CALL TO ORDER

Chair Tomas Morales called the meeting to order on October 10, 2018 at 9:00 a.m. at the San Diego Regional Water Quality Control Board Hearing Room, 2375 Northside Drive, Suite 108, San Diego, California 92108.

ATTENDANCE:

Board Members present:

Tomas Morales, Chair; Henry Abarbanel, Ph.D., Vice Chair; Eric Anderson, Board Member; Betty H. Olson, Ph.D., Board Member; Gary Strawn, Board Member.

Board Members absent:

Stefanie Warren, Board Member.

Staff present:


Remote attendance:

Mike Porter; Darren Bradford, Cleo Muñoz, Lucas Lima, Christopher Means, Brian McDaniel, Betty Fetscher, Hiram Sarabia.

Others present on behalf of the San Diego Water Board:


Public Attendance:

Matt O’Malley
San Diego Coastkeeper

Art Bunce
Barona Indian Band

Ruth Kolb, Vicki Kalkirtz, Ami Laken, David Widgerow, Tim Stebbins, Rachel Davenport, Alejandra Gavaldon, Drew Kleis, Peter Vroom
City of San Diego

Karen Holman, Kelly Tait
Port of San Diego

Amber Baylor
South Orange County Wastewater Authority (SOCWA)

Elizabeth Cosor, Mo Peram
SDG&E

John Adriany, Sharon Cloward
San Diego Port Tenants Association

Rosham Christoph, Francesca de Leon
Wood E&I

Neil Searing, Jo Ann Weber
County of San Diego
Lesley Dobalian
San Diego County Water Authority (SDCWA)
Carol Bedford, Paul Anderson
Plerian

Charlie Arnold
Stone Brewing
Dan McKirnan
Environmental Health Coalition

Neil Mohr
Republic Services
Paul Hartman
Larry Walker Associates

Rob Roy
La Jolla Band of Indians
Cindy Rivers, Grant Sharp
County of Orange

Roya Yazdaniford
CalTrans
Clint Boschen
TetraTech

Michael Welch
Michael Welch Consultants
Denise Turner Walsh
Rincon Band of Luiseño Indians

Don Bunts
Santa Margarita Water District
Ted Griswold
Pala Band of Mission Indians, Sycuan Band of Kumeyaay Nation, and the Kumeyaay
Diegueño Board Conservancy

Nick Popaditch
Marine Base San Diego

BOARD MEETING
Public comments on agenda items were limited to 3 minutes or otherwise at the discretion of the Board Chair

PUBLIC FORUM
Neil Mohr of Republic Services provided an update on the Sycamore Landfill expansion project.

BOARD BUSINESS:

1. Minutes of Board Meeting: September 12, 2018
   Motion: Mr. Anderson moved to adopt the proposed minutes.
   Seconded by: Dr. Olson
   MOTION CARRIED: (September 12, 2018)
   Aye: Mr. Anderson
       Dr. Olson
       Mr. Strawn
       Chairman Morales
   Nay: None.
   Absent: Ms. Warren
   Abstain: Dr. Abarbanel

2. Chairman's, Board Members', State Water Board Liaison's, and Executive Officer's Reports. These items were for Board discussion only. Public testimony was not allowed, and the Board took no formal action.

   Chair Morales stated that although our State Water Board Liaison, Joaquin Esquivel, had planned to attend the meeting today, he was unable to due to illness. Chair Morales then provided an update on the planning and agenda for the Water Quality Coordinating Committee later this month.
Mr. Gibson highlighted the Shelter Island TMDL cleanup and the trash cleanup along the San Diego River from the written Executive Officer’s Report. He also introduced new staff members Steven Teel and Brandon Bushnell, and he provided an update on the Tijuana River Valley Recovery Team activities and responded to Board Member questions.

Karen Holman of the Port of San Diego and Sharon Cloward of the San Diego Port Tenants’ Association addressed the Board regarding the Shelter Island TMDL.

3. **Future Agenda Items**: Board members discussed items for possible inclusion on future agendas

Board Members did not request any items for future agendas.

**CONSENT CALENDAR**


   **Motion:** Dr. Abarbanel
   **Seconded by:** Mr. Strawn

   **Aye:**
   - Dr. Abarbanel
   - Mr. Anderson
   - Dr. Olson
   - Mr. Strawn
   - Chairman Morales

   **No:** None
   **Absent:** Ms. Warren
   **Abstain:** None

**INFORMATIONAL ITEM**

6. **State of the Ocean Report by the City of San Diego on Status and Trends of Water Quality Conditions in the Vicinity of Point Loma and South Bay Ocean Outfalls.** *(Keith Yaeger)*

   Staff Presentation
   Keith Yaeger

   Presentation
   Tim Stebbins, City of San Diego

   Brandi Outwin-Beals also responded to Board Member questions.

   *Chair Morales called a recess at 10:48 a.m. and reconvened the meeting at 11:00 a.m.*
ACTION ITEM:


Staff Presentation
Jody Ebsen

Cynthia Gorham responded to Board Member questions.

The following stakeholders commented on the Tentative Resolution:

- Dan McKirnan, Environmental Health Coalition (Presentation)
- Lesley Dobalian, San Diego County Water Authority
- Amber Baylor, South Orange County Water Authority
- Denise Turner Walsh, Rincon Band of Luiseño Indians
- Ted Griswold, Pala Band of Mission Indians, Sycuan Band of Kumeyaay Indians, and the Kumeyaay Diegueño Band Conservancy
- Rob Roy, La Jolla Band of Indians
- Art Bunce, Barona Band of Mission Indians
- Ruth Kolb, City of San Diego
- Neil Searing, County of San Diego

Dr. Abarbanel moved and Dr. Olson seconded a motion to approve the Tentative Resolution. Following Board Member discussion, Dr. Abarbanel proposed a substitute motion to return the Tentative Resolution to staff to make specified changes, including but not limited to the addition of an environmental justice project. The substitute motion was put to a vote but failed to pass.

Main Motion: Dr. Abarbanel
Seconded by: Dr. Olson
MOTION CARRIED: (Resolution No. R9-2018-0123)
Aye: Mr. Anderson
Dr. Olson
Mr. Strawn
Chairman Morales

No: Dr. Abarbanel
Absent: Ms. Warren
Abstain: None

Chair Morales recessed for lunch and Closed Session at 12:55 p.m. Ms. Hagan stated that the Board would discuss Items 8.h and 8.i. The public meeting was reconvened at 2:10 p.m.

CLOSED SESSIONS
Closed Sessions are not open to the Public

8. Discussion of Ongoing Litigation [Authorized under Government Code §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)


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). (Catherine George Hagan).

e. 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). (Catherine George Hagan)


Petitions for Review Pending Before the State Water Board¹

None at this time other than those being held in abeyance.

Board Members discussed Items 8.h and 8.1 but did not take any action.

ADJOURNMENT

There being no further business, the meeting was adjourned at 2:10 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.