CALL TO ORDER

Acting Chair Henry Abarbanel called the meeting to order on February 13, 2019 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:

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

Board Members absent:

Megan Blair, Board Member

Staff present:


Remote attendance:

Brandi Outwin-Beals, Christopher Means, Jody Ebsen, Kimberly McMurray-Cathcart, Nicole Gergans, Melissa Corona, Helen Yu.

Others present on behalf of the San Diego Water Board:


Public Attendance:

Dan Prijic

Michael R Welch
Michael Welch Consultants

Eric Green
Enthalpy

Adrienne Cibor
Nautilus/Enthalpy

Kyra Barbosa, Vicki Kalkirtz, Rachel Davenport
City of San Diego

Roya Yazdaniford
Ca/Trans
Public comments on agenda items were limited to 3 minutes or otherwise at the discretion of the Board Chair

PUBLIC FORUM

Michael Welch paid tribute to Judge Gordon Cologne, who passed away last month at the age of 94.

BOARD BUSINESS:

1. Minutes of Board Meeting:

   Motion: Mr. Strawn moved to adopt the proposed minutes
   Seconded by: Ms. Cantu
   MOTION CARRIED: (October 10, 2018) (December 12, 2018)
   Aye: Mr. Anderson, Ms. Cantu, Dr. Olson, Mr. Strawn, Ms. Warren, Dr. Abarbanel
   Nay: None.
   Absent: Ms. Blair
   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.

   Mr. Strawn stated that the Board Members and staff had been invited to attend San Diego State University's Water Day on April 23, 2019; seating will be limited, but there would be room for four people—perhaps two Board Members and two staff members.

   Ms. Cantu reported on the tour of the lower Tijuana River Valley, which took place on January 25.

   Dr. Olson stated that the Arundo removal in the San Juan basin has been completed.

   At Dr. Abarbanel's request, Sarah Mearon provided an update on the use of modern technology monitoring tools (Presentation).

   Dr. Abarbanel indicated that he had asked Assembly Member Todd Gloria to assist in communicating environmental justice issues in Region 9 to the Attorney General's Bureau of Environmental Justice and obtaining their help in initiating action before there is a violation of environmental justice standards. Dr. Abarbanel emphasized that he is not asking Mr. Gloria to do anything but be a liaison between the Board and the Attorney General's office.

   Mr. Smith welcomed Jill Harris as a Senior Environmental Scientist Specialist to the Wetland and Riparian Protection Unit. He also provided background information on the San Diego River Watershed Consortium reported in Item A2 of the Executive Officer's Report, and asked Board Members interested in participating to contact either Mr. Smith or Mr. Gibson.
In addition, Mr. Smith indicated that Item B3 of the Report was in response to issues raised during the Public Forum at the December Board Meeting.

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

   Board Members did not request any future agenda items.

**CONSENT CALENDAR**

4. Rescission of Order No. 95-83, Mr. Karl Kemp, Warm Springs Mobile Home and R.V. Park, Riverside County (Tentative Order No. R9-2019-0009). *Brandon Bushnell*


   **Motion to approve the Consent Calendar:**
   Consent Calendar: Ms. Cantú
   Seconded by: Dr. Olson
   **MOTION CARRIED:**
   *(Order No. R9-2019-0009)*
   *(Order No. R9-2019-0012)*

   **Aye:**
   Mr. Anderson  
   Ms. Cantú  
   Dr. Olson  
   Mr. Strawn  
   Ms. Warren  
   Dr. Abarbanel

   **No:**
   None.

   **Absent:**
   Ms. Blair

   **Abstain:**
   None.

**ACTION ITEMS:**


   **Staff Presentation**
   James Smith

   Mr. Smith and Ben Neill responded to Board Member questions.

   **Motion to approve Resolution**
   No. R9-2019-0023: Mr. Strawn
   Seconded by: Mr. Anderson
   **MOTION CARRIED:** *(Resolution No. R9-2019-0023)*

   **Aye:**
   Mr. Anderson  
   Ms. Cantú  
   Dr. Olson  
   Mr. Strawn  
   Ms. Warren  
   Dr. Abarbanel

   **No:**
   None

   **Absent:**
   Ms. Blair

   **Abstain:**
   None
7. Election of Regional Board Chair and Vice Chair for 2019. (David Gibson)

Board Chair Nominee: Dr. Abarbanel
Motion to Elect Dr. Abarbanel: Mr. Strawn
Second: Ms. Warren

Board Vice Chair Nominee: Celeste Cantu
Motion to Elect Ms. Cantu: Dr. Abarbanel
Second: Mr. Anderson

MOTIONS CARRIED
Aye: Mr. Anderson
Ms. Cantu
Dr. Olson
Mr. Strawn
Ms. Warren
Dr. Abarbanel

No: None

Absent: Ms. Blair
Abstain: None

Dr. Abarbanel recessed for Closed Session at 10:14 a.m.; Ms. Hagan stated that the Board would discuss items B(j) and B(o).

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)


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, 8.2, 8.3.a, 8.3.b, 8.4, 8.6, D.1.c(6), D.2.a(2), 0.3, 0.4, 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)


o. 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 County 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(j) and 8(o).

ADJOURNMENT

There being no further business, Chair Abarbanel adjourned the meeting at 12:10 p.m.

These minutes were prepared by: Signed by:

Christina Blank
Executive Assistant

James Smith
Acting Executive Officer

1 Petitions for review of San Diego Water Board actions or inactions filed with 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.