

State of California
Santa Ana Regional Water Quality Control Board

Minutes of the July 30, 2020 Board Meeting
Video and Teleconference Meeting call
No Physical Meeting Location
(Authorized by and in furtherance of
Executive Orders [N-29-20](#) and [N-33-20](#))

Chair Ruh called the meeting to order at 9:04 a.m.

1. **Introductions**

Board Members Present at Virtual Board Meeting:

William Ruh, Chair
William P. von Blasingame
Tom Rivera
Daniel P. Selmi
Lana Peterson
Kris A. Murray
Joseph Kerr

Staff Present at Virtual Board Meeting:

Hope A. Smythe, Executive Officer
Jayne Joy, Assistant Executive Officer
Teresita Sablan, Regional Board Counsel
Ann E. Sturdivant, Division Chief
Mark E. Smythe, Division Chief
Lauma Willis, Division Chief
Julio C Lara, Chief of Wastewater
Terri Reeder, Chief of Basin Planning, Coastal Waters
Kevin Heinemann, Information Technology Manager
Don Nguyen, Information Technology Associate
Daniel Mefford, Information Technology Associate
Jeannie Aguilar, Associate Governmental Program Analyst
Jennifer Fordyce, Assistant Chief Counsel, State Water Board
Marleigh Wood, Attorney III, State Water Board
Jonathan Bishop, Chief Deputy Director, State Water Board
Phil Wyels, Assistant Chief Counsel, State Water Board
Daniel Ellis, Environmental Scientist, Division of Water Quality
Leslie Hart, Environmental Scientist, Division of Water Quality
Scott Seyfried, Senior Engineering Geologist, Division of Water Quality
Itze Abeyta, Associate Governmental Program Analyst, State Water Board
Mandy Roman, Public Participation Specialist, State Water Board
Ben Neill, Water Resources Control Engineer, San Diego Regional Water Board

Also Present at Virtual Board Meeting

Marley Nelson, Court Reporter

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Karen Rico, Interpreter
Marc Gutierrez, Interpreter
Leticia Reyna, Interpreter

Virtual Public Attendance by Virtual Speaker Cards Received

Tom Luster, California Coastal Commission; Scott Maloni, Poseidon Water; Bryant Chesney, NOAA Fisheries; Lucinda Calvo; Wendy Hall; Mike Marcus, Orange County Water District; Shirley Dettloff, Bolsa Chica Conservancy; Jordan Brandman, Orange County Water District; Cathy Green, Orange County Water District; Jose Barrera, LULAC; Ernesto Medrano, LA-OC Building Trades; Barbara Boxer, retired U.S. Senator; Ray Hiemstra, Orange County Coastkeeper; Charming Evelyn, Sierra Club; Staley Prom, The Surfrider Foundation; Joe Geever, Residents for Responsible Desalination; Catherine Rocchi, Stanford Environmental Law Clinic; Sean Bothwell, California Coastkeeper Alliance; Garry Brown, Orange County Coastkeeper; James Fidler, Mesa Water District; Shawn Dewane, Mesa Water District; Tyler Diep, Assembly Member; Steve Sheldon, Orange County Water District; Brett Barbre, Municipal Water District of Orange County; Art Montez, Centralia Elementary School District; Barbara Delgleize, City Council Member; Patrick Brenden, Bolsa Chica Conservancy; Mayor Matt Hall, City of Carlsbad; Dr. Allan Berstein, OC Wise; Duane Cave, Moulton Niguel Water District; Doug Davert, East Orange County Water District; Claudio Gallegos, Office of Congressman Lou Correa; Chuck Gibson, Santa Margarita Water District; John Hanna, Rancho Santiago Community College District; Zeke Hernandez, Rancho Santiago Community College District; Al Nederhood, Yorba Linda Water District; John O'Neill, City of Garden Grove; Jeff Thomas, Municipal Water District of Orange County; Frank Ury, Santa Margarita Water District; Saundra Jacobs, Santa Margarita Water District; Dr Michael Simons, Bd Member – Huntington Beach High School; Deanna Spehn; John Moorlach, California State Senate; Erik Weigand, California State Senate; Kelly Row; Doug Reinhart, Irvine Ranch Water District; Peer Swan; Brett Korte, UCI Environmental Law Clinic; Adriana Maestas, Azul; Andrea Leon-Grossman, Azul; Oscar Rodriguez, Oak View Comunidad; Michael Grant; Jill Cagle, OCWISE; Wendy Ridderbusch, CalDesal; Weikko Wirta, Bolsa Chica Conservancy; Bill Workman; Ben Clayton UA 250; Debbie Workman; Stacy Taylor; Ashley Patterson; Chris Cagle; Lori Carnes; Keith Bohr, Bolsa Chica Conservancy; Joe Carchio; Sherri Butterfield; Vic Leipzig; Brian Genovese, Orange County Realtors; Carlos Barahona, OC Hispanic Chamber of Commerce; Erin Barry, OCAR; David Cordero, Apartment Association of Orange County; Kelley Gage, San Diego County Water Authority; Dirissy Doan, Orange County Realtors; Steve La Motte, Building Industry Association of So California; William Butts; Robert Ruiz, Laborers Local 652; Casey Anderson, OC Farm Bureau; Kevin Wen, Millennials for New Water; Jeff Farkas; Kelsey Eibern, Orange County Taxpayers Association; Peter Benjamins; Joyce Endo; Gil Davila, OC Labor Federation; John Wammes, SD Brewers Guild; Gabby Enriquez, Laborers Local 652; Tim Stripe, Grand Pacific Resorts; Charles Falzon, Amigos de Bolsa Chica; Lisa Rodman; Rich Gomez, Southwest Regional Council of Carpenters; Jessica Jones, Center for Healthy Neighborhoods; Ray Baca, Engineering Contractors Association; Jim Bieber; Jim Leach, Santa Margarita Water District; Victor Cao, Ca Apartment Association; Norma Lopez, Teamsters Local 952; Jenn Lowe, Association of California Cities; Dorothy Ables; Bret Schanzenbach, Carlsbad Chamber; Rudy Rodriguez, UA 250; Rachel Rolnicki, Orange County Business Council; Barbara Thomas, South Orange County Economic Coalition; Doug Mangione, IBEW-LU 441; Steve Aceti, CalCoast; Gloria Alvarado, OC Labor

Federation; Sarah Wiltfong, LA Biz Fed; Mike Ameen; Dallas Weaver, Scientific Hatcheries; Eric Larson; Mat Cortez; Dianne Thompson, Huntington Beach Chamber of Commerce; Max Lochries; Donald Stevenson; Adrian Esparza, Laborers Local 652; Paul Skinner; Gregory Foster, Southern California Group; Gordon Thrupp, Geosyntec Consultants; Marguerite Galy; Dwight Scott; Mark Gaughan, Glenn Santa Cruz, UA 250; Herb Kleeman, Steamfitters Local 250; Roger Quintal; Richard Lambros, Southern California Group; Lujs Andres Perez, Plumbers and Fitters Local 582; Martha Peckham; Dan Makeana; Tanya Park; John Mayberry; Denise Orme; Michael McCool; Valerie Nera, Cal Chamber; Michael Wellborn, Friends of Harbors, Beaches and Parks; Paul Schoenberger, Mesa Water District; Stephanie Kyle; Bob Holtzclaw; Caroline Needell, Orange County Coastkeeper; Doug Erdman; Craig Schaller; Nina Gupta, Orange County Coastkeeper; Robert van de Hoek, Ballona Scientist; Mike Markus, Orange County Water District; Beth McKirachan; Joe Galliani; Michael Josselyn; Eric Miller, Miller Marine Science & Consulting Inc; Mary Urahimma; Joe Monaco, Dudek; Marcia Hanscom, Ballona Wetlands Institute; Ethan Senser, Food and Water Action; Jose Trinidad Castaneda; Lydia Ponce, American Indian Movement; Mandy Sackett, Surfrider Foundation; KC Fockler, Surfrider Foundation; Melissa Aguayo; Baylie Vincent, Orange County Coastkeeper; Martha Camacho Rodriguez; Jack Anderson, Surfrider Foundation; Lauren Partch, Surfrider Foundation; Rosa Acheson, Surfrider Foundation; Deborah Koken; Regina Zweng, Science Policy Group at UCLA; Esperanza Vielma, EJCW; Conner Everts; Connor Yaney; Michael Wauschek; Chi Hu; Riley Messinger, Orange County Coastkeeper; Elisa Benavides; Kelly Clark, LA Waterkeeper; Reilly Nelson; Susan Jordan; Gabriel Greif, Los Angeles Waterkeeper; Josh Capito, Israeli Desal Engineers; Heather Dadashi; Christine Padesky; Milt Dardis, R4RD; Donald Bentley, Metropolitan Water District of Socal; Livia Beaudin, Coast Law Group; Nikki Buffa, Latham & Watkins; Valli Febbraro; Rosalind Jones, Green New Now; Patricia Scanlon; Rachel Bressler, Orange County Coastkeeper; Greg Carrow; Residents for Responsible Desalination; Katie Theel, Sunrise Movement; Jason Pyle; Damon Nagami, Natural Resources Defense Council; Stefanie Sekich-Quinn Surfrider Foundation; Bailey Warren, Surfrider Foundation; Rupert Barnett; Mark Dixon; Annelisa Moe; WI Goldstein, Forever Phibes, LLC; Hoiyin IP, Sierra Club; Dr Clyde Thomas Williams, Sierra Club Life Member; Yvonne Martinez Watson; Erik Rodriguez, Social Eco Education; Raul Rodriguez, Social Eco Education; Sharon Koch, Sierra Club Angeles Chapter; Monica Guzman; Virginia Gregurek; Clayton King; Jessica Girard; Dave Hamilton, Residents for Responsible Desalination; Jessica Patzlaff, Orange County Coastkeeper; Mariela Santamaria, Orange County Coastkeeper; Cassidy Cunningham, Orange County Coastkeeper; Emma Hill, Orange County Coastkeeper; Mike Elliot; Ethan Knox; Paul Weghorst, Irvine Ranch Water District; Juliana Medan; Paul Cooley; Suvan Geer, Sierra Club Climate Action Team; Stacy Taylor, Mesa Water District; Ronald Smith; Molly Basler, Climate Reality Project; Stephanie Hybki; Dr. Peter Fiske, National Alliance for Water innovation; Terry Welsh; Craig Cadwallader; Marta Sergura, Vida Verde; Varenka Lorenzi; Elaina Provencio, Sunrise – Green New Now; Mikel Hogan, R4RD; Amber Jolly, UCI; Glenn Brooks, Brooks Works Corp; Larisa Garcia, CSULA; Randy Kokal; Peter Gevorkian; Lena Hayashi; Melanie Cohen; Caty Wagner; Lizette Hernandez; Barbara Noffsinger; James Kennedy, Sierra Club; Silvir Li; Bryan Falconer, Southern California Edison; Richard Armendariz; Leah Garland; Kim Kolpin, Bosa Chica Land Trust; Fatima Iqbal-Zubair, Fatima Iqbal-Zubair for Assembly 2020; Elizabeth Lambe, Los Cerritos Wetlands Land Trust; Chris Morss, IDE Technologies; Kyler Joaquin; Leslie Purell; Edwin Chikukwa, Office of State Senator Tom Umberg; Judy Bartz; Bonnie Benton;

Raoul Kelly; Carolyn Crockett; Chris Condon; Gary Itano; Roy Mccord; Cameron Norman; Jennifer Ward; Nora Pedersen; Sean Croson; Daryl Gale; Melanie Tyszkiewicz; Arlene Galindo; Nancy Caruso.

Live Spanish Interpretation was available to the public through the Zoom application and a court reporter was provided to record the workshop testimony on July 30, 2020.

Breaks were observed on July 30, 2020: morning break from 11:39 a.m. to 11:53 a.m., lunch break from 12:55 p.m. to 1:31 p.m., afternoon break from 3:34 p.m. to 3:53 p.m., evening break from 5:45 p.m. to 5:58 p.m.

Item 2. Public Forum:

None.

Item 3. Regional Board Meeting Minutes of May 15, 2020

Chair Ruh asked the Board Members for a motion of the Minutes and asked Ms. Aguilar to do a roll call vote on July 30, 2020.

Motion: It was moved by Chair Ruh, seconded by Board Member Murray, and the Minutes of the May 15, 2020, Board Meeting was unanimously approved by roll call vote on July 30, 2020.

Roll call vote: Board Member, Joseph Kerr - Aye, Board Member, Kristine Murray - Aye, Board Member, Lana Peterson - Aye, Board Member, Daniel Selmi - Aye, Board Member, Tom Rivera - Aye, Vice Chair, William von Blasingame - Aye, Chair, William Ruh - Aye.

Item 4. Renewal of Waste Discharge Requirements and National Pollutant Discharge Elimination System Permit (NPDES No. CA8000403) for Poseidon Resources (Surfside) L.L.C., Huntington Beach Desalination Facility – Order Number R8-2020-0005

This item was presented by Regional Board staff, Hope Smythe, Jayne Joy, Ann Sturdivant, Julio Lara, Terri Reeder, and State Board staff, Daniel Ellis.

Santa Ana Regional Water Board staff gave a presentation on the Tentative Waste Discharge Requirements and Water Code section 13142.5(b) determination for the proposed Poseidon Huntington Beach Desalination Facility. Poseidon is proposing to build a desalination facility located at the AES Huntington Beach generating station. They require about 12 acres of land for their facility and the AES generating station is about 85 acres.

Staff provided a brief overview of the elements of the project and the facility, but the substance of their discussion was the written public comments that they received and their responses to the comments. Their presentation focused on the concerns of the public. They received 217 comment letters on this project. Many of the comments received were concerns regarding the cost of the water, water quality, total dissolved solids and the impact on marine life. There were, also, comments about the distribution system of the

product water that Poseidon will produce, public trust, and the performance of Carlsbad. The last workshop Santa Ana Regional Water Board held regarding Poseidon was remote. Many comments received did not approve of a remote Board Meeting.

Hope Smythe, Executive Officer, addressed the Board Members and said staff recommendation is to adopt the Tentative Order and the Water Code Determination and as amended by the errata sheet.

Regional Board Members asked questions to the presenters and to the staff.

The Santa Ana Regional Water Board Meeting received an estimate of 253 virtual speaker cards from the public and the speakers were given the opportunity to address their comments to the Board. Chair Ruh said we would continue to have the virtual speakers, from the virtual speaker cards, address their comments on Friday, July 31, 2020.

Presenters: Tom Luster, Coastal Commission; Wendy Hall, State Lands Commission; Ben Neill, San Diego Regional Water Quality Control Board; Keith Merkel, Merkel and Associates; Scott Maloni, Poseidon Water.

Item 14. Closed Session

There was no closed session.

Adjournment – Chair Ruh adjourned the meeting at 7:28 p.m. on July 30, 2020, to the regular Board Meeting of July 31, 2020, at 9:00 a.m. This will be video and teleconference meetings. Due to the COVID-19 emergency and the Governor’s Executive Order N-33-20, recent Board meetings have been cancelled or have been presented as video and teleconference meetings with no physical meeting location, and solely via remote presence. Please follow website for further updates. Chair Ruh thanked the public.

Respectfully submitted:

for

HOPE A. SMYTHE
Executive Officer

/ja

State of California
Santa Ana Regional Water Quality Control Board

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Chair Ruh called the meeting to order at 9:00 a.m.

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Board Members Present at Virtual Board Meeting:

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Terri Reeder, Chief of Basin Planning, Coastal Waters
Kevin Heinemann, Information Technology Manager
Don Nguyen, Information Technology Associate
Daniel Mefford, Information Technology Associate
Jeannie Aguilar, Associate Governmental Program Analyst
Jennifer Fordyce, Assistant Chief Counsel, State Water Board
Marleigh Wood, Attorney III, State Water Board
Jonathan Bishop, Chief Deputy Director, State Water Board
Phil Wyels, Assistant Chief Counsel, State Water Board
Daniel Ellis, Environmental Scientist, Division of Water Quality
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Jennifer Ward; Nora Pedersen; Sean Croson; Daryl Gale; Melanie Tyszkiewicz; Arlene Galindo; Nancy Caruso.

Live Spanish Interpretation was available to the public through the Zoom application and a court reporter was provided to record the workshop testimony on July 31, 2020.

Breaks were observed on July 31, 2020: morning break from 10:59 a.m. to 11:15 a.m., lunch break from 12:57 p.m. to 1:31 p.m., afternoon break from 3:15 p.m. to 3:30 p.m., reconvened at 4:00 p.m., evening break from 5:28 p.m. to 5:45 p.m.

Item 2. Public Forum:

None.

Item 3. Regional Board Meeting Minutes of May 15, 2020

Chair Ruh asked the Board Members for a motion of the Minutes and asked Ms. Aguilar to do a roll call vote on July 30, 2020.

Motion: It was moved by Chair Ruh, seconded by Board Member Murray, and the Minutes of the May 15, 2020, Board Meeting was unanimously approved by roll call vote on July 30, 2020.

Roll call vote: Board Member, Joseph Kerr - Aye, Board Member, Kristine Murray - Aye, Board Member, Lana Peterson - Aye, Board Member, Daniel Selmi - Aye, Board Member, Tom Rivera - Aye, Vice Chair, William von Blasingame - Aye, Chair, William Ruh - Aye.

Item 4. Renewal of Waste Discharge Requirements and National Pollutant Discharge Elimination System Permit (NPDES No. CA8000403) for Poseidon Resources (Surfside) L.L.C., Huntington Beach Desalination Facility – Order Number R8-2020-0005

This item was presented by Regional Board staff, Hope Smythe, Jayne Joy, Ann Sturdivant, Julio Lara, Terri Reeder, and State Board staff, Daniel Ellis.

The Board Meeting on Friday, July 31, 2020, was a continuation of the public hearing on the Renewal of Waste Discharge Requirements and NPDES Permit of the California Water Code section 13142.5(b), Determination for Poseidon Resources, Huntington Beach Desalination Facility.

The Board meeting continued to have the public speakers, that submitted virtual speaker cards, make public comments to the Board members. The public speakers were limited to two minutes. Chair Ruh said at the conclusion of the public comments the Applicant would have ten minutes to address the Board and answer any questions from the Board members. Chair Ruh added that the Regional Board staff would be given the opportunity to provide responses to any new comments from the public and answer questions from the Board members after the public comment period closed.

Chair Ruh closed the public comment. Hope Smythe and Jayne Joy provided a brief presentation to the Board members to give the Board members a perspective of what options are available and inform them of the requirements of the Ocean Plan and Water Code. Board members had concerns regarding the mitigation plan and asked Regional staff and Scott Maloni questions. The Board members had a long discussion regarding mitigation.

Hope Smythe, Executive Officer, suggested to the Board members that they may direct the staff to make specific changes to the Order, and staff would bring back at a later time for consideration, or they could reject the staff recommendation and state the specific findings for the basis of the denial.

Board members agreed that they need more time to review to be able to make a final decision.

Presenter: Scott Maloni, Poseidon Water

Item 14. Closed Session

There was no closed session.

Adjournment – Chair Ruh adjourned the meeting at 6:50 p.m. on July 31, 2020, to the regular Board Meeting of August 7, 2020, at 9:00 a.m. This will be video and teleconference meetings. Due to the COVID-19 emergency and the Governor’s Executive Order N-33-20, recent Board meetings have been cancelled or have been presented as video and teleconference meetings with no physical meeting location, and solely via remote presence. Please follow website for further updates. Chair Ruh thanked the public.

Respectfully submitted:

for

HOPE A. SMYTHE
Executive Officer

/ja