

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION**

BOARD MEETING MINUTES
June 12, 2019

CALL TO ORDER

Chair Henry Abarbanel called the meeting to order on June 12, 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., Chair; Celeste Cantú, Vice Chair; Eric Anderson, Board Member; Megan Blair, Board Member; Betty H. Olson, Ph.D., Board Member; Gary Strawn, Board Member; Stefanie Warren, Board Member.
Ms. Blair left the meeting at approximately 12:00 p.m.

Staff present:

David Gibson, James Smith, Chris Blank, Laurie Walsh, Amy Grove, Sherrie Komeylyan, Joann Lim, Brandon Bushnell, Kelly Dorsey, David Barker, Brandi Outwin-Beals, John Anderson, Chiara Clemente, Regan Morey, Eric Becker, Chad Loflen, Hiram Sarabia, Keith Yaeger, Jill Harris, Cynthia Gorham, Ben Neill, Mike Porter, Sarah Mearon, Fisayo Osibodu, Helen Yu, Leah Lorch, Jeremy Haas, Tanya Nelson, Darren Bradford, Jody Ebsen, Christina Arias, Debbie Woodward, Mireille Garcia, Michelle Santillan, Vicente Rodriguez.

Remote attendance:

Wayne Chiu, Betty Fetscher, Craig Carlisle, Kelly Fuller, Cleo Muñoz, Nicole Gergans, Christopher Means, Ben Carlson, Kimberly McMurray-Cathcart, Melissa Corona, Rebecca Stewart, Kristin Schwall, John Odermatt.

Others present on behalf of the San Diego Water Board:

State Water Resources Control Board – Catherine Hagan, Office of Chief Counsel;
California Court Reporting – Elise Hicks

Public Attendance:

Doug Campbell
Encina Wastewater Authority

Todd Snyder, Dan Brogadin, Jo Ann
Weber
County of San Diego

Angela Di Little
Sand Creek Development

John Phillips
City of El Cajon

Ruth Kolb, Drew Kleis, Peter Vroom,
Davin Widgerow, Alejandra Gavaldon,
Kris McFadden, Johnnie Perkins, Rania
Amen
City of San Diego

Scott Goldman
Woodard & Curran

Natalie Osborn
San Diego Metropolitan Transit System

Eric Van Cleave, David Drake
SmartCover Systems

Jane Ledford
J.L. Stormwater

Joe Kuhn
City of La Mesa

Doug Liden
U.S. EPA

Mark Niemiec, Paul Clarke
Padre Dam Municipal Water District

Don Bunts
Santa Margarita Water District

Cindy Rivers, Rita Abellar
Orange County Public Works

Cody Ceotto

Paul Hartman
*Riverside County Flood Control & Water
Conservation District*

Wayne Kessenbaum
Equity Engineering Group

Clint Boschen
Tetra Tech

Lilly Sabet
San Diego State University

Marlene Best, Scott Johnson, Celia
Tipton, Melanie Cush
City of Santee

Matt O'Malley
San Diego Coastkeeper

Victor Occiano, Lisa Skeddecki
Brown & Caldwell

Carl Savage
*California Dept. of Transportation
(CalTrans)*

BOARD MEETING

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

PUBLIC FORUM

Neil Mohr invited the Board to participate in a tour of the Sycamore landfill to see the new cell to be built later this summer, wet weather preparations, and construction of a new entrance facility.

BOARD BUSINESS:

1. Minutes of Board Meeting:

- April 4, 2019
- May 8, 2019

Motion:

- Mr. Anderson moved to adopt the proposed minutes

Second:

- Ms. Warren

MOTION CARRIED:

- ([April 4, 2019](#))
- ([May 8, 2019](#))

Aye:

- Mr. Anderson
- Ms. Blair
- Ms. Cantú
- Dr. Olson
- Mr. Strawn
- Ms. Warren
- Dr. Abarbanel

Nay:

- None.

Absent:

- None.

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.

Ms. Cantú provided information regarding the Water Education Foundation.

Mr. Gibson responded to Board Member questions regarding the written Executive Officer's Report, and he introduced Doug Campbell from the Encina Wastewater Treatment Plant. Presentation slides are available upon request. Please send an email to sandiego@waterboards.ca.gov.

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

Mr. Anderson requested an update on regulation of the Poseidon Desalination Plant if the pending sale of the plant goes through. Chair Abarbanel suggested that the item include information on the Governor's call for a more resilient water supply, and Ms. Cantú requested that the item include a discussion of recent gubernatorial Executive Orders that specifically address water supply.

Chair Abarbanel took the following items out of order:

INFORMATIONAL ITEMS

Presentation slides are available upon request. Please send an email to sandiego@waterboards.ca.gov.

7. SmartCover System Deployments. *(Sarah Mearon)*

Ms. Mearon introduced David Drake and Eric Von Cleve of SmartCover System Deployments.

Mr. Drake responded to Board Member questions.

8. Update on the Santa Margarita River Estuary Water Quality Restoration Strategy and Investigative Order No. R9-2019-0007. *(Hiram Sarabia)*

Mr. Sarabia and Kelly Dorsey responded to Board Member questions.

The following stakeholders commented on this item:

- Paul Hartman, Riverside County Flood Control and Water District
- Jo Ann Weber, County of San Diego

CONSENT CALENDAR

4. Amend Waste Discharge Requirements: Addendum No. 1 to Order No. R9-2012-0054, Waste Discharge Requirements for the San Diego Sanitation District, Harmony Grove Water Reclamation Facility, San Diego County (Tentative Addendum No. 1 to Order No. R9-2012-0054). *(Brandon Bushnell)*
5. Waste Discharge Requirements for Sand Creek Development, LP, Tentative Tract Map No. 33356 Project, Riverside County (Tentative Order No. R9-2019-0002). *(Darren Bradford)*
6. Rescission of Order No. 94-109, Waste Discharge Requirements for Lower Otay Lakes County Parks (Tentative Order No. R9-2019-0079). *(Brandon Bushnell)*

Motion to approve the Consent Calendar:

- Mr. Anderson

Second:

- Dr. Olson

MOTION CARRIED:

- ([Addendum No. 1 to Order No. R9-2012-0054](#))
- ([Order No. R9-2019-0002](#))
- ([Order No. R9-2019-0079](#))

Aye:

- Mr. Anderson
- Ms. Blair
- Ms. Cantú
- Dr. Olson
- Mr. Strawn
- Ms. Warren
- Dr. Abarbanel

Nay:

- None.

Absent:

- None.

Abstain:

- None.

Chair Abarbanel called a recess at 10:50 a.m. and reconvened the meeting at 11:05 a.m.

ACTION ITEMS

9. Public Hearing on Tentative Investigative Order: An Order Directing the City of San Diego, the City of Santee, the City of El Cajon, the City of La Mesa, the County of San Diego, the San Diego County Sanitation District, the Padre Dam Municipal Water District, the Ramona Municipal Water District, San Diego State University, the Metropolitan Transit System, and the California Department of Transportation to Submit Technical and Monitoring Reports to Identify and Quantify the Sources and Transport Pathways of Human Fecal Material to the Lower San Diego River Watershed. At the conclusion of the hearing, the San Diego Water Board will deliberate, and may adopt, reject, or amend the Tentative Investigative Order or may take the matter under advisement at a future Board Meeting (Tentative Investigative Order No. R9-2019-0014). (*Helen Yu and Fisayo Osibodu*)

Chair Abarbanel administered the oath.

Mr. Gibson, Ms. Yu, and Ms. Walsh responded to Board Member questions.

The following stakeholders commented on the item:

- Johnnie Perkins, City of San Diego (Presentation)
- Rania Amen, Senior Civil Engineer, Department of Public Works, City of San Diego

Chair Abarbanel called a recess for lunch and Closed Session at 12:20 p.m. Ms. Hagan stated that the Board would discuss items 10(i) and 10(j) during Closed Session. Chair Abarbanel reconvened the meeting at 1:20 p.m.

- Todd Snyder, Watershed Program Manager, County of San Diego. (Presentation)
- Marlene Best, City Manager, City of Santee
- Natalie Osborn, San Diego Metropolitan Transit System
- Mark Niemiec, Director of Engineering and Planning, Padre Dam Municipal Water District
- Lilly Sabet, Compliance Specialist, San Diego State University
- Carl Savage, Chief, Stormwater Dept., CalTrans
- Matt O'Malley, San Diego Coastkeeper

Chair Abarbanel closed the public hearing and opened the subject for Board discussion. After discussion, the Board decided to approve the order with an Errata indicating a 60-month investigation period.

Motion to approve Order No. R9-2019-0014 with all Errata:

- Dr. Abarbanel

Second:

- Mr. Strawn

MOTION CARRIED:

- ([Order No. R9-2019-0014](#))

Aye:

- Mr. Anderson
- Ms. Cantú
- Dr. Olson
- Mr. Strawn
- Ms. Warren
- Dr. Abarbanel

Nay:

- None.

Absent:

- Ms. Blair.

Abstain:

- None.

CLOSED SESSIONS
Closed Sessions are not open to the Public

10. 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. *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. *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)*
- l. *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)*

- m. *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*)

Board Members discussed items 10(i) and 10(j).

ADJOURNMENT

There being no further business, Chair Abarbanel adjourned the meeting at 2:15 p.m.

These minutes were prepared by:

Signed by:

Christina Blank
Executive Assistant

David Gibson
Executive Officer