

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION
BOARD MEETING MINUTES
May 13, 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 May 13, 2020 at 11:00 a.m.

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.

Staff present:

David Gibson, Kelly Dorsey, Chris Blank, David Barker, Jeremy Haas, Brandi Outwin-Beals, Roger Mitchell, Chad Loflen, Sean McClain, Cynthia Gorham, Chiara Clemente, Wayne Chiu, Brandon Bushnell, Fisayo Osibodu, Keith Yaeger, Lara Quetin, Lark Starkey, Ben Neill, Craig Carlisle, Jason DuMond, Joann Lim, Vicente Rodriguez, Leah Lorch, Chehreh Komeylyan, Hiram Sarabia, Carey Nagoda, Jill Harris, Melissa Corona, Mireille Garcia, Tony Felix.

Others present on behalf of the San Diego Water Board:

Laurel Firestone, State Water Resources Control Board; Catherine Hagan, Vincent Vu, Office of Chief Counsel; Vinty Siev, Division of Information Technology.

Public Attendance:

Sophie Barnhorst, Jeffrey Pasek, John
Stufflebean, Amy Dorman, Shauna
Lorance
City of San Diego

Chris Cate
San Diego City Council

Shane Trussell
Trussell Technologies

Matt O'Malley
San Diego Coastkeeper

Doug Owen
Stantec

Debra Burris
DDB Engineering, Inc.

Michael Welch
Michael Welch Consultants

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 Meetings:

- February 12, 2020
- March 5, 2020

Motion to adopt the February 12, 2020 minutes:

- Ms. Cantú

Second:

- Mr. Strawn

MOTION CARRIED:

- [February 12, 2020 Minutes](#)

Aye:

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

Nay:

- None.

Absent:

- None.

Abstain:

- Mr. Anderson.

Motion to adopt the March 5, 2020 minutes:

- Ms. Cantú

Second:

- Mr. Strawn

MOTION CARRIED:

- [March 5, 2020 Minutes](#)

Aye:

- Mr. Anderson
- Ms. Blair

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

Nay:

- None.

Absent:

- None.

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.*

Ms. Cantú reported that the Chair has appointed a committee consisting of Dr. Olson, Mr. Strawn, and Ms. Cantú to investigate the use of modern technologies that would enhance the Board's monitoring capabilities, given limited resources and dealing with the COVID-19 situation.

Ms. Firestone stated that the Governor's May Budget Revise is expected in the next couple of days; she indicated that, as the State and Regional Water Boards are fee-funded, we are in a slightly better position than those agencies that rely on the General Fund. She also provided an update on State Board activities and priorities for upcoming meetings, and she responded to Board Member questions.

Mr. Gibson introduced new staff members, Lark Starkey and Lara Quetin. He reported that under the USMCA trade agreement \$300 million has been allocated for addressing issues in the Tijuana River Valley, and that there will be a USEPA public stakeholder meeting on or about June 2, 2020. Dr. Abarbanel asked that the Board Members be notified when that date is finalized.

Mr. Anderson offered to help Water Board staff in the revisions to the Irrigated Lands Orders.

Mr. Gibson then responded to Board Member questions and comments.

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

Board Members did not identify any Future Agenda Items.

CONSENT CALENDAR

4. Rescission of Order No. 98-04, Waste Discharge Requirements for United States Marine Corps Base Camp Pendleton, Sewage Treatment Plant No. 9 (Las Pulgas), San Diego County (Tentative Order No. R9-2020-0008. *(Brandon Bushnell)*

5. NPDES Permit Issuance: Waste Discharge Requirements for the City of San Diego, North City Water Reclamation Plant and Pure Water Facility, Indirect Potable Reuse Reservoir Augmentation Discharge to Miramar Reservoir, San Diego County (Tentative Order No. R9-2020-0001, NPDES 0109398). (*Fisayo Osibodu*)

The following stakeholders commented on Tentative Order No. R9-2020-0001:

- Chris Cate, City Council Member, San Diego City Council District 6
- Shauna Lorange, City of San Diego Public Works Department
- Craig Carlisle, Resident of City of San Diego

Motion to approve the Consent Calendar:

- Mr. Strawn

Second:

- Ms. Blair

MOTION CARRIED:

- (Order No. R9-2020-0005)
- (Order No. R9-2020-0004)

Aye:

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

Nay:

- None.

Absent:

- None.

Abstain:

- None.

Chair Abarbanel adjourned for closed session at 11:55 a.m. Ms. Hagan stated that the Board would discuss Item 6(i) during closed session, but that no action would be taken. Ms. Cantú reconvened the public meeting at 1:30 p.m.

CLOSED SESSIONS

Closed Sessions are not open to the public

6. 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*)

Petitions for Review Pending Before the State Water Board:¹

- k. Petition of the City of Oceanside for Review of Addendum 1 to Order No. 93-07, Waste Discharge Requirements for the San Luis Rey Wastewater Treatment Plant, adopted December 11, 2019, SWRCB/OCC File A-XXXX [not yet assigned], filed January 13, 2020. (*Brandon Bushnell*)
- 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

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.

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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.*)

- n. Petition of Genentech, Inc. for Review of Order No. R9-2019-0168, NPDES No. CA0109193, Waste Discharge Requirements for Genentech, Inc., adopted February 12, 2020, SWRCB/OCC File A-XXXX [not yet assigned], filed March 13, 2020. (*Joann Lim and Keith Yaeger.*)

ADJOURNMENT

There being no further business, Ms. Cantú adjourned the meeting at 1:31 p.m.

These Minutes were prepared by:

Signed by:

Christina A. Blank
Executive Assistant

David W. Gibson
Executive Officer