# San Diego Water Board Meeting Action Items

October 11, 2017

(underlined names are responsible for the action)

## Item 4 – Chairman's, Board Members and Executive Officer's Reports

1. Chair Abarbanel wants info from the SIO meeting included into the resolution on climate change. In particular, the Chair mentioned anticipated changes in rainfall as atmospheric rivers bring intense and infrequent rain events resulting in longer periods of drought punctuated by high volume rainstorms likely to cause flooding. Mr. Haas is to take the lead on follow up.

**Course of Action:** Incorporate additional findings into the Resolution based upon the Chair's comments at the October Board Meeting and upon the discussion at SIO. A meeting with SIO, State Board members is tentatively scheduled for early February 2018. Board consideration of the tentative Resolution remains unscheduled.

Hours needed to complete request: 40

Estimated Completion Date: Unknown given the uncertain nature of the discussions planned for February 2018.

2. The Board Chair requests a future Executive Officer's Report (EOR) include info on the next iteration of the MS4 permit's approach to address human sources of pathogens and trash affecting receiving waters. <u>David Barker and Laurie Walsh</u> to figure out the timing for the item and to draft the piece.

**Course of Action:** The San Diego County MS4 Copermittees will be submitting their Report of Waste Discharge (application for permit renewal) in December 2017. Staff will review the ROWD, meet with the Copermitees and recommend changes to address human sources of pathogens and trash. An EOR will outline the suggested direction.

Hours needed to complete request: 20 Estimated Completion Date: March 2018

#### Item 5 – Future Agenda Items

3. Mr. Strawn mentioned a recent meeting with Sandy Jacobson of the Steelhead Recovery effort and Chad Loflen, on the progress of recovery over the past 2 years. He wants Ms. Jacobson and someone from NOAA to provide the presentation shown at the recent meeting, within the next 6 months to the Board. Mr. Loflen to coordinate the item.

**Course of Action:** Mr. Loflen has confirmed Ms. Jacobson of the Steelhead Recovery Team will present at the April Board meeting, which will be held nearby focal steelhead watersheds. Schedule the Informational Item, prepare agenda package and presentation.

Hours needed to complete request: 12 Estimated Completion Date: April 2018

#### Henry has 3 requests.

4. Ask Eric Larsen to provide an update on AG Order at the December board meeting during the Public Forum. <u>Craig Carlisle</u> to coordinate this.

Course of Action: Contact Mr. Larsen to coordinate the update.

Hours needed to complete request: 2

Estimated Completion Date: December 13 Board Meeting

5. Chair Abarbanel wants a closed session item on the request to join the lawsuit against IBWC sooner than the December Board Meeting. Ms. Hagan will figure out timing and noticing requirements. Course of Action: Notice and conduct closed session meeting with the Board. Research legal limitations, as well as pros and cons to joining the lawsuit.

Hours needed to complete request: 20

Estimated Completion Date: Closed session is scheduled and noticed for 30 November 2017.

6. Invite local partners in December or February to discuss modern monitoring. <u>Sarah Mearon, John Anderson, and Julie Chan</u> to coordinate this informational item.

Course of Action: An additional meeting with Chair Abarbanel on 8 November 2017 discussed his request. The Chair wants an agreement with the San Francisco Regional Water Board (R2) and the State Water Resources Control Board to experiment over 3-5 years with innovative, next generation monitoring techniques. A short paper will describe the experiments to be conducted and will include, but not be limited to, CCTV at construction sites, aerial imagery (drones, planes and satellites), and rapid measurements of pathogens and/or fecal indicator bacteria (genetic and FluidIon). Costs, reliability, information provided, legal limitations and resolution of each technique will have to be explored. The plan is to draft the paper, and then approach R2 and the State Board to garner their support and involvement. The City of San Diego may also be a partner, and the United States Navy may be asked to advise the project.

Hours needed to complete request: Initially, 300 hours are likely to be needed in FY 2017-18. Ten hours have already been expended on this request.

Estimated Completion Date: Unknown at this time.

# Item 9 – Fish Consumption Study

7. <u>Tom Alo</u> is to request a copy of Mr. Russel's presentation to share with Dave and David for discussion with SCCWRP on QA/QC concerns.

**Course of Action:** Mr. Alo obtained the slides and shared them with SCCWRP Commissioner Gibson and Alternate Commissioner Barker on 11 October 2017. A meeting to discuss QA/QC concerns has not been scheduled.

Hours needed to complete request: 10

Completion Date: January 2018

### Item 10 – Lake San Marcos and Creek Restoration Update

8. Chair Abarbanel wants a meeting to be arranged before the April 2018 Alum Treatment with the residents and the cooperative working group. Ms. Mearon, Mr. Anderson, and Ms. Chan to set this up. It may be a workshop with a quorum of the Board. The meeting should be held near Lake San Marcos.

Course of Action: Plan and conduct a public meeting near Lake San Marcos

Hours needed to complete request: 42 hours (Ms. Mearon, Mr. Anderson, and Ms. Chan combined time)

Estimated Completion Date: Late March 2018

Alternative: We recommend holding the next public meeting either during the comment period for the draft Alum Treatment Corrective Action Plan or in June 2018 after additional data have been collected during winter and early spring pilot testing. According to the schedule in the Resolution, the

plan for full-scale alum treatment of the lake is due in May 2018. The next alum treatment, however, is scheduled for April 2018, which would be a continuation of the pilot testing program. Staff is considering changing the due date for the corrective action plan to give sufficient time to collect post-treatment data after the April 2018 alum application. We recommend that the date for the public meeting remain flexible until we resolve the due date for the Alum Corrective Action Plan.

## Item 11 – Cleanup Activities in the National Wildlife Refuge

9. There is also a lot plastic from former tomato growing operations at OU2. Could that also be removed? Mr. Smith discussed this with Mr. Yuen, and he requested this be submitted as a comment. John Odermatt to work on this with Mr. Smith.

**Course of Action:** Provide additional written comments to USFWS.

Hours needed to complete request: 4

Estimated Completion Date: End of public comment period for OU2 Removal Action on December 15, 2017

# Item 12 – Follow up on the Environmental Justice Symposium

10. Chair Abarbanel wants <u>Deborah Jayne</u> to ask Gita Kapahi to hold their Environmental Justice Summit in San Diego. Mr. Gibson has already set up a meeting with Ms. Kapahi and the State Board's new Executive Director, Eileen Sobeck, to discuss Environmental Justice.

Course of Action: Although staff made the request, the Environmental Justice Summit plans for November 15 and 16 in Sacramento were final and it was absolutely too late to change the event location. However, Ms. Kapahi, Director of the State Board's Office of Public Participation, expressed a significant interest in having a second EJ Summit in Southern California, and specifically in San Diego.

Ms. Jayne was a featured panel speaker at the State Board's November 15 EJ Summit in Sacramento and also assisted Ms. Kapahi with meeting preparations and room setup the night before the Sacramento Summit. Ms. Jayne prepared a formal letter from Mr. Gibson to Ms. Sobeck inviting and requesting that the southern California version of the State Board's EJ Summit be held in San Diego as soon as possible in 2018. In addition to normal transmission, Ms. Jayne also hand-delivered the letter to the new Executive Director of the State Board on November 16. Although several other Regions have also indicated an interest, Ms. Jayne has initiated the very early stages of planning with Ms. Kapahi for the State Board's EJ Summit to be held in San Diego next year.

Hours needed to complete request: 40

Estimated Completion Date: Prior to June 30, 2018.

11. Chair Abarbanel wants to provide a training session for Environmental Justice communities on issues in the South Bay National Wildlife Refuge to prepare them for the upcoming Pubic Workshop on cleanup efforts. <u>Ms. Javne</u> to attempt this.

Course of Action: Ms. Jayne initiated contact with Mr. Yuen and Lisa Cox of U.S. Fish and Wildlife Service (USFWS), both of whom are very interested in the Water Board's participation/support. The USFWS has just finalized and announced its plans to hold two public meetings on the proposed cleanup projects on December 5, 2017, at the Casa de Salud Youth Center in National City. Although Mr. Gibson was not supportive of the Water Board conducting training in advance of the public meetings, Ms. Jayne will host a Water Board information station at both the afternoon and evening sessions of the December 5 public meeting. In addition, Ms. Jayne prepared a one-page summary of the proposed cleanup projects in plain English which will be posted on the Water Board's website (in two places) and distributed to the Water Board's Agenda Lyris List, Environmental Justice Lyris List

and sent to all attendees of the Water Board's June 10, 2017 EJ Symposium. The USFWS public documents, which are written in legal and technical language, may prove challenging for members of the affected EJ communities to fully appreciate.

Hours needed to complete request: 40+

Estimated Completion Date: December 5, 2017

12. Mr. Morales wants Ms. Jayne to reach out to Ocean Connectors to incorporate their programs into the training and the workshop requested under no. 10 above.

**Course of Action: :** Ms. Jayne contacted Frances Kinney of Ocean Connectors and will coordinate with both Ocean Connectors and the Paradise Creek Educational Foundation to get the word out to the local affected communities about USFWS public meetings and the proposed cleanup.

Hours needed to complete request: 6+

Estimated Completion Date: December 5, 2017

13. Mr. Strawn is working with King Chavez School and is bringing the kids on a field trip to the San Diego River. He wants Ms. Jayne to help with water quality education to the kids.

Course of Action: Based on further conversations with Mr. Strawn, his suggestion above represents a general recommendation and invitation for future Water Board involvement with the San Diego River Park Foundation's ongoing education program. The Foundation currently has both an adequate teaching staff and decent water quality curriculum on hand so there is not a specific need for Water Board participation at this time.

Hours needed to complete request: 0

Estimated Completion Date: NA

14. Ms. Parez of Linden Road wants help addressing the uncontrolled drainage in her neighborhood and the sediment transport and deposition it creates due to the lack of maintenance on the County of San Diego road in her neighborhood. Chair Abarbanel directs the Prosecution Team to consider sampling and compliance issues in the area. Mr. Barker, Ms. Walsh, and Erica Ryan to raise this at the next COG.

Course of Action: Storm water program staff have been actively investigating and responding to the storm water issues raised by Ms. Parez. Linden Road is located in the County of San Diego within the San Diego River Watershed Management Area. Linden Road is in a Disadvantage Community (DAC). Erica Ryan inspected Linden Road in early 2016 and issued a Staff Enforcement Letter to the County of San Diego (County) requiring the County to describe pollutant control measures for this area in their Jurisdictional Program Annual Report (Annual Report).

The Regional MS4 Permit requires the County to maintain existing roads, however, in its efforts to investigate this compliant, staff were uncertain as to the legal ownership of Linden Road. The Linden Road residents have gathered specific information that appears to support the County of San Diego as the legal owner of Linden Road. Collected information includes County records and documents from a property title company. The title company documents indicate that Linden Road is owned by the County. The County records indicate there are no easements for Linden Road, and it is not a part of privately owned parcels. Further, the County Department of Public Works Wastewater Management department maintains a sewer line in Linden Road for sewer service in the area. From its limited review of these documents, it appears to staff that Linden Road is a public road, but the County of San Diego has not made that determination and refuses to look into it in more detail. If Linden Road is a public road, the County has obligations under the Regional MS4 Permit to control discharges of

pollutants into and from the municipal separate storm sewer system (MS4) it owns and operates (roads are a part of a municipalities MS4).

Staff is recommending the Storm Water Management Unit review the documents provided by the residents and seek legal consultation from the Office of Chief Council to make a regulatory determination on whether or not Linden Road is owned by the County and part of its MS4.

Board staff are unable to sample this area because the Board does not currently have a sampling contract. It is possible for the Linden Road residents to conduct sampling as a citizen's effort with some guidance.

Hours needed to complete request: 20 hours including but not limited to the following tasks: Storm Water Management staff document review – 6 hours (could include supervisor and or branch chief discussions) Office of Chief Council staff document review – 12 hours (could include meetings/teleconferences).

Work that may need to be Delayed: Reissuance of Regional MS4 Permit, work plan performance target inspections, Water Quality Improvement Plan review/acceptance for Orange County and Riverside County, and PV Project on Over Irrigation Audits (completion of this project is already past due because of Mandate Administrative Record work, and extended work on WQIP reviews due to non-compliant plans).

Estimated Completion Date: March 30, 2018

15. Ms. Jayne to return the Resolution in December for the Board to consider.

**Course of Action:** Further discussions were held with the Board Chair and it has been decided to cancel the item and simply schedule additional outreach meetings in 2018 and pursue a Southern California Environmental Justice Summit as described under no. 8 above.

Hours needed to complete request: 2

Estimated Completion Date: NA

Summary of total hours needed to complete October 2017 Action Item Requests: <u>558</u> hours (>3.1 full time staff positions for a year)