CALL TO ORDER

Chair Tomas Morales called the meeting to order on October 10, 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:
Tomas Morales, Chair; Henry Abarbanel, Ph.D., Vice Chair; Eric Anderson, Board Member; Betty H. Olson, Ph.D., Board Member; Gary Strawn, Board Member.

Board Members absent:
Stefanie Warren, Board Member.

Staff present:

Remote attendance:

Others present on behalf of the San Diego Water Board:

Public Attendance:

Matt O'Malley
San Diego Coastkeeper

Ruth Kolb, Vicki Kalkirtz, Ami Laken, David Widgerow, Tim Stebbins, Rachel Davenport, Alejandra Gavalpon, Drew Kleis, Peter Vroom
City of San Diego

Amber Baylor
South Orange County Wastewater Authority (SOCWA)

John Adriany, Sharon Cloward
San Diego Port Tenants Association

Art Bunce
Barona Indian Band

Karen Holman, Kelly Tait
Port of San Diego

Elizabeth Cosor, Mo Peram
SDG&E

Rosham Christoph, Francesca de Leon
Wood E&I

Neil Searing, Jo Ann Weber
County of San Diego
Lesley Dobalian  
San Diego County Water Authority (SDCWA)  

Charlie Arnold  
Stone Brewing  

Neil Mohr  
Republic Services  

Rob Roy  
La Jolla Band of Indians  

Roya Yazdaniford  
Ca/Trans  

Michael Welch  
Michael Welch Consultants  

Don Bunts  
Santa Margarita Water District  

Nick Popaditch  
Marine Base San Diego  

Carol Bedford, Paul Anderson  
Plerian  

Dan McKiman  
Environmental Health Coalition  

Paul Hartman  
Larry Walker Associates  

Cindy Rivers, Grant Sharp  
County of Orange  

Clint Boschen  
Tetra Tech  

Denise Turner Walsh  
Rincon Band of Luiseflo Indians  

Ted Griswold  
Pala Band of Mission Indians, Sycuan Band of Kumeyaay Nation, and the Kumeyaay Diegueflo Board Conservancy  

BOARD MEETING  

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

PUBLIC FORUM

Neil Mohr of Republic Services provided an update on the Sycamore Landfill expansion project.

BOARD BUSINESS:

1. Minutes of Board Meeting: September 12, 2018  
   Motion: Mr. Anderson moved to adopt the proposed minutes.  
   Seconded by: Dr. Olson  
   MOTION CARRIED: [September 12, 2018]  
   Aye: Mr. Anderson  
   Dr. Olson  
   Mr. Strawn  
   Chairman Morales  
   Nay: None.  
   Absent: Ms. Warren  
   Abstain: Dr. Abarbanel  

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.

   Chair Morales stated that although our State Water Board Liaison, Joaquin Esquivel, had planned to attend the meeting today, he was unable to due to illness. Chair Morales then provided an update on the planning and agenda for the Water Quality Coordinating Committee later this month.
Mr. Gibson highlighted the Shelter Island TMDL cleanup and the trash cleanup along the San Diego River from the written Executive Officer's Report. He also introduced new staff members Steven Teel and Brandon Bushnell, and he provided an update on the Tijuana River Valley Recovery Team activities and responded to Board Member questions.

Karen Holman of the Port of San Diego and Sharon Cloward of the San Diego Port Tenants' Association addressed the Board regarding the Shelter Island TMDL.

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

Board Members did not request any items for future agendas.

**CONSENT CALENDAR**


**Motion:**
**Seconded by:**
**MOTION CARRIED:**

- (Order No. R9-2018-0062)
- (Order No. R9-2018-0063)

**Aye:**
Dr. Abarbanel  
Mr. Anderson  
Dr. Olson  
Mr. Strawn  
Chairman Morales

**No:**  
None

**Absent:**  
Ms. Warren

**Abstain:**  
None

**INFORMATIONAL ITEM**

6. State of the Ocean Report by the City of San Diego on Status and Trends of Water Quality Conditions in the Vicinity of Point Loma and South Bay Ocean Outfalls. *(Keith Yaeger)*

*Staff Presentation*
Keith Yaeger

*Presentation*
Tim Stebbins, City of San Diego

Brandi Outwin-Beals also responded to Board Member questions.

*Chair Morales called a recess at 10:48 a.m. and reconvened the meeting at 11:00 a.m.*
ACTION ITEM:


Staff Presentation
Jody Ebsen

Cynthia Gorham responded to Board Member questions.

The following stakeholders commented on the Tentative Resolution:

- Dan McKirnan, Environmental Health Coalition (Presentation)
- Lesley Dobalian, San Diego County Water Authority
- Amber Baylor, South Orange County Water Authority
- Denise Turner Walsh, Rincon Band of Luisefio Indians
- Tep Griswold, Pala Band of Mission Indians, Sycuan Band of Kumeyaay Indians, and the Kumeyaay Dieguefio Band Conservancy
- Rob Roy, La Jolla Band of Indians
- Art Bunce, Barona Band of Mission Indians
- Ruth Kolb, City of San Diego
- Neil Searing, County of San Diego

Dr. Abarbanel moved and Dr. Olson seconded a motion to approve the Tentative Resolution. Following Board Member discussion, Dr. Abarbanel proposed a substitute motion to return the Tentative Resolution to staff to make specified changes, including but not limited to the addition of an environmental justice project. The substitute motion was put to a vote but failed to pass.

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

Chair Morales recessed for lunch and Closed Session at 12:55 p.m. Ms. Hagan stated that the Board would discuss Items 8.h and 8.i. The public meeting was reconvened at 2:10 p.m.

CLOSED SESSIONS
Closed Sessions are not open to the Public

8. 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)


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)


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 Board

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

Board Members discussed Items 8.h and 8.1 but did not take any action.

ADJOURNMENT

There being no further business, the meeting was adjourned at 2:10 p.m.

These minutes were prepared by:                     Signed by:
                                                                                          Christina Blank                      David Gibson
                                                                                          Executive Assistant                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.