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.
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Public Attendance:
Raphael Mazor, Eric Stein
Southern California Coastal Water Research Project (SCCWRP)
Jared Voskuhl
CASA
Arthur Pugsley
Los Angeles Waterkeeper
Katharine Pease
Heal the Bay
Matt Yeager
Riverside County Flood Control and Water Conservation District
Richard Norris
Scripps Institution of Oceanography
Nick Buhbe
Great Ecology, as agent of Citizens Development Corporation
Andy Komor, Felicia Carlander
PACE
Gary Brugger
Exponent
Reed Thornberry
City of San Marcos
Raphael Mazor, Eric Stein
Southern California Coastal Water Research Project (SCCWRP)
Michael McSweeney
Building Industry Association of San Diego
Ashli Desai
Larry Walker Associates
Matt Yeager
Riverside County Flood Control and Water Conservation District
Alyssa Muto
City of San Diego
Pino Vitti
Citizens Development Corporation
Shasta Gaughen, Ph.D.
Environmental Director/Tribal Historic Preservation Officer
Pala Band of Mission Indians
Wayne Rosenbaum
Environmental Law Group
Reed Thornberry
City of San Marcos

Peter Ode
California Department of Fish and Wildlife
Jo Ann Weber
County of San Diego
Patrick McDonough
San Diego Coastkeeper
Karen Cowan
CASQA
Alyssa Muto
City of San Diego

Kamarul Muri
Dudek
Steve Figgins
EKI Environment and Water, Inc.
Alicia Appel
City of Escondido
Pino Vitti
Citizens Development Corporation
Joe Houde

Peter Ode
California Department of Fish and Wildlife

Sean Porter, Jack Monger
San Diego Industrial Environmental Association
Grant Sharp, Julia Woo,
County of Orange/OC Public Works
Amber Baylor
South Orange County Wastewater Authority (SOCWA)
Jo Ann Weber
County of San Diego
Patrick McDonough
San Diego Coastkeeper
Karen Cowan
California Stormwater Quality Association (CASQA)

Andrew Meyer
San Diego Audubon Society
**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.


(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 parté conversations related to this item. Mr. Loflen gave the staff 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; and Julia Woo, Orange County Counsel, made a joint presentation on behalf of the Regional Municipal Separate Storm Sewer System Permit Copermittees and responded to Board Member questions. 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:
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 Chair Abarbanel 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)


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

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)

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
Petitions for Review Pending Before the State Water Board:¹


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.