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

Vice Chair Celeste Cantú called the remote meeting to order on February 10, 2021 at 9:03 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.

Chair Abarbanel signed into the meeting at 9:06 a.m., and Vice Chair Cantú ceded the virtual gavel to him at that time.

Stefanie Warren signed into the meeting at 10:20 a.m.

Staff present:


Others present on behalf of the San Diego Water Board:

Laurel Firestone, Rebecca Fitzgerald, State Water Resources Control Board; Catherine Hagan, Vincent Vu, Lori Okun, Office of Chief Counsel.
Meeting Minutes February 10, 2021

Public Attendance:

<table>
<thead>
<tr>
<th>Name</th>
<th>Organization</th>
</tr>
</thead>
<tbody>
<tr>
<td>Leta Mclean</td>
<td>Brenda Palermo</td>
</tr>
<tr>
<td>AECOM</td>
<td></td>
</tr>
<tr>
<td>Joseph Murtaugh</td>
<td>USMC, Environmental Security</td>
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<tr>
<td>Greg Seaman</td>
<td>U.S. Marine Corps</td>
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</tbody>
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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 comments for the Public Forum.

BOARD BUSINESS:

1. Minutes of Board Meeting:
   a. November 18, 2020
   b. December 8, 2020

   Motion to adopt the November 18, 2020 minutes:
   - Dr. Olson

   Second:
   - Mr. Strawn

   MOTION CARRIED:
   - November 18, 2020
   - December 8, 2020

   Aye:
   - Mr. Anderson
   - Ms. Blair
   - Ms. Cantú
   - Dr. Olson
   - Mr. Strawn
   - Dr. Abarbanel

   Nay:
   - None.

   Absent:
   - Ms. Warren.

   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.

Chair Abarbanel provided a summary of his meeting with newly-elected San Diego Mayor Todd Gloria, Vice Chair Cantú, and Ms. Warren. Ms. Cantú also commented, stating that Mayor Gloria expressed his appreciation for the Board’s willingness to help educate him on water quality issues.

Ms. Firestone provided an update on recent actions taken by the State Board and upcoming State Board actions and priorities, and she responded to Board Member questions and comments.

Mr. Gibson congratulated Ben Neill on his promotion to Senior Water Resource Control Engineer supervising the Groundwater Protection Unit. Mr. Gibson also responded to Board Member questions and comments regarding the written Executive Officer’s Report and provided updates on recovery actions in the Tijuana River Valley.

Vice Chair Cantú announced that USEPA has scheduled a public meeting via Teams in which the public is invited to discuss Tijuana-San Diego Region cross-border flows on February 26, 2021, from 10:00 a.m. to 11:30 a.m. Pacific Daylight Time.

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

Dr. Olson stated that when she first joined the Board, she had asked for a briefing on chemicals in water that could affect an unborn fetus. After further reflection, she believes that such a briefing is too specific for a briefing before the full Board, and she wants to amend the request to say that she would like to receive information from OEHHA regarding such chemicals. Ms. Firestone responded that the State Board performs an annual review of drinking water regulations and priorities, and this year the staff is hoping to do more of a review regarding risk, and she will keep the Board updated regarding that work.

CONSENT CALENDAR

4. Waste Discharge Requirement Addendum: Addendum No. 2 to Order No. 88-54, Waste Discharge Requirements for Calmat Company, San Diego County. (Brandon Bushnell)


Motion to approve the Consent Calendar with errata for Item 8:

- Dr. Olson

Second:

- Mr. Strawn

MOTION CARRIED

Aye:

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

Nay:

- None.

Absent:

- Ms. Warren

Abstain:

- None.

Chair Abarbanel called a recess at 9:51 a.m. and reconvened the meeting at 10:01 a.m.

INFORMATIONAL ITEMS

7. Discussion of Draft Findings for the 2020/2022 Clean Water Act Sections 303(d) and 305(d) Integrated Report. (Carey Nagoda)

Ms. Nagoda gave the staff presentation and responded to Board Member questions. Ms. Fitzgerald, Mr. Loflen, and Mr. Gibson also responded to Board Member questions.

ACTION ITEM

8. Election: Election of the 2021 Regional Board Chair and Vice Chair. (David Gibson)

After thanking Dr. Abarbanel for his years of service as Chair, Dr. Olson nominated Ms. Cantú as Chair. Mr. Strawn seconded the motion.

After a unanimous vote in which Ms. Cantú was elected Chair, she nominated Dr. Olson to serve as Vice Chair. Dr. Abarbanel seconded the motion.

Motion to approve nominate Ms. Celeste Cantú as Regional Board Chair for 2021:

- Dr. Olson

Second:

- Mr. Strawn
MOTION CARRIED

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

Nay:
- None.

Absent:
- None.

Abstain:
- None.

Motion to approve nominate Dr. Betty Olson as Regional Board Vice Chair for 2021:
- Chair Cantú

Second:
- Dr. Abarbanel

MOTION CARRIED

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

Nay:
- None.

Absent:
- None.

Abstain:
- None.

Chair Cantú recessed for Closed Session at 10:41 a.m., and Mr. Vu stated that the Board would discuss item 9(i) and item 12. Chair Cantú reconvened the public meeting at 11:53 a.m.
CLOSED SESSIONS
Closed Sessions are not open to the Public

9. 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)

Commission on State Mandates by Orange County Copermittes, 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)


Petitions for Review Pending Before the State Water Board: ¹


10. Consideration of Initiation of Litigation or Discussion of Significant Exposure to Litigation. The San Diego Water Board may meet in closed session to initiate or consider initiating litigation concerning matters within its jurisdiction or to discuss significant exposure to litigation [Authorized under Government Code §11126(e)]. (David Gibson)

11. Deliberation on a Decision to be Reached Based on Evidence Introduced in a Hearing. The San Diego Water Board may meet in closed session to consider evidence received in an adjudicative hearing and to deliberate on a decision to

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.
be reached based upon that evidence [Authorized under Government Code §11126(c)(3)].

12. Personnel. The San Diego Water Board may meet in closed session to consider the appointment, employment, evaluation of performance, or dismissal of a public employee or to hear complaints or charges brought against that employee by another person or employee unless the employee requests a public hearing [Authorized under Government Code §11126(a)].

**ADJOURNMENT**

There being no further business, Chair Cantú adjourned the meeting at 11:54 a.m.

These Minutes were prepared by:

Christina A. Blank  
Executive Assistant

Signed by:

David W. Gibson  
Executive Officer