

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION
BOARD MEETING MINUTES
FEBRUARY 13, 2019**

CALL TO ORDER

Acting Chair Henry Abarbanel called the meeting to order on February 13, 2019 at 9:00 a.m. at the San Diego Regional Water Quality Control Board Hearing Room, 2375 Northside Drive, Suite 108, San Diego, California 92108.

ATTENDANCE:

Board Members present:

Henry Abarbanel, Ph.D., Vice Chair; Eric Anderson, Board Member; Celeste Cantu, Board Member; Betty H Olson, Ph.D., Board Member; Gary Strawn, Board Member; Stefanie Warren, Board Member.

Board Members absent:

Megan Blair, Board Member

Staff present:

James Smith, Jeremy Haas, Chris Blank, John Anderson, Elisa Danielson, Roger Mitchell, Hiram Sarabia, Fisayo Osibodu, Keith Yaeger, Joann Lim, Vicente Rodriguez, Craig Carlisle, Jill Harris, Brandon Bushnell, Amy Grove, Sherrie Komeylyan, Ben Neill, Eric Becker, Laurie Walsh, Mike Porter, Kelly Dorsey, David Barker, Steven Teel, Debbie Woodward, Chiara Clemente, Alan Monji, Wayne Chiu, Sarah Mearon, Sean McClain, Cynthia Gorham.

Remote attendance:

Brandi Outwin-Beals, Christopher Means, Jody Ebsen, Kimberly McMurray-Cathcart, Nicole Gergans, Melissa Corona, Helen Yu.

Others present on behalf of the San Diego Water Board:

State Water Resources Control Board -Catherine Hagan, Adriana Nunez. California Court Reporting - Marlee Nelson.

Public Attendance:

Dan Prijic

Michael R Welch
Michael Welch Consultants

Eric Green
Enthalpy

Adrienne Cibor
Nautilus/Enthalpy

Kyra Barbosa, Vicki Kalkirtz, Rachel
Davenport
City of San Diego

Roya Yazdaniford
Ca/Trans

BOARD MEETING

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

PUBLIC FORUM

Michael Welch paid tribute to Judge Gordon Cologne, who passed away last month at the age of 94.

BOARD BUSINESS:

1. **Minutes of Board Meeting:** October 10, 2018
December 12, 2018

Motion: Mr. Strawn moved to adopt the proposed minutes
Seconded by: Ms. Cantu
MOTION CARRIED: (October 10, 2018)
(December 12, 2018)

Aye: Mr. Anderson
Ms. Cantu
Dr. Olson
Mr. Strawn
Ms. Warren
Dr. Abarbanel

Nay: None.
Absent: Ms. Blair
Abstain: None.

2 Chairman's, Board Members', State Water Board Liaison's, and Executive Officer's Reports. *These items were for Board discussion only. Public testimony was not allowed, and the Board took no formal action.*

Mr. Strawn stated that the Board Members and staff had been invited to attend San Diego State University's Water Day on April 23, 2019; seating will be limited, but there would be room for four people-perhaps two Board Members and two staff members.

Ms. Cantu reported on the tour of the lower Tijuana River Valley, which took place on January 25.

Dr. Olson stated that the Arundo removal in the San Juan basin has been completed.

At Dr. Abarbanel's request, Sarah Mearon provided an update on the use of modern technology monitoring tools (Presentation).

Dr. Abarbanel indicated that he had asked Assembly Member Todd Gloria to assist in communicating environmental justice issues in Region 9 to the Attorney General's Bureau of Environmental Justice and obtaining their help in initiating action before there is a violation of environmental justice standards. Dr. Abarbanel emphasized that he is not asking Mr. Gloria to do anything but be a liaison between the Board and the Attorney General's office.

Mr. Smith welcomed Jill Harris as a Senior Environmental Scientist Specialist to the Wetland and Riparian Protection Unit. He also provided background information on the San Diego River Watershed Consortium reported in Item A2 of the Executive Officer's Report, and asked Board Members interested in participating to contact either Mr. Smith or Mr. Gibson.

In addition, Mr. Smith indicated that Item B3 of the Report was in response to issues raised during the Public Forum at the December Board Meeting.

3. **Future Agenda Items: *Board members discussed items for possible inclusion on future agendas***

Board Members did not request any future agenda items.

CONSENT CALENDAR

- 4. Rescission of Order No. 95-83, Mr. Karl Kemp, Warm Springs Mobile Home and R.V. Park, Riverside County (Tentative Order No. R9-2019-0009). *(Brandon Bushnell)*
- 5. NPDES Permit Amendment: An Order to Amend Order No. R9-2014-0009 as amended by Order Nos. R9-2014-0094 and R9-2017-0027, NPDES No. CA0108928, Waste Discharge Requirements for the United States Section of the International Boundary and Water Commission, South Bay International Wastewater Treatment Plant, Discharge to the Pacific Ocean Via the South Bay Ocean Outfall (Tentative Order No. R9-2019-0012). *(Joann Lim)*

Motion to approve the

Consent Calendar: Ms. Cantú

Seconded by: Dr. Olson

MOTION CARRIED: (Order No. R9-2019-0009)
(Order No. R9-2019-0012)

Aye: Mr. Anderson
Ms. Cantú
Dr. Olson
Mr. Strawn
Ms. Warren
Dr. Abarbanel

No: None.

Absent: Ms. Blair

Abstain: None.

ACTION ITEMS:

- 6. Tentative Resolution Endorsing 2018 Accomplishment and Operational Plan for 2019 (Tentative Resolution No. R9-2019-0023). *(David Gibson)*

Staff Presentation
James Smith

Mr. Smith and Ben Neill responded to Board Member questions.

Motion to approve Resolution

No. R9-2019-0023: Mr. Strawn

Seconded by: Mr. Anderson

MOTION CARRIED: (Resolution No. R9-2019-0023)

Aye: Mr. Anderson
Ms. Cantú
Dr. Olson
Mr. Strawn
Ms. Warren
Dr. Abarbanel

No: None

Absent: Ms. Blair

Abstain: None

7. Election of Regional Board Chair and Vice Chair for 2019. *(David Gibson)*

Board Chair Nominee: Dr. Abarbanel
 Motion to Elect Dr. Abarbanel: Mr. Strawn
 Second: Ms. Warren

Board Vice Chair Nominee: Celeste Cantu
 Motion to Elect Ms. Cantu: Dr. Abarbanel
 Second: Mr. Anderson

MOTIONS CARRIED

Aye: Mr. Anderson
 Ms. Cantu
 Dr. Olson
 Mr. Strawn
 Ms. Warren
 Dr. Abarbanel

No:None

Absent: Ms. Blair

Abstain: None

Dr. Abarbanel recessed for Closed Session at 10:14 a.m.; Ms. Hagan stated that the Board would discuss items B(j) and 8(0).

CLOSED SESSIONS***Closed Sessions are not open to the Public***

8. Discussion of Ongoing Litigation [Authorized under Government Code §11126, subd. (e)]. The San Diego Water Board may meet in Closed Session to discuss ongoing litigation for the following cases:

Civil Actions (Judicial and Administrative, other than Petitions for Review filed with the State Water Board)

- a. *In re: Test Claim on California Regional Water Quality Control Board, San Diego Region, Order No. R9-2007-001, (NPDES No. CAS0108758) Waste Discharge Requirements for Discharges of Urban Runoff from the Municipal Separate Storm Sewer Systems (MS4s) Draining the Watersheds of the County of San Diego, the Incorporated Cities of San Diego County, the San Diego Unified Port District, and the San Diego County Regional Airport Authority adopted on January 24, 2007. Test Claim filed by San Diego County, et al., with Commission on State Mandates, No. 07-TC-09 (filed June 2008). (Catherine George Hagan)*
- b. *State of California Department of Finance, State Water Resources Control Board, and California Regional Water Quality Control Board, San Diego Region v. Commission on State Mandates. Petition for Writ of Administrative Mandamus. Sacramento County Superior Court, Case No. 34-2010-80000604 (filed July 2010). (Catherine George Hagan)*
- c. *Test Claim on California Regional Water Quality Control Board, San Diego Region, Order No. R9-2009-0002, (NPDES No. CAS0108740) Waste Discharge Requirements for Discharges of Urban Runoff from the Municipal Separate Storm Sewer Systems (MS4s) Draining the Watersheds of the County of Orange, the Incorporated Cities of the County of Orange, and the Orange County Flood Control District adopted on December 16, 2009. Test Claim filed by County of Orange, et al., with Commission on State Mandates, No. 10-TC-11 (filed June 2011). (Catherine George Hagan)*

- d. *Test Claim on California Regional Water Quality Control Board, San Diego Region, Order No. R9-2010-0016 (NPDES No. CAS0108766) adopted November 10, 2010, County of Riverside, Riverside County Flood Control and Water Conservation District, and the Cities of Murrieta, Temecula, and Wildomar, Co-Claimants, filed with Commission on State Mandates, No. 11-TC-03 (filed November 2011). (Catherine George Hagan)*
- e. *Test Claim on California Regional Water Quality Control Board, San Diego Region, Order No. R9-2013-0001 (Regional MS4 Permit) filed with Commission on State Mandates by County of San Diego. (San Diego Region Water Permit - County of San Diego, Test Claim No. 14-TC-03 (filed June 2015). (Catherine George Hagan)*
- f. *Test Claim on California Regional Water Quality Control Board, San Diego Region, Order No. R9-2013-0001 as amended by Order No. R9-2015-0001 and Order No. R9-2015-0100 (Regional MS4 Permit) filed with the Commission on State Mandates by Orange County Copermitttees, Test Claim No. 15-TC-02 (filed June 2016). (Catherine George Hagan)*
- g. *Test Claim on California Regional Water Quality Control Board, San Diego Region, Order No. R9-2015-0100, Provisions A.4, 8.2, 8.3.a, 8.3.b, 8.4, 8.6, D.1.c(6), D.2.a(2), 0.3, 0.4, E.3.c(2), E.3.c(3), E.3.d, E.5.a, E.5.c(1)(a), E.5.c(2)(a), E.5.c(3), E.5.e, E.6, F.1.a, F.2.a, F.2.b, F.2.c, F.3.b(3), and F.3.c. 16-TC-05, County of Riverside, Riverside County Flood Control and Water Conservation District, and the Cities of Murrieta, Temecula, and Wildomar, Co-Claimants, filed with Commission on State Mandates, (June 2017). (Catherine George Hagan)*
- h. *Test Claim on California Regional Water Quality Control Board, San Diego Region, Order No. R9-2017-0077, Sections A 1, A 3 and A 5, 17-TC-05, City of San Juan Capistrano and County of San Diego, Claimants, filed with the Commission on State Mandates, (June 2017). (Catherine George Hagan)*
- i. *San Diego Gas & Electric Company v. San Diego Regional Water Quality Control Board. Petition for Writ of Administrative Mandamus. San Diego County Superior Court Case No. 37-2015-00032608-CU-WM-CTL (filed September 2015) (Challenging Cleanup and Abatement Order No. R9-2012-0024 for San Diego Bay Shipyard Sediment Site). (Catherine George Hagan)*
- j. *San Altos-Lemon Grove, LLC v. California Regional Water Quality Control Board, San Diego Region, a State of California Agency, David Gibson, Executive Officer, California Regional Water Quality Control Board, San Diego Region. Petition for Writ of Mandate. San Diego County Superior Court Case No. 37-2017-00012461-CU-WM-CTL (filed April 2017) (Challenging Administrative Civil Liability Order No. R9-2016-0064). (Catherine George Hagan)*
- k. *People of the State of California, ex rel. The San Diego Regional Water Quality Control Board v. Paul Lee Warren, et al., Complaint for Declaratory and Injunctive Relief Based on Violations of the California Water Code. San Diego County Superior Court, North County Division, Case No. 37-2017-00024906-CU-TT-NC (filed July 10, 2017). (Catherine George Hagan)*
- l. *San Diego Regional Water Quality Control Board, et al., v. Paul Warren, San Diego County Superior Court, Central Division, Case No. 37-201740038307-CU-PT-CTL (filed October 13, 2017). (Catherine George Hagan)*
- m. *Ecology Auto Parts, Inc. v. California Regional Water Quality Control Board, San Diego Region, and State Water Resources Control Board, Petition for Writ of Administrative Mandamus and Complaint for Declaratory Relief, San Diego County*

Superior Court, Case No. 37-2017-00047177-CU-MC-CTL (filed December 8, 2017) (Challenging July 14, 2017, amendment to Cleanup and Abatement Order No. R9-2013-0122). (Catherine George Hagan)

- n. *Burrtec Waste Industries, Inc. v. California Regional Water Quality Control Board, San Diego Region, and David W Gibson, Executive Officer.* Petition for Writ of Mandate and Complaint for Declaratory and Injunctive Relief, San Diego County Superior Court, Case No. 37-2017-00047432-CU-MC-CTL (filed December 8, 2017) (Challenging July 14, 2017, amendment to Cleanup and Abatement Order No. R9-2013-0122) . (Catherine George Hagan)
- o. *People of the State of California, Ex. Rel. the Regional Water Quality Control Board, San Diego Region v. International Boundary and Water Commission, United States Section, Jose Nunez, in his capacity as Acting Commissioner of the International Boundary and Water Commission, United States Section.* Complaint for Declaratory and Injunctive Relief (Clean Water Act 33 U.S.C. §1251 *et seq.*), United States District County for the Southern District of California, Case No. [not yet assigned], filed September 4, 2018. (David Gibson)

Petitions for Review Pending Before the State Water Board¹


None at this time other than those being held in abeyance.

Board Members discussed Items 8(j) and 8(o).


ADJOURNMENT

There being no further business, Chair Abarbanel adjourned the meeting at 12:10 p.m.

These minutes were prepared by:


 Christina Blank
 Executive Assistant

Signed by:


 James Smith
 Acting Executive Officer

¹Petitions for review of San Diego Water Board actions or inactions filed with the State Water Board being held in abeyance by the State Water Board are generally not listed in the agenda. The titles of these matters are available at the San Diego Water Board. Please contact Catherine George Hagan at Catherine.Hagan@waterboards.ca.gov or 619-521-3012 for more information.