

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION
BOARD MEETING MINUTES
March 10, 2021**

Pursuant to the Governor's Executive Orders ([N-29-20](#) and [N-33-20](#)) to protect public health by limiting public gatherings and requiring social distancing, this meeting occurred solely by remote presence.

CALL TO ORDER

Chair Celeste Cantú called the remote meeting to order on March 10, 2021 at 9:00 a.m.

Roger Mitchell gave an opening statement providing information for attendees to participate in the meeting.

ATTENDANCE:

Board Members present:

Celeste Cantú, Board Chair; Betty H. Olson, Ph.D., Vice Chair; Henry Abarbanel, Ph.D.; Megan Blair; Gary Strawn; Stefanie Warren.

Board Members absent:

Eric Anderson.

Staff present:

David Gibson, Kelly Dorsey, Chris Blank, Roger Mitchell, Leah Lorch, Cynthia Gorham, Laurie Walsh, Ben Neill, Sherrie Komeylyan, Eric Becker, Lisa Honma, Brandi Outwin-Beals, Vicente Rodriguez, Keith Yaeger, Sarah Mearon, Fisayo Osibodu, Chiara Clemente, Amy Grove, Nicole Gergans, Wayne Chiu, Chad Loflen, Daniel Boyd, Melissa Corona, Tanya Clark, Cleo Muñoz, Kimberly McMurray-Cathcart, Jill Harris, Tony Felix, Alan Monji, Debbie Woodward, Christopher Means, Joann Lim, Mike Porter, Jason DuMond, Regan Morey, Michelle Santillan, Lara Quetin, Mireille Garcia, Sean McClain, Sasha Smirensky.

Others present on behalf of the San Diego Water Board:

Laurel Firestone, State Water Resources Control Board; Catherine Hagan, Vincent Vu, Lori Okun, Office of Chief Counsel.

Public Attendance:

Stephanie Gaines <i>County of San Diego/San Diego Region Copermittees</i>	Elena Aguilar
John Lormon, Karli Joseph <i>Procopio, Cory, Hargreaves, and Savitch LLP</i>	Tricia Wotipka <i>Dudek</i>
Chris Helmer <i>City of Imperial Beach</i>	Gabriela Torres <i>Surfrider Foundation, San Diego Chapter</i>
Xochitl Aranda <i>International Boundary and Water Commission</i>	Stephanie Bauer <i>Port of San Diego</i>
Ryan Kempster, Wendy Enright, Peter Vroom, Zoe Scott, Adriano Feit, Amy Latker, Rachel Davenport <i>City of San Diego</i>	

BOARD MEETING

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

PUBLIC FORUM

Stephanie Gaines, representing the San Diego Regional Copermittees, provided an update on the Clean Water Project, and she responded to Board Member questions.

BOARD BUSINESS:

1. **Minutes of Board Meeting: February 10, 2021**
 - Motion to adopt the February 10, 2021 minutes:**
 - Mr. Strawn
 - Second:**
 - Ms. Warren
 - MOTION CARRIED:**
 - February 10, 2021
 - Aye:**
 - Dr. Abarbanel
 - Dr. Olson
 - Mr. Strawn
 - Ms. Warren
 - Chair Cantú
 - Nay:**
 - None.
 - Absent:**
 - Mr. Anderson.

Abstain:

- Ms. Blair.

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.*

Dr. Abarbanel expressed appreciation for the willingness of County Supervisor Nathan Fletcher to meet with Board representatives, and he stated that he thought the meeting went well.

Ms. Firestone provided an update on recent actions taken by the State Board and upcoming State Board actions and priorities, and she responded to Board Member questions and comments.

Mr. Gibson responded to Board Member questions regarding the written Executive Officer's Report. He also provided updates on the upcoming Triennial Review and the USMCA Eligible Public Entities Coordinating Group (EPECG) Meeting on February 25, 2021.

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

Dr. Abarbanel stated that one of the items that came out of the meeting with Mr. Fletcher was the suggestion of a Board-sponsored, Region-wide workshop on the Tijuana River Valley.

CONSENT CALENDAR

4. Waste Discharge Requirement Rescission: Rescission of Order No. R9-2005-0258, Waste Discharge Requirements for Skyline Ranch Country Club Wastewater Treatment Plant, San Diego County (Tentative Order No. R9-2021-0009). (*Chehreh Komeylyan*)
5. New Waste Discharge Requirements: Waste Discharge Requirements for Lakeside Investment Co., LP, LICO Two, L.P., and LICO Three, L.P., Hillside Meadows Development Project, San Diego County (Tentative Order No. R9-2021-0014). (*Lisa Honma*)

Motion to approve the Consent Calendar:

- Ms. Warren

Second:

- Dr. Olson

MOTION CARRIED

Aye:

- Dr. Abarbanel
- Ms. Blair
- Dr. Olson
- Mr. Strawn

- Ms. Warren
- Chair Cantú

Nay:

- None.

Absent:

- Mr. Anderson.

Abstain:

- None.

INFORMATIONAL ITEMS

6. Update on Asset Management and Infrastructure Issues at the South Bay International Boundary and Water Commission Wastewater Treatment Plant. (*Vicente Rodriguez and Keith Yaeger*)

Chair Cantú gave her opening statement, indicating that discussion during this item would be limited to the matters presented in the informational report, and no action would be taken.

Vicente Rodriguez introduced the item, and Xochitl Aranda from the International Boundary and Water Commission gave the presentation and responded to Board Member questions and comments.

The following stakeholders commented on the item:

- Chris Helmer, City of Imperial Beach
- Stephanie Bauer, Port of San Diego

7. State of the Ocean Report by the City of San Diego, Status and Trends of Water Quality Conditions in the Vicinity of Point Loma Ocean Outfall and South Bay Ocean Outfall. (*Keith Yaeger*)

Chair Cantú gave her opening statement, indicating that discussion during this item would be limited to the matters presented in the informational report, and no action would be taken.

Keith Yaeger introduced the item, after which Dr. Ryan Kempster gave the City's presentation, and responded to Board Member questions.

Chair Cantú recessed for Closed Session at 11:00 a.m., and Vincent Vu stated that that the Board would discuss Item 11. Eric Kinehoe asked to speak on an item listed for the closed session, but Mr. Vu indicated that he would address Mr. Kinehoe's concerns after the meeting. Chair Cantú reconvened the public meeting at 12:14 p.m.

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 Copermittees, 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, B.2, B.3.a, B.3.b, B.4, B.6, D.1.c(6), D.2.a(2), D.3, D.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. *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; Jayne Harkins, in her 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 Court for the Southern District of California, Case No. 3:18-cv-02050-JM-LL, filed September 4, 2018. (David Gibson)*
- j. *General Dynamics Corp. v. California Regional Water Quality Control Board, San Diego Region and David Gibson in his official capacity as Executive Officer for the San Diego Regional Water Quality Control Board, et al. Verified Petition for Writ of Mandate and Complaint for Declaratory Relief, San Diego County Superior Court, Case No. 37-2020-00012512-CU-MC-CTL, filed March 2, 2020. (Catherine George Hagan)*
- k. *City of Oceanside and Fallbrook Public Utilities District v. State Water Resources Control Board. San Diego Regional Water Quality Control Board as Real Party in Interest. Verified Petition for Writ of Mandate and Request for Stay, San Diego County Superior Court, Case No. 37-2020-00033562.CU-WM-CTL, filed September 23, 2020. (Vincent Vu)*
- l. *Lockheed Martin Corporation v. California State Water Resources Control Board, Regional Water Quality Control Board, San Diego Region, et al. Verified Petition for Writ of Mandate and Request for Stay, San Diego County Superior Court, Case No. 37-2020-00042976.CU-WM-CTL, filed November 20, 2020. (Catherine George Hagan)*

Petitions for Review Pending Before the State Water Board:¹

- m. Petition of the Fallbrook Public Utilities District and Southern California Alliance of POTWS (SCAP) for Review and Request for Stay of Order No. R9-2019-0169, NPDES No. CA0108031, Waste Discharge Requirements for the Fallbrook Public Utilities District, Fallbrook Reclamation Plant and Santa Margarita Groundwater Treatment Plant, adopted February 12, 2020, SWRCB/OCC File A-2688, filed March 11, 2020. *(Joann Lim and Keith Yaeger.)*
 - n. Petition of the City of Oceanside for Review and Request for Stay of Order No. R9-2019-0166, NPDES No. CA0107433, Waste Discharge Requirements for the City of Oceanside San Luis Rey Water Reclamation Facility, La Salina Wastewater Treatment Plant, and Mission Basin Groundwater Purification Facility, adopted February 12, 2020, SWRCB/OCC File A-2689, filed March 11, 2020. *(Joann Lim and Keith Yaeger.)*
 - o. Petition of Jarod Campbell for Review of Amendment No. 1 to Clean Water Act Section 401 Water Quality Certification No. R9-2012-0075, issued on June 11, 2020, SWRCB/OCC File Not Assigned, filed July 7, 2020. *(Darren Bradford)*
 - p. Petition of Danny and Tina Luz for Review of Amendment 1 to Clean Water Act Section 401 Water Quality Certification No. R9-2012-0075, issued on June 11, 2020, SWRCB/OCC File Not assigned, filed July 10, 2020. *(Darren Bradford)*
 - q. Petition of Russell Campbell for Review of Amendment No. 1 to Clean Water Act Section 401 Water Quality Certification No. R9-2012-0075, issued on June 11, 2020, SWRCB/OCC File Not Assigned, filed July 11, 2020. *(Darren Bradford)*
9. Consideration of Initiation of Litigation or Discussion of Significant Exposure to Litigation. The San Diego Water Board may meet in closed session to initiate or consider initiating litigation concerning matters within its jurisdiction or to discuss significant exposure to litigation [Authorized under Government Code §11126(e)]. *(David Gibson)*

¹ Petitions 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.

10. Deliberation on a Decision to be Reached Based on Evidence Introduced in a Hearing. The San Diego Water Board may meet in closed session to consider evidence received in an adjudicative hearing and to deliberate on a decision to be reached based upon that evidence [Authorized under Government Code §11126(c)(3)].
11. Personnel. The San Diego Water Board may meet in closed session to consider the appointment, employment, evaluation of performance, or dismissal of a public employee or to hear complaints or charges brought against that employee by another person or employee unless the employee requests a public hearing [Authorized under Government Code §11126(a)].

ADJOURNMENT

There being no further business, Chair Cantú adjourned the meeting at 12:15 p.m.

These Minutes were prepared by:

Signed by:

Christina A. Blank
Executive Assistant

David W. Gibson
Executive Officer