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:


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:

<table>
<thead>
<tr>
<th>Name</th>
<th>Affiliation</th>
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<tbody>
<tr>
<td>Jared Voskuhl</td>
<td>CASA</td>
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<tr>
<td>Patricia Ode</td>
<td>California Department of Fish and Wildlife</td>
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<td>Raphael Mazor, Eric Stein</td>
<td>Southern California Coastal Water Research Project (SCCWRP)</td>
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<td>Jo Ann Weber</td>
<td>County of San Diego</td>
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<td>Arthur Pugsley</td>
<td>Los Angeles Waterkeeper</td>
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<td>Patrick McDonough</td>
<td>San Diego Coastkeeper</td>
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<td>Katherine Pease</td>
<td>Heal the Bay</td>
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<td>Karen Cowan</td>
<td>CASQA</td>
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<td>Matt Yeager</td>
<td>Riverside County Flood Control and Water Conservation District</td>
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<td>Alyssa Muto</td>
<td>City of San Diego</td>
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<tr>
<td>Richard Norris</td>
<td>Scripps Institution of Oceanography</td>
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<tr>
<td>Kamarul Muri</td>
<td>Dudek</td>
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<tr>
<td>Nick Buhbe</td>
<td>Great Ecology, as agent of Citizens Development Corporation</td>
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<td>Steve Figgins</td>
<td>EKI Environment and Water, Inc.</td>
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<tr>
<td>Andy Komor, Felicia Carlander</td>
<td>Pacific Advanced Civil Engineering, Inc. (PACE)</td>
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<td>Alicia Appel</td>
<td>City of Escondido</td>
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<tr>
<td>Gary Brugger</td>
<td>Exponent</td>
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<tr>
<td>Pino Vitti</td>
<td>Citizens Development Corporation</td>
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<tr>
<td>Reed Thomerry</td>
<td>City of San Marcos</td>
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<tr>
<td>Joe Houde</td>
<td>Building Industry Association of San Diego</td>
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<tr>
<td>Michael McSweeney</td>
<td>Sean Porter, Jack Monger</td>
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<td>San Diego Industrial Environmental Association</td>
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<tr>
<td>Ashli Desai</td>
<td>Larry Walker Associates</td>
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<tr>
<td>Grant Sharp, Julia Woo</td>
<td>County of Orange/OC Public Works</td>
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<tr>
<td>Amber Baylor</td>
<td>South Orange County Wastewater Authority (SOCWA)</td>
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<td>Shasta Gaughen, Ph.D.</td>
<td>Environmental Director/Tribal Historic Preservation Officer</td>
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<td>Pala Band of Mission Indians</td>
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<tr>
<td>Andrew Meyer</td>
<td>San Diego Audubon Society</td>
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<tr>
<td>S. Wayne Rosenbaum</td>
<td>Environmental Law Group</td>
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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)


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**


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.

The following representatives of the Regional Municipal Separate Storm Sewer System Permit Co-permittees made a joint 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
• Julia Woo, Orange County Counsel

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
• S. Wayne Rosenbaum, Environmental Law Group
• Dr. Shasta Gaughen, Pala Band of Mission Indians
• Jared Voskuhl, 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 Jack Monger and Sean Porter 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)


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)


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)


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)


Petitions for Review Pending Before the State Water Board:


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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.


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 David W. Gibson
Executive Assistant Executive Officer