

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION
Board Meeting Room
2375 Northside Drive, Suite 108
San Diego, California

MINUTES OF MEETING
OCTOBER 12, 2016

At 9:00 a.m., Chairman Abarbanel called to order the meeting of the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) at the Board Meeting Room, 2375 Northside Drive, Suite 108, San Diego, California.

Item 1 – Roll Call and Introductions:

Board Members present: Henry Abarbanel, Eric Anderson, Tomas Morales, Gary Strawn, and Stefanie Warren.

Board Members absent: Betty Olson.

Staff Present: David Gibson, James Smith, Chris Blank, Christina Arias, Deborah Jayne, Barry Pulver, Laurie Walsh, Roger Mitchell, Alex Cali, Amy Grove, Rachel O'Donovan, Lisa Honma, Fisayo Osibodu, Julie Chan, Cynthia Gorham, Chad Loflen, Eric Becker, Debbie Woodward, Whitney Ghoram, Betty Fetscher, Jeremy Haas, Lalitha Thotakura, John Odermatt, Kelly Dorsey, Carey Nagoda, Tony Felix, Kimberly McMurray-Cathcart, Lori Costa, Wayne Chiu, Alan Monji, Rebecca Stewart, Vinty Siev, Chiara Clemente, Sherrie Komeylyan, Bruce Posthumus, Tom Alo, Brandon Bushnell, David Barker, Sarah Mearon. Mike Porter, Lucas Lima, Christopher Means, and Kristin Schwall attended remotely.

Others present on behalf of the San Diego Water Board: State Water Resources Control Board – Catherine Hagan, Adriana Nuñez, Gita Kapahi, Director, Office of Communication, and Karen Larsen, Deputy Director, Division of Water Quality. California Court Reporting – Marlee Nelson.

Public Attendance: Dr. Robert Leif; Charlotte Tuespe; Rachel Davenport, City of San Diego; Rashan Christopher, Amec Foster Wheeler; Ruth Kolb, City of San Diego; Lisa Zawashi, City of Dana Point; Mary Anne Vimey; Michael Welch; Kelly Tair, Port of San Diego; Kim Wehinger, City of San Diego; Peter Vroom, City of San Diego; Carol Roberts, U.S. Fish & Wildlife Service; Len Sinfield, U.S. Navy; Caya Yazdaniford, CalTrans; Amanda Mascia; Pam Heatherington, ECO San Diego; Cori Schumacher, Concerned Citizens/Agua Hedionda Lagoon; Jessica Palmer, U.S. Navy; Chris Gehrki, San Diego Public Utilities Department; Tom Strum, City of San Diego; Laura Hunter, Escondido Neighbors United; Lesley Dobalian, San Diego County Water Authority; Karen Holman, Port of San Diego; Beth Breitenbach, Haley & Aldrich; Lesley Forbes, SDG&E; Stella Shaw, OCPW; Matt O'Malley, San Diego Coastkeeper; Brian Hitchens; Vanessa Thulsiray; Chris Stransky, Amec Foster Wheeler; Joann Weber, County of San Diego; Mark Stuij, County of San Diego; Dan McKirnan, Environmental Health Coalition.

Item 2 – Public Forum

Dr. Robert Leif addressed the Board about recycled water purity and the use of direct potable reuse water for irrigation. Chair Abarbanel requested a meeting among himself, Dr. Leif, Mr. Gibson, and a representative from the Division of Drinking Water.

Pam Heatherington spoke about monitoring the water quality in De Anza Cove.

Item 3 – Minutes of Board Meeting: August 10, 2016:

Mr. Anderson moved to approve the minutes, and Mr. Morales seconded the motion. A roll call vote was taken, and Board Members Abarbanel, Anderson, Morales, and Strawn voted “aye.” Board Member Warren abstained. The motion passed.

Item 4 – Chairman’s, Board Members’, State Water Board Liaison’s, and Executive Officer’s Reports. These items are for Board discussion only. No public testimony will be allowed, and the Board will take no formal action.

Chair Abarbanel congratulated staff members Whitney Gorham for being awarded the “Regulator of the Year Award” by the Business Industrial Association and Kimberly McMurray-Cathcart for Sustained Superior Accomplishment.

Mr. Gibson responded to Board Member questions regarding the written Executive Officer’s Report.

Dr. Larry Serra reported to the Board regarding wetlands recovery in the San Diego Region. Dr. Serra, Mr. Gibson, responded to Board Member questions and comments. Carol Roberts from the U.S. Fish and Wildlife Service and the Board Members commented on Dr. Serra’s report.

Kelly Dorsey responded to Board Member questions regarding the Supplemental Executive Officer’s Report regarding the CEQA Scoping Meeting held on October 6, 2016.

Ms. Warren recognized the Ocean Conservancy for their efforts on the annual Coastal Cleanup Day on September 17, and Surfrider for their annual Paddle for Clean Water on September 27.

Mr. Anderson provided a report on the NGO Outreach Meeting held at Orange County Coastkeeper on September 19.

Item 5 – Future Agenda Items: Board members may discuss items for possible inclusion on future agendas. *(David Gibson)*

Mr. Strawn requested that Mr. Gibson arrange a meeting with Mayor Faulconer’s office regarding the Mayor’s newly announced homeless outreach program.

Consent Calendar: Items 6 and 7 are considered non-controversial issues. (NOTE: If there is public interest, concern, or discussion regarding any Consent Calendar item or a request for a public hearing, then the item(s) will be removed from the Consent Calendar and considered after all other agenda items have been completed.)

Item 6 – Rescission of WDRs: Lilac Oaks Campground, the Blough Residence, and the Leuthe Residence Onsite Wastewater Treatment Systems, San Diego County (Tentative Order No. R9-2016-0128). *(Fisayo Osibodu)*

Item 7 – Rescission of WDRs: Mission Avenue Sanitary Landfill, City of Oceanside, San Diego County (Tentative Order No. R9-2016-0141). *(Roger Mitchell)*

Mr. Morales moved to approve the Consent Calendar, and Mr. Strawn seconded the motion. A roll call vote was taken, and Board Members Abarbanel, Anderson, Morales, Strawn and Warren voted “aye.” The motion passed.

Chair Abarbanel called a recess at 10:34 a.m. and reconvened the meeting at 10:50 a.m.

Remainder of the Agenda (Non-Consent Items)

Item 8 – Information Item: Update on the Outreach Efforts by the San Diego Water Board. *(Deborah Jayne)*

Ms. Jayne presented an overview of outreach meetings convened to date, and provided an overview of the draft Community Outreach Strategy to be used going forward.

Item 9 – Information Item: Strategy for a Healthy San Diego Bay, Update on the Initial Assessment of San Diego Bay Key Beneficial Uses. *(Chiara Clemente)*

Ms. Clemente presented an overview of the assessment efforts to date, and she discussed fish and shellfish monitoring.

Lalitha Thotakura and Chad Loflen responded to Board Member questions.

Wayne Chiu addressed monitoring of water contact beneficial uses.

Len Sinfield of the U.S. Navy responded to Board Member questions.

Karen Holman of the San Diego Port District discussed the Port’s part in monitoring the health of the Bay and responded to Board Member questions.

Ms. Clemente concluded the formal presentation and responded to Board Member questions.

Laura Hunter commented on the update.

Item 10 – Discussion Item: Planning Discussion for Upcoming Water Quality Coordinating Committee Meeting in Late October. *(David Gibson)*

Mr. Morales discussed the panel discussion on storm water in which he will participate, and Ms. Warren spoke about the community outreach panel in which she will participate.

Chair Abarbanel recessed the meeting for lunch and Closed Session at 12:25 p.m. Ms. Hagan stated that during the Closed Session, the Board would be discussing Item 12(a). Chair Abarbanel reconvened the public meeting at 1:15 p.m.

Item 11 – Tentative Resolution: Resolution Adopting the 2014 Clean Water Act Section 303(d) and 305(b) Integrated Report (Tentative Resolution No. R9-2016-0196). (*Helen Yu*)

Ms. Yu gave an overview of the Integrated Report, and Chad Loflen gave a presentation regarding bioassessment of regional water bodies.

Ms. Yu discussed the next steps in the process and closed the formal presentation.

Ms. Larsen responded to Board Member questions.

The following stakeholders commented on the Tentative Resolution:

- Lesley Dobalian, San Diego County Water Authority
- Peter Vroom, City of San Diego, Department of Public Utilities
- Ruth Kolb, City of San Diego
- Mary Anne Vimey, Concerned Citizens Agua Hedionda Lagoon Health
- Laura Hunter, Escondido Neighbors United
- Matt O'Malley, San Diego Coastkeeper
- Karen Holman, Port of San Diego

Board discussion.

After Board discussion, Chair Abarbanel moved to approve Tentative Resolution No. R9-2016-0196 with errata, and Mr. Morales seconded the motion. A roll call vote was taken, and Board Members Abarbanel, Anderson, Morales, Strawn and Warren voted "aye." The motion passed.

Item 12 – *Closed Session*—Discussion of Ongoing Litigation [Authorized under Government Code Section 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), pending at Court of Appeal. (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) (Inactive per Test Claimants' request pending outcome of related litigation). (Catherine George Hagan)*
 - e. Coastal Environmental Rights Foundation, a CA non-profit public benefit corporation v. California Regional Water Quality Control Board, San Diego Region. Petition for Writ of Administrative Mandamus. San Diego County Superior Court, Case No. 37-2014-00038672-CU-WM-CTL (filed November 2014) (Challenging NPDES General Permit for Residual Firework Pollutant Waste Discharges to Waters of the United States, San Diego Region, Order No R9-2011-0022). (Ben Neill)*
 - f. 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). (Inactive per Test Claimants' request pending outcome of related litigation). (Catherine George Hagan)*
 - g. 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)*

Petitions for Review Pending Before the State Water Board¹

- h.* Petitions for review of Order No. R9-2015-0100 amending the Regional MS4 Permit to incorporate Riverside County Copermittees, adopted November 18, 2015, filed by San Diego Coastkeeper/Coastal Environmental Rights Foundation, Cities of Alisa Viejo, Dana Point, Laguna Beach, Laguna Hills, Laguna Niguel, Mission Viejo, Rancho Santa Margarita, San Juan Capistrano, San Clemente, County of Orange and Orange County Flood Control District, Riverside County Flood Control and Water Conservation District, the County of Riverside and the Cities of Murrieta, Temecula, Wildomar, (SWRCB/OCC File A-2456(a) through (l) (filed December 2015)). (*Wayne Chiu*)

This Closed Session was held, and the Board discussed Item 12(a).

There being no further business, the meeting was adjourned at 2:54 p.m.

These minutes were prepared by:

Signed by:

Christina Blank
Executive Assistant

David Gibson
Executive Officer

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.