

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

Minutes of the September 13, 2024 Board Meeting  
City of Cypress  
5275 Orange Avenue  
Cypress, CA 90630  
And via Video and Teleconference (Gov. Code, § 11123.2)

Chair Murray called the meeting to order at 9:13 a.m.

Court Reporter recorded items: 1, 4, 5, 6, 7, and 10.

Break: 12:39 p.m. – 12:56 p.m.

Chair Murray adjourned the meeting at 1:41 p.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  
Jagroop Khela, Branch Manager  
Don Nguyen, Information Technology Associate  
Fernanda Arechiga, Scientific Aid\*\*\*  
Claudia Tenorio, Senior Environmental Scientist (Supervisor)  
Hossein Shahrokhnia, Environmental Scientist\*\*\*  
Adam Fischer, Senior Environmental Scientist (Supervisor)  
Hero Alexander, Water Resource Control Engineer  
Michael Jones, Water Resource Control Engineer

State Water Board Present at Board Meeting

Lori Okun, Regional Board Counsel

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

David Lancaster, State Water Board Counsel\*\*\*

Court Reporter Present at Board Meeting

Marlee Nelson, Court Reporter\*\*\*

Public Attendance Present at Board Meeting

Riverside County Supervisor Karen Spiegel

Fontana Mayor Acquanetta Warren

Highland City Manager Carlos Zamano (on behalf of Mayor Penny Lilburn)

San Bernardino Mayor Helen Tran

Rialto Mayor Deborah Robertson

San Bernardino County Supervisor Curt Hagman

Niree Kodaverdian, Ph.D.- Beacon Economics

Nolan Leggio- BIA

Mark Grey, Ph.D.- Construction Industry Coalition On Water Quality

Ken Coate- Granite Construction

Nathan Mustafa- Riverside City Engineer

Melissa Walker- Moreno Valley City Engineer

Savat Khamphou- Corona City Engineer

Jarab Thaipejr- Loma Linda City Manager

Amanda Carr- OC Public Works/ Deputy Director

Richard Boon- Riverside County Flood Control & Water Conservation District Chief of  
Watershed Protection

Arlene Chun- San Bernardino County Public Works/ Engineering Manager  
Environmental Management

Nathan Smith- Deputy Director of Public Works/ City Engineer\*\*\*

Ashley Kaiser- Associated General Contractors of California\*\*\*

Donald Young- City of Redlands\*\*\*

Monica Heredia- City of Montclair/ Public Works Director/ City Engineer\*\*\*

Jon Switalski- Rebuild SoCal Partnership\*\*\*

Erika Horn- Reign Source\*\*\*

Nisha Wells- City of Chino Hills\*\*\*

Joseph Castaneda- JLC Engineering & Consulting\*\*\*

Jileen Ferris- City of Hemet

Steve Strapac- City of Menifee

Jarrold Miller- Hydrosolutions

Vaikko Allen- Contech Engineered Solutions

Garry Brown- Orange County Coastkeeper

Shaun Bowen- Brookfield Properties

Griffin Levinski- Core5 Industrial Partners

Vivian Castro- City of Chino/ Deputy City Manager

Jason Uhley- Riverside County Flood Control & Water Conservation District/ General  
Manager

Tanya Williams- City of Rialto\*\*\*

Robert Skands- D.R. Horton\*\*\*

Aaron Poresky- Geosyntec Consultants\*\*\*  
Seung Yang- City of Costa Mesa\*\*\*  
Julie Beeman- VCS Environmental  
Nick Fiddler- Public Works Director for the City of Menifee

## **Item 2. Public Forum**

Nathan Smith, Deputy Director of Public Works/ City Engineer, with the City of Banning discussed the Lake Elsinore/Canyon Lake TMDL.

Mr. Smith mentioned that:

- The public workshop scheduled for this item was canceled.
- On July 20, 2023, 7 years after the basin plan amendment began, the City of Banning was notified and made aware that they were added as a responsible party. Mr. Smith stated that the notification did not come directly from Regional Board staff.
- The City of Banning wrote three response letters and did not receive a formal answer from Regional Board staff.
- The City of Banning has had one in-person meeting with the Regional Board on March 18, 2024 and since then have received limited to no information or outreach from the Regional Board on the impact of the TMDL within the community of Banning.

Mr. Smith asked the following of the Board:

- To direct staff to provide formal responses to the letters that were provided.
- To allow the City of Banning to make a full and complete presentation at a future meeting on the shortfalls of the process.
- That the City of Banning be removed as a responsible party.

Chair Murray responded that staff would follow up on the requests made by Mr. Smith.

Ashley Kaiser requested to comment on item 10.

## **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:

### Division of Financial Assistance

In August 2024, Intended Use Plans for Drinking Water and the Clean Water State Revolving Fund was adopted.

The Fund Expenditure Plan for the Safer and Affordable Drinking Water Program was also adopted in August 2024.

### Municipal Separate Storm Sewer System General Permit, Phase 2 (General Permit):

The State Board is updating the General Permit and have begun the regulatory process.

- On August 1, 2024 staff released an Informal Draft of an updated General Permit for stormwater entities and small municipal stormwater entities.

- Two staff workshops were held on September 3, 2024 (virtual workshop) and September 5, 2024 (in-person workshop).
- The public comment deadline for the Informal Draft is October 4, 2024.

### Administrative Hearings Office

The Administrative Hearings Office was set up by the legislature several years ago and has several roles. Two roles that Ms. D'Adamo mentioned are the ability to process enforcement matters that come before the Board and to help process permits.

Two significant permits are the Delta Conveyance Project and the Sites Reservoir Project; the State Water Board has chosen to have the Administrative Hearings Office preside over these permit hearings. Ms. D'Adamo mentioned that State Water Board Members will participate in the hearings as their schedules allow.

### Sites Reservoir Project

- The Administrative Hearing Office last week conducted a two-day site hearing.
- The Board did not take any action.
- The full hearing schedule and submitted documents are on the Administrative Hearings Office program webpage.

### Delta Conveyance Project

- On July 31, 2024 the Administrative Hearings Office issued a public notice on the petition. The notice sets forth hearing issues, participation information, and a hearing schedule.
- The deadline for written comments was on September 5, 2024.
- A Pre-Hearing Conference was held on August 13, 2024.
- A 2<sup>nd</sup> Pre-Hearing Conference is scheduled for October 17, 2024.

### Sustainable Groundwater Management Act

#### Tulare Lake Basin

- Was placed on probation earlier this year.

#### Kern County Subbasin

- In July 2024, staff submitted a notice of probation for the Kern County Subbasin, and two workshops were conducted.
- The deadline for public comment is September 23, 2024.

#### Tule Subbasin

- On September 17, 2024 the State Water Board will consider placing the Tule Subbasin on probation.

Ms. D'Adamo mentioned that sustainable groundwater basins are crucial for the whole state and that it is important for the mentioned areas to come into sustainability. There have been significant concerns with the lowering of groundwater levels, depletion of domestic wells and impacts on subsidence for important infrastructure such as the: Delta, California Aqueduct and Friant-Kern Canal.

## Fee Schedule

During the week on September 16<sup>th</sup> – September 20<sup>th</sup> the State Water Board will be updating the fee schedule.

The following fee schedules will be updated:

- Drinking Water Programs
- Water Quality Programs
- Environmental Lab Accreditation Programs
- Water Rights

## Water Quality Coordinating Committee (WQCC)

Ms. D'Adamo discussed WQCC, which is a joint meeting between the State Water Board and Regional Water Boards. Ms. D'Adamo explained that WQCC was going to be a two-day hybrid meeting, but because of budget concerns the meeting has changed to a one-day remote only meeting. (Further Update: after this Board meeting the State Water Board decided to postpone the WQCC until Spring 2025; the meeting in October 2024 has been canceled.)

Board Members asked questions and provided comments.

## **Item 4. Racial Equity**

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

Jayne Joy, Executive Officer, presented this item.

Ms. Joy shared that the 2025-2029 Racial Equity Action Plan is complete and has been posted on the website.

Board Members asked questions and provided comments.

## **Item 5. Regional Board Meeting Minutes of July 26, 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 Alvarado, seconded by Board Member Lopez, and the Regional Board Meeting Minutes of July 26, 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 6. 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.*

Chair Murray pulled item 7 off the consent calendar.

Claudia Tenorio, Supervisor of the Regional Planning Program, explained that item 7 is to amend the waste discharge requirements (WDR) order, and the proposed amendment was for the mitigation requirements. Ms. Tenorio explained that staff is proposing to amend the WDR because the Riverpark Mitigation Bank currently does not have available credits to sell. The credits are currently going through the regulatory process and awaiting to be approved by the regulatory agencies (the Army Corps of Engineers, US Fish and Wildlife Service, California Department of Fish and Wildlife and the Regional Board). Ms. Tenorio mentioned that one of the requirements of the WDR is that the discharger has a full credit purchase agreement before they can move forward with their project. Order R8-2024-0060 is a request to amend the WDR to allow the discharger to start their project.

Ms. Joy added that staff has received copies of the discharger commitments to fully purchase all the requirements and that a copy of the documentation has been included in each Board Member packet. Ms. Joy feels very confident with the actions in place and that mitigation will be covered.

Ms. Tenorio also indicated that the discharger executed a letter of credit, and that a copy has been provided in each Board Member packet.

Julie Beeman, President of VCS Environmental, who is representing the permittee spoke on this item and explained that:

- The Phase C release of credits is supposed to happen at any time. Ms. Beeman provided the Board with a letter dated September 11, 2024 from the regulatory agencies stating that the credits will be released and are waiting on paperwork.
- Ms. Beeman clarified that the credits were actually paid in full. The money was given to a bank and as soon as the credits are released, a final receipt will automatically be generated.
- Ms. Beeman stated that \$1.7 million was given to a bank and that a letter of credit was put together in the amount of \$1.6 million. Over \$3 million has been put up for mitigation.
- Ms. Beeman explained that there are contractual commitments for this project and that Brookfield must deliver their graded pad by November 2, 2024 or the contract could be renegotiated. This is important because the contract was done two years ago with more favorable terms.
- Ms. Beeman stated several economic benefits of this project and explained that this project is critical to the City of Menifee.

Nick Fiddler, Public Works Director for the City of Menifee supports Brookfield Properties (the developer for the Menifee Valley Specific Plan). Mr. Fiddler mentioned that the City has worked closely with the developer and through entitlement has received approval from all regulatory agencies. Mr. Fiddler asked the Board to support and approve this item.

Board Members asked questions and provided comments.

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

Item \*7. Revising Waste Discharge Requirements Order R8-2024-0042 for Minor Ranch LLC, Menifee Valley Specific Plan Project, Riverside County; R8-2024-0060

*Motion: It was moved by Board Member Lopez, seconded by Board Member Scandura, and Order Number R8-2024-0060 was approved as presented by roll call vote.*

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

Board Member Ruh left the meeting and did not vote on this item.

**Item 8. Executive Officer's Report**

No Executive Officer report.

**Item 9. Board Member and Executive Officer Communications**

Board Member Lopez

No comments.

Board Member Alvarado

No comments.

Vice Chair Scandura

Congratulated fellow Board Members for their reappointments.

Vice Chair Scandura also reported that he, Executive Office Joy and Regional Board Staff/ Project Manager Patricia Hannon participated in a ceremony at San Bernardino International Airport last week. The airport was formally called the Norton Air Force Base, and a significant environmental cleanup occurred at this location. The team which consisted of the Air Force, the Water Board, the Department of Toxic Substances Control (DTSC), and United States Environmental Protection Agency (USEPA) were recognized for the outstanding work done to restore Norton Air Force Base and it is now used as an industrial park and airport. Vice Chair Scandura stated that it was a great privilege to attend this event.

Board Member Clark

Thanked first responders and public servants.

Board Member Clark stated that she would recuse herself before item 10 starts, due to her service on the Tustin City Council.

Chair Murray

In response to Nathan Smith from the City of Banning. Chair Murray requested that:

- Staff provides Mr. Smith with a written response to the City of Banning’s questions and concerns.
- The City of Banning give a presentation at a future Board meeting.

Chair Murray also acknowledged the firefighters, the sheriffs, city staff, and Caltrans crews who are working to combat the wildfires in the Santa Ana Region.

**Item 10. Workshop on the Regional NPDES Permit and Waste Discharge Requirements for Discharges of Pollutants in Runoff from the Municipal Separate Storm Sewer Systems (MS4s) in the Counties of Orange, Riverside, and San Bernardino (NPDES No. CAS618000); R8-2024-0001**

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

Board Member Clark was not present for item 10.

Board Member Ruh was not present for item 10.

Chair Murray noted that this item is a workshop, and the Board will not take any action.

Adam Fischer, Supervisor of the Municipal Stormwater Unit, presented this item.

Mr. Fischer discussed that the Draft MS4 Permit was released for public review on March 1, 2024. The public was provided a 120-days to submit comments, and the public comment period ended on July 3, 2024. Mr. Fischer stated that staff received 36 comment letters and expects to have comment responses completed in the fourth quarter of 2024.

Mr. Fischer discussed MS4 Permit general requirements, general strategies, and frequent comment topics, such as: trash provisions and monitoring requirements, green streets “exemption”, interpretation of Total Maximum Daily Loads (TMDLs) into permit requirements, Watershed Management Plans (WMPs) and “deemed compliance”, credit program and the watershed of the nearest receiving waters, inspection frequency for commercial, industrial, and construction sites and cost compliance.

**Public Comments:**

Riverside County Supervisor Karen Spiegel, Fontana Mayor Acquanetta Warren, Highland City Manager Carlos Zamano (on behalf of Mayor Penny Lilburn), San Bernardino Mayor Helen Tran, Rialto Mayor Deborah Robertson, San Bernardino County Supervisor Curt Hagman, Dr. Niree Kodaverdian, Nolan Leggio, Dr. Mark Grey, Ken Coate, Nathan Mustafa, Melissa Walker, Savat Khamphou, Jarab Thaipejr, Tri-County Presentation (Amanda Car, Richard Boon, Arelene Chun), Mike Roberts.

Break: 12:39 p.m. – 12:56 p.m.

**Public Comments (continued):**

Donald Young, Monica Heredia, Joseph Castaneda, Ashley Kaiser, Jileen Ferris, Steve Strapac, Jarrod Miller, Vaikko Allen, Garry Brown, Shaun Bowen, Griffin Levinski, Vivian Castro and Jason Uhley.



Chair Murray closed the hearing.

Chair Murray thanked all officials, city staff, community members and stakeholders who were in attendance.

Chair Murray stated that transitioning to a Regional Permit should build on past successes, reduce workload and cost implementations for all municipal and county agencies, residents and workers who are impacted. Chair Murray highlighted that we should work towards better (effective, workable, equitable and sustainable) to define our process and desired outcomes. The process should be clear, transparent, objective and enforceable. Chair Murray noted that it is vital that we prevent unintended consequences, that could contradict existing state and federal laws that protect our environment and ensure conservation of our water.

Chair Murray requested that:

- Staff continues to meet with Tri-County officials, technical staff, community members, Coastkeeper and others who have a vested stake in the outcome of this process and to address the technical cost and other regulatory impacts that were raised at this meeting.
- Staff extend the MS4 Permit process for at least another six months.
- All presentations are placed on the website.
- We continue collaboration.

Board Member Lopez, Board Member Alvarado and Vice Chair Scandura provided additional comments.

### **Closed Session**

No closed session.

### **Adjournment**

Chair Murray adjourned the meeting at 1:41 p.m.

Respectfully submitted:

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

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