

**State of California**  
**Santa Ana Regional Water Quality Control Board**

Minutes of the December 10, 2021 Board Meeting  
Video and Teleconference Meeting  
No Physical Meeting Location  
(Authorized by and in furtherance of  
Executive Order N-08-21)

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

*Court Reporter recorded items 1, 5, 6, 7, 8, 9, and 10.*

Break from 11:35 a.m. to 11:45 a.m.

**Item 1. Introductions**

Board Members Present at Virtual Board Meeting

Kris A. Murray, Acting Chair  
William Ruh  
Joe Kerr  
Letitia Clark  
Gloria Alvarado  
John Scandura

Board Members Absent at Virtual Board Meeting

None

Staff Present at Virtual Board Meeting

Jayne Joy, Executive Officer  
Katharine Buddingh, Regional Board Counsel  
Ann E. Sturdivant, Division Chief  
Lauma Willis, Division Chief  
Jessica Baenre, Associate Governmental Program Analyst/ Board Clerk  
Kevin Heinemann, Information Technology Manager  
Don Nguyen, Information Technology Associate  
Daniel Mefford, Information Technology Specialist I  
Jeannie Aguilar, Staff Services Manager I  
Glenn Robertson, Engineering Geologist  
Julio Lara, Senior Water Resource Control Engineer  
Chuck Griffin, Senior Water Resource Control Engineer  
Michael Kashak, Environmental Scientist  
Kaitlin Diaz, Environmental Scientist  
Keith Person, Water Resource Control Engineer  
Joanne Lee, Water Resource Control Engineer  
Michelle Beckwith, Senior Environmental Scientist

Nathan Patenaude, Scientific Aid  
Claudio Tenorio, Environmental Scientist  
Ken Williams, Senior Engineering Geologist  
Cindy Li, Senior Engineering Geologist  
Terri Reeder, Senior Engineering Geologist  
Dorene D'Adamo, State Board Liaison  
Catherine Hagan, Attorney IV  
Catherine Hawe, Attorney I  
David Boyers, Assistant Chief Counsel

Also Present at Virtual Board Meeting

Daniel Selmi, Former Board Member  
Marlee Nelson, Court Reporter  
Mark Norton, SAWPA  
Tess Dunham, KSC LLC  
Parag Kalaria, EVMWD  
Samantha Adams, West Yost

Virtual Public Attendance by Virtual Speaker Cards Received

Susan Nash  
Lauren Chase, Orange County Coastkeeper  
Meredith Schafer, SMART  
Kevin Hardy, Southern California Salinity Coalition

**Item 2. Public Forum**

Susan Nash, spoke on an illegal discharge that begins on Tollgate Road into the Riverside County storm water system and Strawberry Creek.

Lauren Chase, staff attorney from Orange County Coastkeeper, shared a presentation introducing herself and the Orange County Coastkeeper organization to the Board.

Meredith Schafer, a researcher with the Sheet Metal, Air, Rail and Transportation International Union (SMART), discussed how Kingspan, a manufacturing company in Santa Ana, is failing to implement its stormwater pollution prevention plan.

**Item 3. State Water Resources Control Board (State Water Board) Liaison Report**

This item was presented by Dorene D'Adamo.

Ms. D'Adamo welcomed new Board Members Gloria Alvarado and John Scandura and acknowledged former Board Members Daniel Selmi and Lana Peterson for their amazing service and efforts in improving water quality in the region and the State of California.

Ms. D'Adamo discussed her role as the State Board Liaison and states that she will provide Board Members with information on water quality, roles that we play, and reports.

Ms. D'Adamo discussed the drought. The last two years have been the driest two-year period on record. Droughts are occurring more frequently and are lasting longer. The State is taking the following actions to address drought: the Governor has issued a series of

executive orders, a regulation on wasteful practices was introduced, and the legislature has adopted several pieces of legislation on water use efficiency.

Ms. D'Adamo discussed the Bay Delta Water Quality Control Plan and mentioned that it will be updated every three years. The Bay Delta intersects and crosses over several different regions and has not been updated in any significant way since 1995. It is important for the Santa Ana Water Board to receive updates on the developments since a large portion of Southern California's water supply relies on supplies from Northern California.

Ms. D'Adamo provided information on drinking water and wastewater debt. The American Rescue Plan Act of 2021 made funds available for customers struggling to pay their water and wastewater bills. The State Board adopted an arrearages program and funds are being distributed. The Division of Drinking Water and Financial Assistance were able to determine that there are adequate funds to reimburse community water systems for drinking water arrearages and will have funds leftover. The leftover funds will allow the State Board to establish reimbursements for wastewater bill arrearages. The amendments are scheduled to be considered for adoption in late January 2022.

Ms. D'Adamo mentioned that the State Water Board will receive a substantial amount of funding from the infrastructure bill that was passed by Congress. The USEPA sent a letter to Governor Newsom regarding federal water infrastructure funding that will be coming to the State and has encouraged that the resources target disadvantage communities to address lead contamination, PFOA, and PFOS. Ms. D'Adamo will continue to provide Board Members with updates on this matter.

On November 16, 2021, the State Board adopted a racial equity resolution. Staff are developing an action plan that will be brought to the State Board in November 2022. The resolution and action plan will strengthen our board's commitment to advancing racial equity within our workforce, programs, and services.

Lastly, Ms. D'Adamo provided a PFOA and PFOS update; the Office of Environmental Health Hazard Assessment (OEHHA) has proposed a public health goal for these chemicals. The public comment period has ended, and comments are available on the OEHHA website. OEHHA, will review comments and post the final technical document in 2022. A PFOS strategy team, of the Division of Drinking Water and the Division of Water Quality will present an informational item to the State Board in early 2022 summarizing the data that has been collected in 2021.

Board Members had questions and comments for Ms. D'Adamo.

#### **Item 4. Daniel Selmi Resolution of Appreciation**

Chair Murray, Board Members and Ms. Joy, recognized Daniel Selmi for his service.

#### **Item 5. Board Meeting Dates for 2022**

Board Members discussed the Board meeting dates for 2022. The February meeting date was amended to be scheduled on February 4, 2022. The June meeting date was amended to be scheduled on June 3, 2022.

Chair Murray asked the Board Members for a motion and asked Board Clerk Ms. Baenre for a roll call vote.

*Motion: It was moved by Board Member Ruh, seconded by Board Member Scandura, and was unanimously carried to adopt the Board Meeting Dates for 2022 as amended.*

Roll call vote: Board Member John Scandura- Aye, Board Member Gloria Alvarado- Aye, Board Member Letitia Clark- Aye, Board Member Joe Kerr- Aye, Board Member William Ruh - Aye, Chair Kris Murray – Aye.

**Item 6. Appointment of a Committee to Nominate Regional Board Officers for 2022**

Board Member Clark formed a motion to appoint Kris Murray for Chair and Joe Kerr for Vice Chair, Board Member Clark rescinded her motion.

Board Members agree to appoint Board Member William Ruh and Board Member Gloria Alvarado to nominate the Regional Board Officers for 2022.

Chair Murray asked the Board Members for a motion and asked Board Clerk Ms. Baenre for a roll call vote.

*Motion: It was moved by Board Member Scandura, seconded by Board Member Kerr, to appoint Board Member Ruh and Board Member Alvarado to the Nomination Committee.*

Roll call vote: Board Member John Scandura- Aye, Board Member Gloria Alvarado- Aye, Board Member Letitia Clark- Aye, Board Member Joe Kerr- Aye, Board Member William Ruh - Aye, Chair Kris Murray – Aye.

**Item 7. Regional Board Meeting Minutes of July 30, 2021**

Chair Murray asked the Board Members for a motion and asked Board Clerk Ms. Baenre for a roll call vote.

*Motion: It was moved by Board Member Ruh, seconded by Board Member Clark and the Minutes of the July 30, 2021 Board Meeting were approved by roll call vote.*

Roll call vote: Board Member John Scandura- Abstain, Board Member Gloria Alvarado- Abstain, Board Member Letitia Clark- Aye, Board Member Joe Kerr- Aye, Board Member William Ruh - Aye, Chair Kris Murray – Aye.

Board Member John Scandura and Board Member Gloria Alvarado abstained because they were not on the Board at the time of this meeting.

**Item 8. Consideration of the Consent Calendar items are listed with an asterisk**

Chair Murray asked the Board Members for a motion and asked Board Clerk Ms. Baenre for a roll call vote.

Item \*9. Waste Discharge Requirements for San Bernardino International Airport Authority (SBIAA), SBIAA City Creek Bypass Channel Repair and Maintenance Project, City of San Bernardino, San Bernardino County, Order Number R8-2021-0058

Item \*10. Change of Ownership from Richland Developers, Inc. to LS-Fontana LLC, Monarch Hills Residential Development Project, San Bernardino County, Order Number R8-2021-0061

Item \*11. Waste Discharge Requirements for KB Home, Moothart (TM 32408) Residential Development Project, Moreno Valley, Riverside County, Order Number R8-2021-0068

Item \*12. Waste Discharge Requirements for KB Home, Stephens 104 Residential Project, Moreno Valley, Riverside County, Order Number R8-2021-0069

*Motion: It was moved by Board Member Ruh, seconded by Board Member Scandura, and carried to adopt Orders R8-2021-0058, R8-2021-0061, R8-2021-0068 and R8-2021-0069 as presented by roll call vote.*

Roll call vote: Board Member John Scandura- Aye, Board Member Gloria Alvarado- Aye, Board Member Letitia Clark- Aye, Board Member Joe Kerr- Aye, Board Member William Ruh - Aye, Chair Kris Murray – Aye.

**Item 13. Public Hearing on the Administrative Civil Liability Complaint R8-2021-0002, ALCA Machine Industries, Orange County**

*(Information pertaining to this item is contained in a verbatim transcript of the proceedings.)*

Katharine Buddingh announced, this is the time and place set aside for the public hearing of the matter of Administrative Civil Liability Complaint R8-2021-0002 issued to ALCA Machine Industries. This is to assess a penalty of \$6,605 for failure to enroll in the National Pollutant Discharge Elimination System General Permit for Stormwater Discharge Associated with Industrial Activities, Order 2014-0057-DWQ, as amended in 2015 and 2018.

The Advisory Team has not had any substantive conversations regarding the issues involved in this proceeding with the Prosecution Staff or the Dischargers.

Advisory Team:  
Katharine Buddingh  
Ann Sturdivant

Prosecution Team:

Jayne Joy  
Michelle Beckwith  
Charles Griffin  
Kaitlin Diaz  
Michael Kashak  
David Boyers  
Catherine Hawe

Respondent:

ALCA Machine Industries, owned by Taljo Djokovic

The hearing was conducted in accordance with the final hearing procedures and order of proceedings. The designated parties for the hearing were the Santa Ana Water Board Prosecution Team and ALCA Machine Industries.

Each designated party was provided with an opportunity to provide testimony, cross examination, and time for closing statements within an allotted time. An official timekeeper was present.

Chair Murray opened the hearing by administering the Oath to the prosecution team. The Oath was accepted by Ms. Joy, Mr. Griffin, Ms. Diaz, and Mr. Kashak.

Ms. Hawe confirmed that no representative for the respondent is present at this meeting.

Prosecution Presentation

Ms. Beckwith, Senior Environmental Scientist, discussed the mandatory minimum penalty against ALCA Machine Industries and shared staff recommendations.

The mandatory minimum penalty for the discharger, ALCA Machine Industries, is for \$6,605, for failure to enroll in the General Permit for Stormwater Discharges Associated with Industrial Activity.

Staff has sent numerous Notices of Noncompliance by certified mail, email, and in person visits for the failure to obtain permit coverage. The Prosecution Team recommends that the Santa Ana Water Board adopt proposed Mandatory Minimum Penalty Complaint Order No. R8-2021-0002 and impose the mandatory minimum penalty amount of \$6,605 on ALCA Machine Industries.

Board Members had questions for Ms. Beckwith.

Respondent Presentation

Chair Murray ask if the Respondent or representative of the Respondent were present at the meeting. The Respondent and/or representative of the Respondent were not in attendance.

Public Comment Speaker

Lauren Chase, staff attorney with Orange County Coastkeeper, states that the penalty needs to be increased to meet Water Code requirements. There has been more than one year of noncompliance and that should be accounted for. Ms. Chase mentions that the role of the Water Code provision specifically requires penalties to be assessed per year of noncompliance or fraction thereof.

Ms. Hawe addressed the statements made by Ms. Chase.

Board Members had questions for Ms. Hawe

#### Prosecution Team's Closing Statement

Ms. Hawe performed the closing statement for the Prosecution Team.

The Prosecution Team recommends that the Board proceeds with adopting the Administrative Civil Liability Order as proposed, imposing a liability of \$6,505 which includes \$1,605 of staff costs for the Board.

The Prosecution Team's position is that the mandatory minimum penalty is the appropriate step and emphasizes that it retains discretion to impose additional future liabilities for the facility's continued noncompliance and will remain committed to following up with the discharger.

#### Open Discussion

Board Members provided comments.

Board Member Ruh makes a motion for staff recommendations, Board Member Alvarado seconds the motion.

Ms. Buddingh provided a few recommended changes to the draft order that the Prosecution Team provided. Ms. Buddingh shared her screen to show the Board Members the recommended changes.

Board Member Ruh withdraws his motion and Board Member Alvarado withdraws her second, to consider Ms. Buddingh's recommendations.

Chair Murray asked the Board Members for a motion and asked Board Clerk Ms. Baenre for a roll call vote.

*Motion: It was moved by Board Member Ruh, seconded by Board Member Alvarado, and carried to adopt Order R8-2021-0002 as presented by roll call vote.*

Roll call vote: Board Member John Scandura- Aye, Board Member Gloria Alvarado- Aye, Board Member Letitia Clark- Aye, Board Member Joe Kerr- Aye, Board Member William Ruh - Aye, Chair Kris Murray – Aye.

Chair Murray called for a break from 11:35 a.m.- 11:45 a.m.

**Item 14. Amendment to the Water Quality Control Plan for the Santa Ana Region (Basin Plan) to Update to the Salt and Nitrogen Management Program for the Santa Ana Region, Resolution R8-2021-0025**

This item was presented by Cindy Li, Senior Engineering Geologist, Mark Norton, Task Force Administrator (SAWPA) and Tess Dunham, Task Force Regulatory Advisor (KSC).

This item is a Public Hearing to consider the proposed Basin Plan Amendment to Update the TDS/ TIN Waste Allocation for the Publicly Owned Treatment Works (POTWs) that discharge to the Santa Ana River and its tributaries.

The Basin Plan Amendment includes the following elements: 1) update the description of the wasteload allocation model that the Santa Ana Water Board would rely on; 2) update total dissolved solid (TDS) and total inorganic nitrogen (TIN) wasteload allocations for permitted dischargers in the Santa Ana River watershed; 3) clarify permitting practices that permit writers need to consider when developing waste discharge requirements for affected waste discharge facilities; 4) identify future planning priorities; and 5) update the regional surface water and groundwater monitoring requirements for the TDS/N Management Program.

During the presentation to the Board, staff provided a brief summary of the historical background of salt management program in the Santa Ana Region, the definition of wasteload allocation and how TDS/TIN wasteload allocation has been used to specify TDS/TIN effluent permits for wastewater treatment plants. The current TDS/TIN wasteload allocation was last approved by the Board in 2004.

Mr. Norton with the Santa Ana Watershed Project Authority (SAWPA) stated that the main focus of SAWPA is salt management; SAWPA takes high saline water out of the watershed. The SAWPA Basin Monitoring Program Task Force was authorized in 2004 and conducts analysis of TDS and nitrate in watershed groundwater every three years to identify trends, provides an Annual Santa Ana River (SAR) water quality report, uses SAR Wasteload Allocation to confirm compliance of river discharges with ground water quality objectives and performs salt and nitrogen investigation as necessary. The Basin Monitoring Program Task Force is composed of twenty-one agencies, including the Santa Ana Water Board.

Tess Dunham, with KSC LLC, discussed the Proposed Basin Plan Amendment. Ms. Dunham explained the amendments were to update the text in TDS/N Management to include description of updated Wasteload Allocation Model as compared to 2004 model, update the Wasteload Allocations in Table 5-5, clarify implementation of Wasteload Allocations to set effluent limitations in POTW permits, update surface and groundwater monitoring program workplans, and other clarifying edits.

Board Members had questions and comments.

Chair Murray opens the public comment period.

Kevin Hardy, Executive Director of the National Water Research Institute spoke and is in favor to adopt Resolution R8-2021-0025.



Chair Murray asked the Board Members for a motion and asked Board Clerk Ms. Baenre for a roll call vote.

*Motion: It was moved by Board Member Ruh, seconded by Board Member Alvarado, and carried to adopt Order R8-2021-0025 as presented by roll call vote.*

Roll call vote: Board Member John Scandura- Aye, Board Member Gloria Alvarado- Aye, Board Member Letitia Clark- Aye, Board Member Joe Kerr- Aye, Board Member William Ruh - Aye, Chair Kris Murray – Aye.

**Item 15. Amendment to the Basin Plan to Adopt the Elsinore Groundwater Management Zone Maximum Benefit Program, Resolution R8-2021-0044**

This item was presented by Keith Person, Water Resource Control Engineer.

The recently adopted Basin Plan Amendment, Resolution R8-2021-0044, will amend the Basin Plan and establish a maximum benefit total dissolved solids (TDS) and nitrate groundwater quality objectives and nutrient management plan for the Elsinore Groundwater Management Zone for the Santa Ana Region. Specifically, the Basin Plan amendment will revise the Basin Plan as follows, amend Table 4-1 of the Basin Plan to incorporate the maximum benefit TDS and nitrate objectives for the Elsinore GMZ, and incorporate the Elsinore GMZ Salt and Nutrient Management Plan (SNMP) into Chapter 5 – Implementation of the Basin Plan.

Chair Murray opens the public comment period.

Parag Kalaria, Manager for the Elsinore Valley Municipal Water District (EVMWD), stated EVMWD has been working collaboratively with the Santa Ana Water Board since 2014 and EVMWD is in favor of adopting Resolution R8-2021-0044.

Board Members had questions and comments.

Chair Murray asked the Board Members for a motion and asked Board Clerk Ms. Baenre for a roll call vote.

*Motion: It was moved by Board Member Ruh, seconded by Board Member Scandura, and carried to adopt Order R8-2021-0044 as presented by roll call vote.*

Roll call vote: Board Member John Scandura- Aye, Board Member Gloria Alvarado- Aye, Board Member Letitia Clark- Aye, Board Member Joe Kerr- Aye, Board Member William Ruh - Aye, Chair Kris Murray – Aye.

**Item 16. Underground Storage Tanks Corrective Action Plans**

Report on file.

**Item 17. Underground Storage Tanks Site Closure Report**

Report on file.

**Item 18. Executive Officer’s Report**

Ms. Joy submitted an Executive Officer Report discussing the Human Right to Water Resolution R8-2019-0078 Annual Report, Oil Spill Pipeline Incident P00547, and the Status of the Huntington Beach Desalination Permit (Order No. R8-2021-0011).

Board Members had questions and comments for Ms. Joy.

**Item 19. Regional Board Member and Executive Officer Communications**

Ms. Joy presented two Superior Accomplishment Awards to Joanne Lee and Nathan Patenaude.

Board Members wished everyone a Happy Holidays, acknowledged staff for their hard work and welcomed new Board Members Gloria Alvarado and John Scandura.

**Closed Session**

There was no closed session.

**Adjournment**

Chair Murray adjourned the meeting at 1:40 p.m. to the regular Board Meeting of February 4, 2022 at 9:00 a.m. This will be a video and teleconference meeting. Due to the COVID-19 emergency and the Governor’s Executive Order N-1-22, recent Board meetings have been presented as video and teleconference meetings with no physical meeting location, and solely via remote presence. Please follow our website for further updates.

Respectfully submitted:

**Jayne Joy**  Digitally signed by Jayne Joy  
Date: 2022.03.23 14:12:41  
-07'00'  
**JAYNE JOY, P.E.**  
Executive Officer

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