

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION**

**BOARD MEETING MINUTES
June 10, 2020**

Pursuant to the Governor's Executive Orders (N-29-20 and N-33-20) to protect public health by limiting public gatherings and requiring social distancing, this meeting occurred solely by remote presence.

CALL TO ORDER

Chairman Henry Abarbanel called the remote meeting to order on June 10, 2020 at 9:00 a.m.

ATTENDANCE:

Board Members present:

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

Staff present:

David Gibson, Kelly Dorsey, Chris Blank, Roger Mitchell, David Barker, Wayne Chiu, Jill Harris, Keith Yaeger, Craig Carlisle, Sarah Mearon, Tanya Nelson, David Barker, Wayne Chiu, Ben Neill, Sean McClain, Mireille Garcia, Hiram Sarabia, Kristin Schwall, Darren Bradford, Eric Becker, Brandi Outwin-Beals.

Others present on behalf of the San Diego Water Board:

Laurel Firestone, Wendy Linck, Annalisa Kihara, Shahla Farahnak, State Water Resources Control Board; Catherine Hagan, Vincent Vu, Office of Chief Counsel; Jeff O'Keefe, Division of Drinking Water; Eric Lindberg, Santa Ana Regional Water Quality Control Board (Region 8); Vinty Siev, Department of Information Technology.

Public Attendance:

Matthew Trotter

BOARD MEETING

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

PUBLIC FORUM

There were no Public Forum speakers.

BOARD BUSINESS:

1. **Minutes of Board Meeting:**

- May 13, 2020

Motion to adopt the minutes:

- Mr. Strawn

Second:

- Dr. Olson

MOTION CARRIED:

- (Minutes05132020)

Aye:

- Mr. Anderson
- Ms. Blair
- Ms. Cantú
- Dr. Olson
- Mr. Strawn
- Ms. Warren
- Dr. Abarbanel

Nay:

- None.

Absent:

- None.

Abstain:

- None.

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.*

Ms. Cantú provided a report on the USEPA Stakeholder Public meeting on June 2, 2020, which she, Dr. Abarbanel, and Mr. Gibson attended. Dr. Abarbanel and Mr. Gibson also commented.

Ms. Cantú stated that the Next Generation Monitoring group will be presenting a white paper during the September Board Meeting.

Mr. Anderson provided an update on his discussion with the Irrigated Lands staff team on the Commercial Agricultural Orders.

Ms. Firestone provided an update on the State budget, recent actions taken by the State Board, and upcoming State Board actions, and she responded to Board Member questions.

Mr. Gibson provided an update on staff redirection to the State's contact tracing efforts, and he welcomed new staff members Sasha Smirensky and Elizabeth

Nguyen. He also responded to Board Member questions regarding the written Executive Officer's Report.

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

Mr. Strawn requested that San Diego State University (SDSU) present the findings of its preliminary homeless encampment bacteria report.

CONSENT CALENDAR

4. New Waste Discharge Requirements: Waste Discharge Requirements for UDC French Valley LLC, French Valley Market Place Project, Riverside County (Tentative Order No. R9-2020-0089). *(Darren Bradford)*

Motion to approve the Consent Calendar:

- Ms Cantú

Second:

- Mr. Strawn

MOTION CARRIED:

- (Order No. R9-2020-0089)

Aye:

- Mr. Anderson
- Ms. Blair
- Ms. Cantú
- Dr. Olson
- Mr. Strawn
- Ms. Warren
- Dr. Abarbanel

Nay:

- None.

Absent:

- None.

Abstain:

- None.

INFORMATIONAL ITEMS

5. Per- and Polyfluoroalkyl Substances (PFAS) Statewide Investigation Update. *(Sarah Mearon)*

Annalisa Kihara and Wendy Linck, with the Division of Water Quality at the State Water Board, and Sarah Mearon, San Diego Water Board, presented the item and responded to Board Member questions and comments. Jeff O'Keefe with the Division of Drinking Water and Roger Mitchell, San Diego Water Board staff, also responded to Board Member questions.

Matthew Trotter, a resident of San Clemente, presented comment on this item.

6. Cannabis Cultivation Regulation and Enforcement in Southern California. (*Craig Carlisle and Eric Lindberg*)

Mr. Gibson introduced this item, and Mr. Lindberg gave the presentation and responded to Board Member questions.

*Chair Abarbanel adjourned for closed session at 11:22 a.m.
Ms Hagan stated that the Board would discuss Item no. 7(i)
during the closed session, but they would take no action.*

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. *Test Claim on California Regional Water Quality Control Board, San Diego Region, Order No. R9-2015-0100, Provisions A.4, B.2, B.3.a, B.3.b, B.4, B.6, D.1.c(6), D.2.a(2), D.3, D.4, E.3.c(2), E.3.c(3), E.3.d, E.5.a, E.5.c(1)(a), E.5.c(2)(a), E.5.c(3), E.5.e, E.6, F.1.a, F.2.a, F.2.b, F.2.c, F.3.b(3), and F.3.c. 16-TC-05, 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, (June 2017). (Catherine George Hagan)*
- h. *Test Claim on California Regional Water Quality Control Board, San Diego Region, Order No. R9-2017-0077, Sections A.1, A.3, and A.5, 17-TC-05, City of San Juan Capistrano and County of San Diego, Claimants, filed with the Commission on State Mandates, (June 2017). (Catherine George Hagan)*
- i. *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; Jayne Harkins, in her 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. 3:18-cv-02050-JM-LL, filed September 4, 2018. (David Gibson)*
- j. *General Dynamics Corp. v. California Regional Water Quality Control Board, San Diego Region and David Gibson in his official capacity as Executive Officer for the San Diego Regional Water Quality Control Board, et al. Verified Petition for Writ of Mandate and Complaint for Declaratory Relief, San Diego County Superior Court, Case No. 37-2020-00012512-CU-MC-CTL, filed March 2, 2020. (Catherine George Hagan)*

Petitions for Review Pending Before the State Water Board:¹

- k. Petition of the City of Oceanside for Review of Addendum 1 to Order No. 93-07, Waste Discharge Requirements for the San Luis Rey Wastewater Treatment Plant, adopted December 11, 2019, SWRCB/OCC File A-XXXX [not yet assigned], filed January 13, 2020. *(Brandon Bushnell)*
- l. Petition of the Fallbrook Public Utilities District and Southern California Alliance of POTWS (SCAP) for Review and Request for Stay of Order No. R9-2019-0169, NPDES No. CA0108031, Waste Discharge Requirements for the Fallbrook Public Utilities District, Fallbrook Reclamation Plant and Santa Margarita Groundwater Treatment Plant, adopted February 12, 2020, SWRCB/OCC File A-2688, filed March 11, 2020. *(Joann Lim and Keith Yaeger.)*
- m. Petition of the City of Oceanside for Review and Request for Stay of Order No. R9-2019-0166, NPDES No. CA0107433, Waste Discharge Requirements for the City of Oceanside San Luis Rey Water Reclamation Facility, La Salina Wastewater Treatment Plant, and Mission Basin Groundwater Purification Facility, adopted February 12, 2020, SWRCB/OCC File A-2689, filed March 11, 2020. *(Joann Lim and Keith Yaeger.)*
- n. Petition of Genentech, Inc. for Review of Order No. R9-2019-0168, NPDES No. CA0109193, Waste Discharge Requirements for Genentech, Inc., adopted February 12, 2020, SWRCB/OCC File A-XXXX [not yet assigned], filed March 13, 2020. *(Joann Lim and Keith Yaeger.)*

ADJOURNMENT

There being no further business, Chair Abarbanel adjourned the meeting at 1:15 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.