Chair Murray- Aye.

**Item 14. Mandatory Minimum Penalty Complaint, Wicked Creations, Orange County**  
*Information pertaining to this item is contained in a verbatim transcript of the proceedings.*

Chair Murray made an opening statement for the Mandatory Minimum Penalty Complaint against Wicked Creations.

Chair Murray named the Board Members, Advisory Team, Prosecution Team, and Respondent.

Board Members

Chair Kris Murray

Vice Chair John Scandura

Board Member William Ruh

Board Member Letitia Clark

Board Member Gloria Alvarado

Board Member Al Lopez

Advisory Team

Jayne Joy, Executive Officer

Lori Okun, Regional Board Counsel

Prosecution Team

Eric Lindberg, Assistant Executive Officer

Nick Amini, Supervising Water Resources Control Engineer

Michelle Beckwith, Senior Environmental Scientist (Supervisor)

David Rosas, Environmental Scientist

Carson Capps, Prosecution Team attorney from the Office of Enforcement

Respondent

Wicked Creations

Chair Murray noted:

- That Wicked Creations was not present for this hearing.
- That an official record of the testimony for this hearing was created by the court reporter.
- That the advisory team did not receive any written comments from Wicked Creations or from any non-parties.
- That the complaint, the prosecution team witness list, and all evidence listed in the prosecution team evidence list were made part of the record.
- That no speaker cards were received.

Chair Murray administered the oath.

Regional Board Counsel, Lori Okun, recommended the following order since Wicked Creation was not present.

1. Prosecution Team opening statement and presentation of evidence
2. Board Member Questions
3. Prosecution Team Closing Statement
4. Board Member Deliberations

Ms. Okun stated that the prosecution team's proposed findings of fact and conclusions of law would serve as the proposed order for the Board to adopt. Ms. Okun read into the record several minor corrections.

#### Prosecution Team Opening Statement and Presentation of Evidence

Carson Capps, counsel for the Santa Ana Water Board prosecution team, provided a brief description of the complaint.

David Rosas, Environmental Scientist with the General Stormwater Unit discussed the mandatory minimum complaint for Wicked Creations and staff recommendations. The mandatory minimum penalty complaint was issued to Wicked Creations in the amount of \$7,376 for failure to obtain permit coverage as required under the general permit for stormwater discharges associated with industrial activities (Industrial General Permit). Mr. Rosas noted that Wicked Creations could have received an Administrative Civil Liability in an amount up to \$10,000 for each day of violation under Section 13385 of the California Water Code, but the prosecution team chose to pursue the mandatory minimum penalty.

Mr. Rosas explained that the Stormwater Enforcement Act requires regional boards to identify facilities who have not obtained the required permit coverage, or who have failed to comply with reporting requirements as expressed in the National Pollutant Discharge Elimination System (NPDES) permit. The regional board issued two notices of non-compliance, which explained the violations and provided directions on how to correct them. On December 6, 2023 the Santa Ana Water Board issued the 1<sup>st</sup> Notice of Non-Compliance. On January 4, 2024 the Santa Ana Water Board issued a 2<sup>nd</sup> Notice of Non-Compliance. Additionally, Mr. Rosas shared communication and outreach efforts done by Santa Ana Water Board staff to Wicked Creations.

The Prosecution Team recommended that the Santa Ana Water Board adopt the proposed Mandatory Minimum Penalty Complaint Order No. R8-2024-0038 and impose the mandatory minimum penalty in the amount of \$7,376 on Wicked Creations.

#### Board Members Questions

Board Members asked questions and provided comments.

#### Prosecution Team Closing Statement

Mr. Capps stated that Wicked Creations:

- Failed to enroll in the Industrial General Permit.
- Denied Santa Ana Water Board staff access to their site for inspection on multiple occasions.
- Failed to respond to outreach efforts by Board staff.
- After the complaint was issued, failed to timely submit evidence briefs or objections pursuant to the hearing procedures governing this matter.
- Demonstrated disinterest in participating in the regulated community at every juncture of this enforcement proceeding.
- As of October 25, 2024, has not obtained Industrial General Permit coverage.

The Prosecution Team recommended that the Board adopt the Order as amended.



Chair Murray closed the hearing.

#### Board Member Deliberations

Board Members made comments.

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 Clark, and Complaint Number R8-2024-0038 was approved with amended changes as presented by roll call vote, affirming the penalty of \$7,376.00.*

Roll call vote: Board Member Lopez- Aye, Board Member Alvarado- Aye, Board Member Clark- Aye, Board Member Ruh- Aye, Vice Chair Scandura- Aye, Chair Murray- Aye.

#### **Item 15. Executive Officer's Report**

No Executive Officer report.

#### **Item 16. Board Member and Executive Officer Communications**

##### Board Member Lopez

- Expressed appreciation for Chair Murray's statement on page 9 of the September 13, 2024, Board Meeting minutes, highlighting that her statement was very inclusive.

##### Board Member Alvarado

- Thanked staff and mentioned that she is thankful for the opportunity to serve on the Board.

##### Board Member Clark

- Thanked staff for the presentations and for being thorough and professional.
- Attended the Newport Bay Watershed Executive Committee meeting. A key presentation given at this meeting was on microplastics in the waters.
- Met with Senator Blakespear, who was proud that Senate Bill (SB) 1053 was signed by the Governor, officially banning single-use plastic bags from grocery stores.
- Wished everyone a happy holiday.

##### Board Member Ruh

- Spoke on SB 1053 and the reusable grocery bags.
- Thanked IEUA.
- Met with Marco Tule and discussed one watershed.
- Wished everyone a happy holiday.

### Vice Chair Scandura

- Attended the Newport Bay Watershed Executive Committee meeting with Board Member Clark.
- Participated in the Orange County Water District's Annual Groundwater Adventure Tour. The tour showed the groundwater replenishment system, recharge basins in the Santa Ana River and Prado Wetlands.

### Chair Murray

- Mentioned that it has been an honor to serve as Chair in 2024.
- Thanked staff, IEUA, and wished everyone a happy holiday.

### Closed Session

No closed session.

### Adjournment

Chair Murray adjourned the meeting at 10:35 a.m.

Respectfully submitted:

**JAYNE JOY, P.E.**  
Executive Officer

*/jb*