



**STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
FOR THE COLORADO RIVER BASIN AND
SAN DIEGO REGIONS**

Thursday, March 5, 2020 – 10:00 a.m.

City of Temecula Conference Center

City of Temecula Civic Center

41000 Main Street, Temecula, California 92590

MEETING NOTICE AND AGENDA¹

Joint Meeting of the Colorado River Basin (Region 7) and San Diego (Region 9) Regional Water Quality Control Boards

BOARD MEETING

Public comments on agenda items will be limited to 3 minutes or otherwise at the discretion of the Board Chair(s)

DECLARATION OF A QUORUM

1. Roll Call – Region 7 Board Members (*Paula Rasmussen*)
2. Roll Call – Region 9 Board Members (*David Gibson*)

PUBLIC FORUM – BOTH REGIONS

Any member of the public may address and ask questions of the Boards relating to any matter within their respective jurisdictions, provided the matter is not on the agenda or pending before either Board.

BOARD BUSINESS

1. The Boards will consider adoption of the following Minutes:
 - a. Region 7 – Adoption of Minutes - January 16, 2020
2. State Water Board Liaison's Report
3. Board Member Reports
 - a. Board Members' Reports Region 7
 - b. Board Members' Reports Region 9
 - c. Executive Officer's Report Region 7 (*Paula Rasmussen*)
 - d. Executive Officer's Report Region 9 (*David Gibson*)

¹ Versión en español disponible en https://www.waterboards.ca.gov/coloradoriver/board_info/agenda/ y https://www.waterboards.ca.gov/sandiego/board_info/agendas/.

4. Future Agenda Items: Board Members may discuss items for possible inclusion on future agendas.
 - a. Region 9: Recommended Course of Action and Estimated Staff Hours to Address Action Items from the February 2020 Board Meeting. (*Kelly Dorsey*)

CONSENT CALENDARS

5. Region 7 Consent Calendar (roll call vote) (*Paula Rasmussen*)
 - a. Waste Discharge Requirements Amendment: Order No. R7-2020-0003 for United States Marine Corps, Mainside Wastewater Treatment Facility, Twentynine Palms, San Bernardino County. (*Adriana Godinez*)
 - b. Waste Discharge Requirements Renewal: Order No. R7-2020-0007 National Pollutant Discharge Elimination System (NPDES) Permit and Waste Discharge Requirements (WDRs) for Valley Sanitary District Wastewater Treatment Plant, Indio, Riverside County. (*Jose Valle Deleon*)
6. Region 9 Consent Calendar (roll call vote) (*David Gibson*)
 - a. Waste Discharge Requirement Rescission: Rescission of Order No. 2000-165, Waste Discharge Requirements for Eastern Municipal Water District, Temecula Valley Regional Water Reclamation Facility, Riverside County (Tentative Order No. R9-2020-0010). (*Brandon Bushnell*)
 - b. Waste Discharge Requirement Rescission: Rescission of Order No. 95-04, Waste Discharge Requirements for Linda and Bruce Birch, Country Creek RV Resort, San Diego County (Tentative Order No. R9-2020-0023). (*Sherrie Komeylyan*)
 - c. Tentative Resolution: Non-Regulatory Updates to the Water Quality Control Plan for the San Diego Basin (Basin Plan) (Tentative Resolution No. R9-2020-0036). (*Michelle Santillan*)
 - d. Tentative Order: Settlement Agreement and Stipulation for Entry of Administrative Civil Liability Order, in the matter of OHL USA Inc., Temecula CA (Tentative Order No. R9-2020-0028). (*Rebecca Stewart*)

INFORMATIONAL ITEMS

7. California-Mexico Border Regions: Update Regarding Transboundary Pollution and Impacts on Local Communities, the New River, Imperial and Mexicali Valleys, and the Tijuana River Watershed and Estuary (*Adriana Godinez, David Gibson*)
8. Updates on Water Board Tribal Activities and Priorities. (*Cynthia Gorham, Maria Davydova*)

IMPORTANT INFORMATION

Unless otherwise specified, submittal of written comments **must be received by 5:00 p.m. on Tuesday, February 25, 2020, and should indicate the agenda item to which it is applicable.** If the submitted written material is more than 5 pages or contains foldouts, color graphics, and/or maps, two copies must be submitted. **Written material submitted after 5:00 p.m. on Tuesday, February 25, 2020 will not be provided to the Board members and may not be considered by the Colorado River Basin or San Diego Regional Water Quality Control Boards (See Note D, attached to this Notice).**

Agenda and items will be available electronically at:

- Region 7:
https://www.waterboards.ca.gov/coloradoriver/board_info/agenda/
- Region 9:
https://www.waterboards.ca.gov/sandiego/board_info/agendas/

*Items on the uncontested items calendar may be removed at the request of any Board member or person. If an item is removed from the uncontested items calendar, it will only be voted on at this meeting if the Board accepts the staff recommendation for the agenda item. Otherwise, the item will be continued to a subsequent board meeting to allow input by interested persons.

Video broadcast of meetings will be available at: <https://www.cal-span.org>

The Colorado River Basin and San Diego Water Boards' use of video broadcast is a courtesy and is for informational purposes only. It is not always reliable and is not a substitute for personal attendance at a Board meeting.

Follow the Board Meeting on Twitter:
<https://www.twitter.com/SDWaterBoard/>

The Colorado River Basin and San Diego Water Boards' use of Twitter is a courtesy and is for informational purposes only. It is not always reliable and is not a substitute for personal attendance at a Board meeting.

DIRECTIONS TO MEETING

From Region 7: CA-74 West to CA-371 West. Turn left onto CA-371 West to CA-79 North. Turn right onto CA-79 North to Butterfield Stage Road. Turn right onto Butterfield Stage Road; turn left at the first cross street onto De Portola Road. Continue onto Ynez Road to Santiago Road. Turn left onto Santiago Road; continue onto 1st Street to Old Town Front Street. Turn right onto Old Town Front Street to 2nd Street. Turn right onto 2nd Street to Mercedes Street. Park at the Old Town Parking Garage (free of charge) at 28690 Mercedes Street, and follow the signs to the Civic Center/Conference Center.

From Region 9: I-15 North – take Exit 58 for California 79/Temecula Pkwy toward Indio. Turn left onto Temecula Pkwy (signs for Temecula/Old Town Front Street); turn right at the first cross street onto Old Town Front Street to 2nd Street. Turn right onto 2nd Street to Mercedes Street. Turn left onto Mercedes Street. Park at the Old Town Parking Garage (free of charge) at 28690 Mercedes Street, and follow the signs to the Civic Center/Conference Center.

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION

Summary of Board Actions and Proceedings
At the February 12, 2020 Board Meeting

MINUTES

Minutes of the December 11, 2019 Board Meeting.

REGIONAL BOARD ACTIONS

The Minutes were approved.

CONSENT ITEMS

ITEM 4 – NPDES Permit Reissuance: Waste Discharge Requirements for Cabrillo Power I LLC, Encina Power Station, San Diego County, Discharge to the Pacific Ocean (Tentative Order No. R9-2020-0005, NPDES No. CA0001350). *(Ben Neill)*

Order No. R9-2020-0005 was approved.

ITEM 5 – NPDES Permit Amendment: An Order Amending Order No. R9-2019-0003, NPDES No. CA0109223, Waste Discharge Requirements for the Poseidon Resources (Channelside) LP Claude “Bud” Lewis Carlsbad Desalination Plant Discharge to the Pacific Ocean (Tentative Order No. R9-2020-0004). *(Ben Neill)*

Order No. R9-2020-0004 was approved.

ITEM 6 – New Waste Discharge Requirements: Waste Discharge Requirements for Makena Murrieta LLC, Makena Hills Project (Tentative Order No. R9-2020-0003). *(Darren Bradford)*

Order No. R9-2020-0003 was approved.

ITEM 7 – Tentative Resolution: Update to Clean Water Act Section 305b Report to Identify High Quality Waters of the State (Tentative Resolution No. R9-2020-0012). *(Carey Nagoda)*

Resolution No. R9-2020-0012 was approved.

NON-CONSENT

ITEM 8 – NPDES Permit Reissuance: 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 Discharge to the Pacific Ocean Through the Oceanside Ocean Outfall (Tentative Order No. R9-2019-0166). *(Joann Lim and Keith Yaeger)*

Order No. R9-2019-0166 was approved.

ITEM 9 – NPDES Permit Reissuance: Waste Discharge Requirements for the Fallbrook Public Utility District, Fallbrook Water Reclamation Plant, and Santa Margarita Groundwater Treatment Plant Discharge to the Pacific Ocean through the Oceanside Ocean Outfall (Tentative Order No. R9-2019-0169). *(Joann Lim and Keith Yaeger)*

Order No. R9-2019-0169 was approved.

ITEM 10 – NPDES Permit Reissuance: Waste Discharge Requirements for the Marine Corps Base, Camp Pendleton Southern Regional Tertiary Treatment Plant and Advanced Water Treatment Plant at Haybarn Canyon Discharge to the Pacific Ocean through the Oceanside Ocean Outfall (Tentative Order No. R9-2019-0167). *(Joann Lim and Keith Yaeger)*

Order No. R9-2019-0167 was approved.

ITEM 11 – NPDES Permit Reissuance: Waste Discharge Requirements for Genentech, Inc. Discharge to the Pacific Ocean through the Oceanside Ocean Outfall (Tentative Order No. R9-2019-0168). *(Joann Lim and Keith Yaeger)*

Order No. R9-2019-0168 was approved.

ITEM 12 – Election: Election of the 2020 Regional Board Chair and Vice Chair. *(David Gibson)*

Henry Abarbanel, Ph.D., was elected Regional Board Chair.
Celeste Cantú was elected Regional Board Vice Chair.

NOTES:

- A. GENERAL STATEMENT. The primary duty of the Colorado River Basin and San Diego Regional Water Quality Control Boards (collectively, Regional Water Boards) is to protect the quality of the waters within their respective regions for all beneficial uses. This duty is implemented by formulation and adoption of water quality plans for specific ground or surface water basins and by prescribing and enforcing requirements on all domestic and industrial waste discharges. Responsibilities and procedures of the Regional Water Boards come from the state's Porter-Cologne Water Quality Act and the federal Clean Water Act.

The purpose of the Board meeting is for the Regional Water Boards to obtain testimony and information from concerned and affected parties and make decisions after considering the information received.

All interested persons may speak at the Board meeting and are expected to orally summarize their written submittals. Testimony should be presented in writing prior to the meeting and only a summary of pertinent points presented orally. Oral testimony (i.e., direct testimony or comment) will be limited in time by the Board Chair (typically 3 minutes for interested persons and no more than 10 minutes for designated parties). A timer may be used, and speakers are expected to honor the time limits.

- B. PROCEDURE FOR CONSENT (UNCONTESTED) CALENDAR (see also Cal. Code of Regs., title 23, § 647.2). Consent or uncontested agenda items are items for which there appears to be no controversy, and which can be acted upon by the Regional Water Boards with no discussion. Such items have been properly noticed and all interested parties consent to the staff recommendation. The Regional Water Board Chair(s) may recognize late revisions submitted by staff and will then call for a motion and vote on all of the consent calendar items by the respective Board.

If any Regional Water Board member or member of the public raises a question or issue regarding an item that requires discussion, the item may be removed from the consent calendar and considered separately in an order determined by the Chair. Anyone wishing to contest a consent item on the agenda is expected to appear in person at the Board meeting and explain to the Board the reason(s) for contesting the item.

- C. PROCEDURE FOR INFORMATION ITEMS (see also Cal. Code of Regs., title 23, §649, et. seq.). Information items are items presented to the Regional Water Boards for discussion only and for which no Regional Water Board action or vote is normally taken. The Regional Water Boards usually will hear a presentation by staff but may hear presentations by others. Comments by interested persons shall also be allowed. Members of the public wishing to address the Regional Water Boards on the topic under discussion should submit a speaker card beforehand indicating their request to speak to the Regional Water Boards. Comment from the public should be for clarification or to add to the Regional Water Boards' understanding of the item; such comment must not be testimonial

in nature or argumentative, as speakers are not under oath and the proceeding is not adversarial. Time limits may be imposed on interested persons.

- D. PROCEDURES FOR NON-CONSENT (CONTESTED) AGENDA ITEMS. Non-consent or contested agenda items are items to which the parties involved have not consented and the staff recommendation is in dispute. The procedure that applies to such items depends on the nature of the matter. Matters before the Regional Water Boards may be quasi-legislative or quasi-judicial (adjudicative proceedings). Such items may require a public hearing and all interested persons will be provided an opportunity to make comments.

***All contested items will be continued to the next Board meeting of the appropriate Regional Water Board at the discretion of the respective Board Chair.**

- E. CONTRIBUTIONS TO REGIONAL WATER BOARD MEMBERS. Persons applying for or actively supporting or opposing waste discharge requirements or other Regional Water Board orders must comply with legal requirements if they or their agents have contributed or proposed to contribute \$250 or more to the campaign of a Regional Water Board member for elected office. Contact the appropriate Regional Water Board for details if you fall into this category.
- F. PROCEDURAL INFORMATION. The Regional Water Boards may meet in closed session to discuss matters in litigation, including discussion of initiated litigation, significant exposure to litigation, or decisions to initiate litigation [Authority: Government Code § 11126(e)]; deliberate on a decision to be reached based upon evidence introduced in an adjudicatory hearing [Authority: Government Code § 11126(d)]; or to consider the appointment, employment or dismissal of a public employee to hear complaints or charges brought against a public employee [Authority: Government Code §11126(a)].

The Regional Water Boards may break for lunch at approximately noon at the discretion of the Board Chair(s). During the lunch break, Regional Water Board members may have lunch together. Other than properly noticed closed session items, Regional Water Board business will not be discussed.

Agenda items are subject to postponement. A listing of postponed items will be posted in the meeting room. You may contact the designated staff contact person in advance of the meeting day for information on the status of any agenda item.

Speaker Cards. All persons desiring to address the Regional Water Boards are requested to fill out a speaker card. Cards are normally provided near the entrance to the meeting room. Regional Water Board staff can assist you in locating the cards.

Please fill out a separate card for each item you plan to speak on. All relevant sections, including the oath, must be completed. Please use the appropriate color card, as indicated below:

- Blue: Public Comments (for items requiring no Regional Water Board action - Public Forum, status reports, etc.).
- Green: Public Testimony, in support of the tentative action.
- Pink: Public Testimony, opposed to the tentative action.

G. AVAILABILITY OF EXECUTIVE OFFICER'S REPORT AND AGENDA MATERIAL. Visit each Regional Water Board's respective website to view the Executive Officer's Report over the internet. A copy can also be obtained by contacting the staff office. A limited number of copies are available at the meeting.

Copies of most agenda items to be considered by the Regional Water Boards are posted as available on their respective websites at:

- Region 7:
https://www.waterboards.ca.gov/coloradoriver/board_info/agenda/
- Region 9:
https://www.waterboards.ca.gov/sandiego/board_info/agendas/

Details concerning other agenda items are available for public reference during normal business hours at the Regional Water Boards' offices. The appropriate staff contact person, indicated with the specific agenda item, can answer questions and provide additional information.

H. PETITION OF REGIONAL WATER BOARD ACTION. In accordance with California Water Code section 13320 and California Code of Regulations, title 23, section 2050 et seq., any person affected adversely by most decisions of the Regional Water Boards may petition the State Water Resources Control Board (State Water Board) to review the decision. The petition must be received by the State Water Board within 30 days of the Board meeting at which the adverse action was taken. Copies of the statutes applicable to filing petitions will be provided upon request.

I. HEARING RECORD. Material presented to the Regional Water Boards as part of testimony (e.g. photographs, slides, charts, diagrams, etc.) that is to be made part of the record must be left with the Board. Photographs or slides of large exhibits are acceptable.

All Board files, exhibits, and agenda material pertaining to items on this agenda are hereby made a part of the record.

J. ACCESSIBILITY. The facility is accessible to people with disabilities. Individuals who have special accommodation needs, please contact Ms. Chris Blank at (619) 521-3382 or Christina.Blank@waterboards.ca.gov at least 5 business days prior to the meeting. If interpreter services are required, please contact Ms. Blank at least 10 business days prior to the meeting. TTY/TDD/Speech-to-Speech users may dial 7-1-1 for the California Relay Service.

- K. PRESENTATION EQUIPMENT. Providing and operating projectors and other presentation aids are the responsibilities of the speakers. Some equipment may be available at the Board meeting; however, the type of equipment available will vary dependent on the meeting location. Because of compatibility issues, provision and operation of laptop computers and projectors for PowerPoint presentations will generally be the responsibility of the individual speakers. To ascertain the availability of presentation equipment please contact Ms. Chris Blank at (619) 521-3382 or Christina.Blank@waterboards.ca.gov at least 5 business days prior to the meeting.