

State of California
Santa Ana Regional Water Quality Control Board

Minutes of the July 22, 2022 Board Meeting
Orange County Water District
18700 Ward Street
Fountain Valley, CA 92708

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

Item 1. Introductions

*** Indicates that attendance was virtual.

Board Members Present at Board Meeting

Kris A. Murray, Chair
William Ruh
Gloria Alvarado
John Scandura

Board Members Absent at Board Meeting

Joe Kerr, Vice Chair
Letitia Clark

Staff Present at Board Meeting

Jayne Joy, Executive Officer
Ann Sturdivant, Assistant Executive Officer
Eric Lindberg, Division Chief
Nick Amini, Division Chief
Katharine Bramble, Attorney III
Dorene D'Adamo, State Board Liaison***
Celia Pazos, Engineering Geologist
Chuck Griffin, Water Resource Control Engineer
Mehrnoosh (Mona) Behrooz, Water Resource Control Engineer
Jessica Baenre, Associate Governmental Program Analyst
Daniel Mefford, Information Technology Specialist I
Don Nguyen, Information Technology Associate
Fernanda Arechiga, Scientific Aid***

Public Attendance at Board Meeting

Jason Dadakis, Orange County Water District
Lauren Chase, Orange County Coastkeeper
Sarah Paset, Orange County Coastkeeper
Steve Weisberg, Southern California Coastal Water Research Project
Joshua Steel, Southern California Coastal Water Research Project
Douglas Wymore***

Item 2. Public Forum

Sarah Paset, Legal Intern, with Orange County Coastkeeper shared a presentation on trash in our waterways. As of July 2022, 7762.04 pounds of trash have been collected in our waterways.

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

This item was presented by Dorene D'Adamo.

Ms. D'Adamo discussed urban conservation. Statewide urban water usage in the month of May showed a reduction of 3.1% compared to May 2020. The State Water Board adopted a regulation requiring urban water suppliers to activate level 2 water shortage contingency plans that implement conservation actions that are aimed to get up to 20% conservation; in addition, a prohibition of irrigation for nonfunctional turf in commercial, industrial, and institutional sectors was implemented. Preliminary data for June 2022 representing 40% of the state's population shows a water savings of 8% compared to June 2020.

Ms. D'Adamo discussed the long-term efficiency standards. Water loss performance standards are expected to be adopted by mid-October; these standards are community specific such as fixing leaky pipes that are cost effective. The State Water Board will have a workshop on August 17, 2022.

Ms. D'Adamo provided a stormwater update. The State Water Board adopted the Caltrans permit earlier this year. The construction general permit is expected to be adopted in September 2022. Once the construction general permit is adopted State Water Board staff will begin working on updates for the industrial general permit and MS4 program language.

Ms. D'Adamo discussed the Strategy to Optimize Resource Management of Storm Water (STORMS). Cost reporting is a STORMS pilot program aimed to assess the economic impact of regulations, general orders, or actions from the Regional Board. The State Board held a workshop in April 2022; feedback from the workshop showed that the regulated community was concerned regarding additional cost reporting requirements. Ms. D'Adamo stated that the purpose of cost reporting is to have a more standardized way of collecting information to determine economic impacts and asks the Regional Board to help convey that message.

Ms. D'Adamo discussed racial equity. The State Board is currently hosting a series of workshops where participants can learn about ongoing racial equity efforts and actively join in developing the draft racial equity action plan. Ms. D'Adamo anticipates that the racial equity action plan will be presented to the Board later this year.

Ms. D'Adamo discussed the budget. The Governor signed the budget bill on June 30, 2022. The bill included funding for Water Board items such as emergency drinking water, drought response and the State Revolving Fund. Ms. D'Adamo will provide more information at the next Regional Board meeting after the final budget negotiations are completed.

Ms. D'Adamo discussed expenditure of funds. In the last year, the Water Boards collectively allocated 3.3 billion dollars, which is double the amount allocated in 2021 and four times the amount allocated in 2020. Almost a billion dollars for SAFER drinking water, 1.1 billion dollars for wastewater and stormwater, 26 million dollars for drought, and 1.2 million dollars for recycled water. Recycled water programs will result in approximately 75,000-acre feet of additional water supply projected by the year 2030.

Lastly, Ms. D'Adamo discussed the Onsite Wastewater Treatment Systems policy (OWTS). The State Board adopted this policy in 2012 and it was reissued in 2018. This policy needs to be renewed every 5 years and State Board staff are working with the Regional Boards. Ms. D'Adamo doesn't anticipate any significant revisions however, housing, addressing the additional development of accessory dwelling units (ADUs), newly listed impaired bodies of water and a new mapping tool will be included. The 45-day public comment period will start on September 16, 2022, followed by a staff workshop that will take place on October 4, 2022, consideration of adoption is expected to take place in April 2023.

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

Item 4. Regional Board Meeting Minutes of 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 Alvarado and the Minutes of the June 3, 2022 Board Meeting were approved by roll call vote.

Roll call vote: Board Member John Scandura- Aye, Board Member Gloria Alvarado- Aye, Board Member William Ruh- Aye, Chair Kris Murray- Aye.

Item 5. 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 *6. Waste Discharge Requirements for Yorba Linda Estates, LLC, Esperanza Hills Specific Area Project, Unincorporated Orange County, Order Number R8-2022-0048

Motion: It was moved by Board Member Ruh, seconded by Board Member Alvarado, and unanimously carried to adopt Order R8-2022-0048 as presented by roll call vote.

Roll call vote: Board Member John Scandura- Aye, Board Member Gloria Alvarado- Aye, Board Member William Ruh- Aye, Chair Kris Murray- Aye.

Item 7. Wastewater Surveillance Study and the COVID-19

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This informational item and was presented by Joshua Steel, with the Southern California Coastal Water Research Project (SCCWRP).

Steve Weisberg, Executive Director, provided background information and explained that SCCWRP is a water quality research consortium and joint powers agency, formed by 14 water quality management agencies. SCCWRP does science and provides information for policies and regulatory decisions.

Mr. Steel discussed wastewater surveillance and COVID-19. He explained why the COVID-19 viruses are measured in wastewater, how the COVID-19 wastewater monitoring program was developed and where wastewater based COVID-19 monitoring is headed in the future.

Board Members had questions and comments for Mr. Steel.

Item 8. Human Right to Water Status Update

This item was presented by Regional Board staff, Celia Pazos and Executive Officer Jayne Joy.

Ms. Pazos provided an overview of the Human Right to Water (HRTW). In 2012, the California legislature adopted Water Code Section 106.3 establishing the HRTW policy. The policy is “Every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes”. In 2016, the State Water Resources Control Board adopted Resolution 2016-0010 establishing the HRTW as a core value. On December 6, 2019 the Santa Ana Water Board adopted Resolution R8-2019-0078 establishing the HRTW as a core value, committing to the advancement of the HRTW and protection of public health as a priority in the Santa Ana Water Board’s programs and policies.

Ms. Pazos explained the State Water Board and Regional Water Board’s role of HRTW. The State Water Board has the authority to protect the quality of water resources and considers HRTW in the establishment of policies, regulations, and grant criteria used by the Division of Water Rights, Division of Financial Assistance and Division of Drinking Water. The Regional Water Board has the authority to protect beneficial uses and water quality in the Santa Ana Region through implementation of policies and regulations and to ensure that regional programs are fair and equitable.

Next Ms. Pazos reviewed several completed work plan tasks. The Santa Ana Water Board has conducted internal program assessments, created, and updated regional maps, coordinated with the Chino Basin Watermaster to obtain water quality data, and drafted regional aquifer risk maps utilizing data from CalEnviroScreen and Safe and Affordable Funding for Equity and Resilience program.

The Santa Ana Water Board is currently collaborating with staff from the Division of Drinking Water, identifying locations of impaired drinking water systems in disadvantaged and environmental justice communities and vulnerable water systems within the Santa Ana Region.

Ms. Joy discussed the Quail Valley Septic to Sewer Project and the Eastern Municipal Water District (EMWD) Perris II Desalination Project. The Quail Valley Septic to Sewer Project is a project to replace existing failing septic systems with sanitary sewers to protect the public health of Quail Valley, a disadvantaged community, and the water quality of Canyon Lake. With the support of Proposition I funding and grants, the EMWD Perris II Desalination Project provides water for approximately 15,000 homes, reduces the demand on imported water supplies, exports salts from the basin, offsets salt and nutrient loading from recycled water programs, rejuvenates a groundwater basin and supports local water supply for several cities, some which are disadvantaged communities in a cost effective manner. On June 23, 2022 Chair Joaquin Esquivel of the State Water Resources Control Board attended the EMWD Perris II Desalination Ceremony. The EMWD Perris II Desalination Project is anticipated to reduce concentration of non-point source total dissolved solids (TDS), nitrate, and perchlorate, limit migration of these contaminants within the aquifer, and produce 4,000 acre-feet per year of clean potable water.

Ms. Joy discussed the Inland Empire Utilities Agency (IEUA) Chino Basin Improvement and Groundwater Cleanup Project. This project included the installation of a groundwater extract well and supports the local water supply for several cities within the Santa Ana Region. This project is anticipated to address groundwater that is high in nitrate and salts and impaired with trichloroethene (TCE). The goals for this project are to produce 6,813 AFY of clean drinking water, remediate Nitrate, TDS, TCE in groundwater and protect private wells.

Ms. Joy provided a brief overview of the Anaheim Trading Credit program that was discussed at the March 2022 Board meeting. The Anaheim Trading Credit program is a regional storm water program that develops credits to help agencies come into compliance with the Municipal Separate Storm Sewer System (MS4) Permit. The Anaheim Trading Credit program is a regional solution that is multi-beneficial, serves the community, is cost effective, provides more drinking water, and creates a park.

Ms. Joy mentioned that the mapping system used to understand HRTW has been applied to all of the Santa Ana Water Boards programs and highlighted the following 2022 Regional HRTW efforts: integrated report, investigation of per- and polyfluoro-alkyl substances (PFAS), site cleanup program and enforcement and municipal separate storm sewer system trash removal requirements for middle Santa Ana River.

Looking ahead regional board staff will analyze and review new data from SAFER, and consider impacts to disadvantaged and environmental justice communities.

Board Members had questions and comments for Ms. Pazos and Ms. Joy.

Chair Murray asked that the HRTW PowerPoint presentation be placed on the website and for regional board staff to promote and communicate this information to our stakeholder groups and agencies.

Item 9. Enforcement Priorities and Updates

This item was presented by Regional Board staff, Chuck Griffin.

Mr. Griffin provided an overview of the enforcement program and priorities for fiscal year 2023/2024.

The enforcement program does inspections, file reviews, identifies non-compliance, and provides notification (verbal, email, or written notifications) that there is a violation. Informal Enforcement, Time Schedule Orders, Cease and Desist Orders, Clean Up and Abatement Orders and Administrative Civil Liability Orders are all tools that the regional board can use for enforcement.

Enforcement priorities are to be fair, firm, consistent and transparent. The Santa Ana Water Board places a higher consideration for areas identified in the Human Right to Water, Environmental Justice, Tribal Considerations and Disadvantaged Communities.

Mr. Griffin discussed the enforcement priorities for the Groundwater Protection Branch, Surface Water & Agriculture Branch and Planning and Implementation Programs Branch.

Groundwater Protection Branch

- Ensure the timely implementation of cleanup of contaminated sites, including industrial spill sites, underground storage tanks, and Department of Defense facilities, prioritized by risk to human health and the environment, threat to beneficial uses, and Environmental Justice.
- Ensure compliance with waste discharge requirements (WDRs) for municipal solid waste facilities, surface impoundments, and in-situ remediation to minimize impacts to groundwater quality and drinking water supply.
- Prioritize projects where Discharges have demonstrated a pattern of failing to meet requirements specific in WDRs, voluntary cleanup agreements, Investigative Orders or Cleanup and Abatement Orders.

Surface Water & Agriculture Branch

- Focus on compliance with stormwater discharge permits for industrial facilities that incurred Total Maximum Daily Load Numeric Effluent Limitation exceedances.
- Pay particular attention to the efforts by the MS4 Authorities toward meeting water quality objectives for receiving waters through implementation of monitoring programs, as presented in their annual reports.
- Focus on illegal Cannabis Cultivation sites, those unpermitted sites that have potential to impact streams, listed impaired water bodies, and wild and scenic waters. In addition, consideration will be made for the size and density of cultivation sites, potential to threaten drinking water supplies, and those sites near disadvantaged communities, over-drafted groundwater basins, and other conserved lands.
- Focus on compliance with effluent limitations in discharge permits for the wastewater program; and to encourage dischargers to connect to local sanitary sewer systems.
- Concentrate on working with the agricultural permittees to submit their notices, compliance reports, and enroll in the program.
- Focus on the permittees in the dairy program that have failed to submit annual reports.

Planning and Implementation Programs Branch

- Concentrate on facilities that fail to submit annual reports, provide notification for beginning remediation work, or who fail to provide notification of termination of remediation projects.

Board Members had questions and comments for Mr. Griffin.

Chair Murray opened the public comment period.

Lauren Chase, Orange County Coastkeeper, wanted to raise a few points to the Board's attention. The goal of TMDL Numeric Effluent Limitations is data based on self-reporting from dischargers. The MS4 permit will be incorporating the trash policy amendments that includes a water quality objective of no trash in surface waters by 2030. In response to Board member Scandura, progressive enforcement is helpful and necessary but there are times when a heavier hand of enforcement should come into play.

Item 10. Executive Officer's Report

Executive Officer Jayne Joy discussed the Racial Equity Action Plan Public Workshops, Municipal Separate Storm Sewer System (MS4) Staff Workshop and Drought Conservation Regulations.

Racial Equity Action Plan Public Workshops

Ms. Joy mentioned that racial equity is a Water Boards' priority and that the workshops are designed to collect information from the public.

Two workshops are scheduled to take place in Southern California on July 25, 2022 and in Central California on July 27, 2022, both meetings will allow the public to attend remotely or in-person.

Municipal Separate Storm Sewer System (MS4) Staff Workshop

Ms. Joy briefly discussed the MS4 permit.

A Staff Level Public Workshop is scheduled to take place on August 2, 2022 at the Riverside Public Library.

Drought Conservation Regulations

Ms. Joy informed the Board that information on water conservation was placed on our website, and we will reach out to our communities and other water agencies to provide drought information.

Item 11. Regional Board Member and Executive Officer Communications

Board Member Scandura thanked Orange County Water District and would like future Board meetings at similar facilities such as the Inland Empire Utility Agency and Perris Desalter Plant. Board Member Scandura would like to tour different facilities that treat or perform some type of conservation. Board Member Scandura would like to see Board meetings held in communities that are challenged by water and be in the communities to hear their concerns.

Board Member Alvarado thanked everyone and discussed outreach to the communities. Outreach is a goal for Board Member Alvarado and wants to make sure that information is provided in different languages to disadvantaged communities. Board Member Alvarado wants to make sure that every single individual knows that they have the right to water and that they can come in and be heard. Board Member Alvarado invites the public to be our guest, not only to be able to speak but also learn from the various presentations.

Board Member Ruh mentioned that we use to meet in a variety of places but an issue that we had was parking, however now that we have Zoom, we can start having meetings more in those communities. Board Member Ruh discussed the drought and mentioned that lower income and disadvantaged communities are doing a better job at conserving water. Board Member Ruh states that we are all in this together; we need to have the same attitude towards the drought because we are one California, we need to all join together and do what we can, we are in this for the long term.

Chair Murray mentioned that many states will be in very dire circumstances if we don't reduce water consumption. Chair Murray states that it is very important for everyone to comply and go above and beyond the guidelines that are in place. Chair Murray would like all PowerPoint presentations from today posted on our website. Chair Murray, State Water Board Liaison Dorene D'Adamo and Executive Officer Jayne Joy have been working on developing ways to get state information out to our local communities.

Item 12. Tour of Orange County Water District's Groundwater Replenishment System Recycled Water Facility

Board Members, staff and the public took a one-hour informational tour of Orange County Water District's Groundwater Replenishment System Recycled Water Facility.

Closed Session

None.

Adjournment

Chair Murray adjourned the meeting at 11:16 a.m.

Respectfully submitted:

JAYNE JOY, P.E.
Executive Officer

/jb