

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION
BOARD MEETING MINUTES
November 18, 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 October 14, 2020 at 9:00 a.m.

Roger Mitchell gave an opening statement providing information for attendees to participate in the meeting.

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.

Ms. Blair left the meeting at 3:30 p.m., and Ms. Warren left at 4:09 p.m., due to previous scheduling commitments.

Staff present:

David Gibson, Kelly Dorsey, Chris Blank, Roger Mitchell, Amy Grove, Daniel Boyd, Wayne Chiu, Eric Becker, Fisayo Osibodu, Ben Neill, Vicente Rodriguez, Kimberly McMurray-Cathcart, Keith Yaeger, Laurie Walsh, Mireille Garcia, Helen Yu, Lara Quetin, Jill Harris, Chad Loflen, Sarah Mearon, David Barker, Jeremy Haas, Chiara Clemente, Chris Means, Erica Ryan, Cleo Muñoz, Carey Nagoda, Elisa Rivera, Nicole Gergans, Brandi Outwin-Beals, Lark Starkey, Alan Monji, Frank Melbourn, Melissa Corona, Debbie Woodward, Brandon Bushnell, Chehreh Komeylyan, Sean McClain, Darren Bradford, Jason DuMond, Christina Arias, Mike Porter, Michelle Santillan, James Smith, Cynthia Gorham, Whitney Ghoram, Sasha Smirensky, Craig Carlisle.

Others present on behalf of the San Diego Water Board:

Laurel Firestone, Zane Poulson, State Water Resources Control Board; Catherine Hagan, Vincent Vu, Lori Okun, Office of Chief Counsel; Vinty Siev, Division of Information Technology; Marlee Nelson, California Reporters LLC.

Public Attendance:

Raphael Mazor, Eric Stein
SCCWRP

Jared Voskuhl
CASA

Arthur Pugsley
Los Angeles Waterkeeper

Katharine Pease
Heal the Bay

Matt Yeager
*Riverside County Flood Control and Water
 Conservation District*

Richard Norris
Scripps Institution of Oceanography

Nick Buhbe
*Great Ecology, as agent of Citizens
 Development Corporation*

Andy Komor, Felicia Carlander
PACE

Gary Brugger
Exponent

Reed Thornberry
City of San Marcos

Raphael Mazor, Eric Stein
*Southern California Coastal Water
 Research Project (SCCWRP)*

Michael McSweeney
Building Industry Association of San Diego

Ashli Desai
Larry Walker Associates

Matt Yeager
*Riverside County Flood Control and Water
 Conservation District*

Alyssa Muto
City of San Diego

Pino Vitti
Citizens Development Corporation

Shasta Gaughen, Ph.D.
 Environmental Director/Tribal Historic
 Preservation Officer

Pala Band of Mission Indians

Wayne Rosenbaum
Environmental Law Group

Reed Thornberry
City of San Marcos

Peter Ode
California Department of Fish and Wildlife

Jo Ann Weber
County of San Diego

Patrick McDonough
San Diego Coastkeeper

Karen Cowan
CASQA

Alyssa Muto
City of San Diego

Kamarul Muri
Dudek

Steve Figgins
EKI Environment and Water, Inc.

Alicia Appel
City of Escondido

Pino Vitti
Citizens Development Corporation

Joe Houde

Peter Ode
California Department of Fish and Wildlife

Sean Porter, Jack Monger
*San Diego Industrial Environmental
 Association*

Grant Sharp, Julia Woo,
County of Orange/OC Public Works

Amber Baylor
*South Orange County Wastewater
 Authority (SOCWA)*

Jo Ann Weber
County of San Diego

Patrick McDonough
San Diego Coastkeeper

Karen Cowan
*California Stormwater Quality Association
 (CASQA)*

Andrew Meyer
San Diego Audubon Society

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 speakers for the Public Forum

BOARD BUSINESS:

1. Minutes of Board Meeting:

- October 14, 2020

Motion to adopt the minutes:

- Ms. Cantú

Second:

- Dr. Olson

MOTION CARRIED:

- October 14, 2020

Aye:

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

Nay:

- None.

Absent:

- None.

Abstain:

- Ms. Blair.

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 stated that USEPA has announced that the next meeting of the Eligible Public Entities Coordinating Group will take place at 10:00 a.m. on Thursday, November 19, 2020, during which they will receive an update on the short-term impact projects and a list of all the long-term projects. This is a group that is examining transboundary pollution flows in the Tijuana River from south to north. She also responded to a question from Chair Abarbanel.

Dr. Olson stated that she is on the Water Quality Subcommittee for the Western States Water Council, which is made up of 18 states. She asked the staff to

keep her informed of the particular problems in the San Diego Region, if she is not aware of all them herself already, so she can then express those problems to the Subcommittee.

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

Mr. Gibson and Christina Arias responded to Board Member questions; Christina Arias also responded to Board Member questions regarding the written Executive Officer's Report. Mr. Gibson stated that there will be a public session of the Eligible Public Entities Coordinating Group on Friday, November 20. He also provided updates on recovery actions in the Tijuana River Valley.

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

Chair Abarbanel indicated that he and Mr. Strawn were going to meet with the UCSD Qualcomm institute on December 9, 2020, to learn more about a CalFire web-based camera network and its potential as an option for the Water Board's ongoing Next Generation Monitoring Project.

4. Tentative Resolution: Adoption of Proposed 2021 Board Meeting and Executive Officer Enforcement Hearing Schedule (Tentative Resolution No. R9-2020-0239). *(David Gibson)*

Motion to adopt Tentative Order No. R9-2020-0239:

- Ms. Cantú

Second:

- Dr. Olson

MOTION CARRIED

Aye:

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

Nay:

- None.

Absent:

- None.

Abstain:

- None.

CONSENT CALENDAR

5. Waste Discharge Requirement Rescission: Rescission of Order No. 94-05, Waste Discharge Requirements for All Seasons RV Park, LLC, Mr. Larry Tardie, All Seasons RV Park, San Diego County (Tentative Order No. R9-2020-0178). *(Chehreh Komeylyan)*
6. Waste Discharge Requirement Rescission: Rescission of Order No. 93-12, Waste Discharge Requirements for State of California, Department of Forestry and Fire Protection, Puerta La Cruz Conservation Camp, San Diego County (Tentative Order No. R9-2020-0134). *(Brandon Bushnell)*
7. Waste Discharge Requirement Rescission: Rescission of Order No. 94-18, Waste Discharge Requirements for Stephan and Susan Harris, Woods Valley Kampground, San Diego County (Tentative Order No. R9-2020-0139). *(Chehreh Komeylyan)*
8. Waste Discharge Requirement Rescission: Rescission of Order No. 94-131, Waste Discharge Requirements for Shiloah Springs Bible Retreat, Inc., Indian Hills Campground, San Diego County (Tentative Order No. R9-2020-0187). *(Brandon Bushnell)*

Motion to approve the Consent Calendar:

- Mr. Strawn

Second:

- Mr. Anderson

MOTION CARRIED

Aye:

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

Nay:

- None.

Absent:

- None.

Abstain:

- None.

Chair Abarbanel opted to take the following two items out of order:

INFORMATIONAL ITEMS

10. Update on ReWild Project and Planning for De Anza Cove in Mission Bay. (*Jill Harris*)

Jill Harris, Senior Environmental Scientist, gave the staff presentation, and Andrew Meyer, San Diego Audubon Society, and Richard Norris, Scripps Institute of Oceanography, gave presentations on behalf of the stakeholders and responded to Board Member questions.

The following stakeholders commented on the item and responded to Board Member questions:

- Dr. Gaughen, Pala Band of Mission Indians

11. Case Status Update for Lake San Marcos and Upper San Marcos Creek Watershed. (*Lara Quetin*)

Ms. Quetin gave the staff presentation, and Nick Buhbe from Great Ecology as an agent of Citizens Development Corporation, and Steve Figgins from EKI gave presentations on behalf of the stakeholders and responded to Board Member questions. Sarah Mearon, Senior Water Resource Control Engineer, and Alyssa Muto from the City of San Diego also responded to Board Member questions.

Chair Abarbanel adjourned for lunch and closed session at 11:54 a.m., and counsel stated that the Board would discuss Item 12(k), (l), and (m).

Chair Abarbanel reconvened the public meeting at 12:40 p.m.

ACTION ITEM

9. Basin Plan Amendment: Consideration of a Proposed Resolution Adopting an Amendment to the Water Quality Control Plan for the San Diego Basin to Incorporate a Water Quality Objective for Biological Condition, Including Staff Report with Substitute Environmental Documentation (Tentative Resolution No. R9-2020-0234). (*Chad Loflen*)

Chair Abarbanel gave an opening statement, and Ms. Cantú and Dr. Olson both disclosed ex parte conversations related to this item. Mr. Loflen gave the staff presentation and responded to Board Member questions. Matt Yeager, Riverside County Flood Control and Water Conservation District; Ashli Desai, Larry Walker Associates; Grant Sharp, Orange County Public Works; Jo Ann Weber, San Diego County; and Julia Woo, Orange County Counsel, made a joint presentation on behalf of the Regional Municipal Separate Storm Sewer System Permit Copermittees and responded to Board Member questions. In addition, Amber Baylor made a presentation for SOCWA and responded to Board Member questions.

The following stakeholders commented on the item and some responded to Board Member questions:

- Karen Cowan, CASQA
- Wayne Rosenbaum, Environmental Law Group
- Dr. Shasta Gaughen, Pala Band of Mission Indians
- Jared Voksuhl, CASA
- Alicia Appel, City of Escondido
- Patrick McDonough, San Diego Coastkeeper
- Katherine Pease, Heal the Bay
- Arthur Pugsley, Los Angeles Waterkeeper
- Michael McSweeney, BIA San Diego, also on behalf of San Diego IEA

Mr. Loflen provided closing remarks, recommending that the Board adopt the Tentative Resolution, and responded to Board Member questions. Chair Abarbanel closed the public hearing and continued further action on this item to the next Board meeting.

CLOSED SESSIONS

Closed Sessions are not open to the Public

12. 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)*
- k. *City of Oceanside and Fallbrook Public Utilities District v. State Water Resources Control Board. San Diego Regional Water Quality Control Board as Real Party in Interest. Verified Petition for Writ of Mandate and Request for Stay, San Diego County Superior Court, Case No. 37-2020-00033562.CU-WM-CTL, filed September 23, 2020. (Vincent Vu)*

Petitions for Review Pending Before the State Water Board:¹

- 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.)*

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.

- n. Petition of Jarod Campbell for Review of Amendment No. 1 to Clean Water Act Section 401 Water Quality Certification No. R9-2012-0075, issued on June 11, 2020, SWRCB/OCC File Not Assigned, filed July 7, 2020. *(Darren Bradford)*
- o. Petition of Danny and Tina Luz for Review of Amendment 1 to Clean Water Act Section 401 Water Quality Certification No. R9-2012-0075, issued on June 11, 2020, SWRCB/OCC File Not assigned, filed July 10, 2020. *(Darren Bradford)*
- p. Petition of Russell Campbell for Review of Amendment No. 1 to Clean Water Act Section 401 Water Quality Certification No. R9-2012-0075, issued on June 11, 2020, SWRCB/OCC File Not Assigned, filed July 11, 2020. *(Darren Bradford)*
- q. Petition of Lockheed Martin Corporation for Review of San Diego Regional Water Quality Control Board's Determination of Applicability of 2018 Sediment Quality Objectives to Cleanup and Abatement Order No. R9-2017-0021; Request for Hearing and Petition for Stay. Determination that is subject of petition is dated June 23, 2020; Petition filed July 23, 2020. *(Sarah Mearon and Catherine George Hagan)*

ADJOURNMENT

There being no further business, Chair Abarbanel adjourned the meeting at 4:15 p.m.

These Minutes were prepared by:

Signed by:

Christina A. Blank
Executive Assistant

David W. Gibson
Executive Officer