

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION
BOARD MEETING MINUTES
DECEMBER 12, 2018**

CALL TO ORDER

Acting Chair Henry Abarbanel called the meeting to order on December 12, 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:

Henry Abarbanel, Ph.D., Vice Chair; Megan Blair, Board Member; Celeste Cantú, Board Member; Betty H. Olson, Ph.D., Board Member; Gary Strawn, Board Member; Stefanie Warren, Board Member.

Board Members absent:

Eric Anderson, Board Member

Staff present:

Dave Gibson, James Smith, Chris Blank, Amy Grove, Eric Becker, Deborah Jayne, Wayne Chiu, Roger Mitchell, Mike Porter, Chiara Clemente, Laurie Walsh, Sarah Mearon, Christina Arias, Jeremy Haas, Alan Moni, Steve Teel, John Anderson, Keith Yaeger, Lisa Honma, Debbie Woodward, David Barker, Elisa Danielson, Brandi Outwin-Beals, Michelle Santillan.

Remote attendance:

Nicole Gergans, Betty Fetscher, Cleo Muños, Lucas Lima, Kimberly McMurray-Cathcart, Joann Lim, Tom Alo, Lalitha Thotakura, Christopher Means, Brandon Bushnell, Rachel Astete Vasquez, Jody Ebsen, Ben Neill, Hiram Sarabia, Darren Bradford.

Others present on behalf of the San Diego Water Board:

State Water Resources Control Board –Catherine Hagan, Adriana Nuñez, Brianna St. Pierre. California Court Reporting – Marlee Nelson.

Public Attendance:

Neil Mohr
Republic Services

Van Collinsworth
Preserve Wild Santee

Michael R. Welch
Michael Welch Consultants

Ruth Kolb, Rachel Davenport
City of San Diego

Jeff Kirshberg, Eva Plajzer
Rancho California Water District

Reynaldo Pellus
County of San Diego

Adrienne Cibon
Nautilus/Enthalpy

Neven Matasovic
Geo-Logic Associates

BOARD MEETING

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

PUBLIC FORUM

The following representatives from the Rancho California Water District addressed the Board regarding OWTS review protocols and responded to Board Member questions.

- Eva Plajzer, Assistant General Manager, Rancho California Water District
- Michael Welch, Consultant
- Jeff Kirshberg, Water Resources Manager, Rancho California Water District
- Neven Matasovic, Principal Engineer, Rancho California Water District

BOARD BUSINESS:

1. **Minutes of Board Meeting:** October 10, 2018

As there was not a quorum of voting members who attended the October Meeting present, approval of the October minutes was postponed until February.

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.***

The Board discussed the October meeting at the San Onofre Nuclear Generating Station (SONGS) and potential follow-up actions or agenda items.

Mr. Gibson welcomed the two new Board Members and the new Administrative Officer, Elisa Danielson, and he announced that Helen Yu had been selected to fill a vacant position in the Storm Water Unit. In addition, he thanked Deborah Jayne for her service. Ms. Jayne will be retiring on December 14, 2018. He also provided an update on the Tijuana River Valley and responded to Board Member questions.

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

Dr. Olson requested an update on Arundo removal in the Regional watersheds, and she also would like to meet with small water suppliers that serve environmental justice and disadvantaged communities as part of the Board's outreach efforts in 2019.

Dr. Abarbanel requested an update on detection methods for fecal indicator bacteria and other measures used to protect human health in the Region.

Several of the Board Members requested an update on the decommissioning of the San Onofre Nuclear Generating Station (SONGS), focusing on the storage of spent fuel. They would like to invite federal elected officials, the State Lands Commission, the California Coastal Commission, Southern California Edison, and the Nuclear Regulatory Commission to the Board Meeting at which the update will be presented.

4. Approval of 2019 Meeting Schedule. *(David Gibson)*

Motion: Dr. Olson
Seconded by: Ms. Warren
MOTION CARRIED: (2019 Meeting Schedule)
Aye: Ms. Blair
Ms. Cantú
Dr. Olson
Mr. Strawn
Ms. Warren
Dr. Abarbanel
No: None.
Absent: Mr. Anderson
Abstain: None.

Acting Chair Abarbanel called a brief recess at 10:02 a.m. and reconvened the meeting at 10:20 a.m.

INFORMATIONAL ITEM

5. Update on the Clean Water Act Section 401 Program for Dredge and Fill Material Discharges. *(Eric Becker)*

Staff Presentation
Eric Becker

ACTION ITEM:

6. New Waste Discharge Requirements: Master Plan Expansion of Sycamore Landfill, Republic Services Inc., San Diego County (Tentative Order No. R9-2018-0069). *(Amy Grove)*

Staff Presentation
Amy Grove

Republic Services Presentation
Neil Mohr

State Board Presentation
Brianna St. Pierre

Neven Matasovic, Principal Engineer for Geo-Logic Associates, responded to Board Member questions.

Motion: Mr. Strawn
Seconded by: Dr. Olson
MOTION CARRIED: (Resolution No. R9-2018-0123)
Aye: Ms. Blair
Ms. Cantú
Dr. Olson
Mr. Strawn
Ms. Warren
Dr. Abarbanel
No: None
Absent: Mr. Anderson
Abstain: None

Acting Chair Abarbanel adjourned for lunch and Closed Session at 12:58 p.m. and reconvened the public meeting at 1:57 p.m. Ms. Hagan indicated that the Board would discuss items 7(h), 7(i), and 7(m) during Closed Session, but no action would be taken.

CLOSED SESSIONS

Closed Sessions are not open to the Public

7. 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)*
- b. *State of California Department of Finance, State Water Resources Control Board, And California Regional Water Quality Control Board, San Diego Region v. Commission on State Mandates. Petition for Writ of Administrative Mandamus. Sacramento County Superior Court, Case No. 34-2010-80000604 (filed July 2010). (Catherine George Hagan)*
- c. *Test Claim on California Regional Water Quality Control Board, San Diego Region, Order No. R9-2009-0002, (NPDES No. CAS0108740) Waste Discharge Requirements for Discharges of Urban Runoff from the Municipal Separate Storm Sewer Systems (MS4s) Draining the Watersheds of the County of Orange, the Incorporated Cities of the County of Orange, and the Orange County Flood Control District adopted on December 16, 2009. Test Claim filed by County of Orange, et al., with Commission on State Mandates, No. 10-TC-11 (filed June 2011). (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)*

- f. *Test Claim on California Regional Water Quality Control Board, San Diego Region, Order No. R9-2013-0001 as amended by Order No. R9-2015-0001 and Order No. R9-2015-0100 (Regional MS4 Permit) filed with the Commission on State Mandates by Orange County Copermittees, Test Claim No. 15-TC-02 (filed June 2016). (Catherine George Hagan)*
- g. *San Diego Gas & Electric Company v. San Diego Regional Water Quality Control Board. Petition for Writ of Administrative Mandamus. San Diego County Superior Court Case No. 37-2015-00032608-CU-WM-CTL (filed September 2015) (Challenging Cleanup and Abatement Order No. R9-2012-0024 for San Diego Bay Shipyard Sediment Site). (Catherine George Hagan)*
- h. *San Altos-Lemon Grove, LLC. v. California Regional Water Quality Control Board, San Diego Region, a State of California Agency, David Gibson, Executive Officer, California Regional Water Quality Control Board, San Diego Region. Petition for Writ of Mandate. San Diego County Superior Court Case No. 37-2017-00012461-CU-WM-CTL (filed April 2017) (challenging Administrative Civil Liability Order No. R9-2016-0064). (Catherine George Hagan)*
- i. *People of the State of California, ex. rel. The San Diego Regional Water Quality Control Board v. Paul Lee Warren, et al., Complaint for Declaratory and Injunctive Relief Based on Violations of the California Water Code. San Diego County Superior Court, North County Division, Case No. 37-2017-00024906-CU-TT-NC (filed July 10, 2017). (Catherine George Hagan)*
- j. *San Diego Regional Water Quality Control Board, et al., v. Paul Warren, San Diego County Superior Court, Central Division, Case No. 37-201740038307-CU-PT-CTL (filed October 13, 2017). (Catherine George Hagan)*
- k. *Ecology Auto Parts, Inc. v. California Regional Water Quality Control Board, San Diego Region, and State Water Resources Control Board, Petition for Writ of Administrative Mandamus and Complaint for Declaratory Relief, San Diego County Superior Court, Case No. 37-2017-00047177-CU-MC-CTL (filed December 8, 2017) (challenging July 14, 2017, amendment to Cleanup and Abatement Order No. R9-2013-0122). (Catherine George Hagan)*
- l. *Burrtec Waste Industries, Inc. v. California Regional Water Quality Control Board, San Diego Region, and David W. Gibson, Executive Officer. Petition for Writ of Mandate and Complaint for Declaratory and Injunctive Relief, San Diego County Superior Court, Case No. 37-2017-00047432-CU-MC-CTL (filed December 8, 2017) (challenging July 14, 2017, amendment to Cleanup and Abatement Order No. R9-2013-0122). (Catherine George Hagan)*
- m. *People of the State of California, Ex. Rel. the Regional Water Quality Control Board, San Diego Region v. International Boundary and Water Commission, United States Section, Jose Nunez, in his capacity as Acting Commissioner of the International Boundary and Water Commission, United States Section. Complaint for Declaratory and Injunctive Relief (Clean Water Act 33 U.S.C. §1251 et seq.), United States District Court for the Southern District of California, Case No. [not yet assigned], filed September 4, 2018. (David Gibson)*

Petitions for Review Pending Before the State Water Board¹

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

Board Members discussed Items 7(h), 7(i), and 7(m), but did not take any action.

ADJOURNMENT

There being no further business, Acting Chair Abarbanel adjourned the meeting at 1:57 p.m.

These minutes were prepared by:

Signed by:

Christina Blank
Executive Assistant

David Gibson
Executive Officer

DRAFT

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.