

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
SAN DIEGO REGION  
BOARD MEETING MINUTES  
April 14, 2021**

*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**

Chair Celeste Cantú called the remote meeting to order on April 14, 2021 at 9:00 a.m., and the Executive Assistant called the roll.

Roger Mitchell gave an opening statement providing information for attendees to participate in the meeting.

**ATTENDANCE:**

**Board Members present:**

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

**Staff present:**

David Gibson, Kelly Dorsey, Chris Blank, Roger Mitchell, David Barker, Jeremy Haas, Chiara Clemente, Keith Yaeger, Melissa Corona, Michelle Santillan, Cynthia Gorham, Brandi Outwin-Beals, Tanya Clark, Christina Arias, Dulce Romero, Sean McClain, Kristin Schwall, Daniel Boyd, Sarah Mearon, Wayne Chiu, Eric Becker, Laurie Walsh, Fisayo Osibodu, Cleo Muñoz, Jill Harris, Debbie Woodward, Hiram Sarabia, Ben Neill, Vicente Rodriguez, Sasha Smirensky, Tom Alo, Nicole Gergans, Chad Loflen, Erica Ryan, Kimberly McMurray-Cathcart, Tony Felix, Amy Grove, Alan Monji, Leah Lorch, Charles Cheng, Regan Morey, Lara Quetin.

**Others present on behalf of the San Diego Water Board:**

Laurel Firestone, Jeff O'Keefe, Wendy Linck, Brianna St. Pierre, Christine Sotelo, Jacob Oaxaca State Water Resources Control Board; Christopher Banks, Office of Environmental Health Hazard Assessment; Catherine Hagan, Vincent Vu, Lori Okun, Office of Chief Counsel.

**Public Attendance:**

Derral Van Winkle, Jason Golumbfskie-Jones, Walter Wilson, Lindsay Nehm <i>U.S. Navy</i>	Megan Plumlee <i>Orange County Water District</i>
Elena Aguilar	Henry Bojorquez <i>La Jolla Band of Luiseno Indians</i>
Martha Camacho-Rodriguez <i>Social Ecological Education-LA (SEE)</i>	

**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: March 10, 2021**

**Motion to adopt the March 10, 2021 minutes:**

- Ms. Warren

**Second:**

- Dr. Olson

**MOTION CARRIED:**

- March 10, 2021

**Aye:**

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

**Nay:**

- None.

**Absent:**

- None.

**Abstain:**

- Mr. Anderson

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. Firestone provided an update on recent actions taken by the State Board and the 2021 Strategic Work Plan, and she responded to Board Member questions and comments.

Mr. Gibson congratulated Christina Arias on her move to the Compliance Assurance Unit and Amy Grove on her promotion to Supervisor of the Site Restoration and Agricultural Program Unit.

### **INFORMATIONAL ITEMS**

3. A Sediment Cleanup and Navy Dredging Update for San Diego Bay. (*Sean McClain*)

Sean McClain provided an introduction and brief overview of the item, followed by presentations from Kristin Schwall from the San Diego Water Board, and Derral Van Winkle, Jason Golumbfskie-Jones, and Walter Wilson, representatives from the U.S. Navy.

Sean McClain, Kristin Schwall, Derral Van Winkle, Jason Golumbfskie-Jones, Walter Wilson, and Lindsay Nehm from the Navy responded to Board Member questions and comments.

4. PFAS – Detection to Protection: Methods for Finding and Removing 'Forever Chemicals' in Groundwater, Wastewater, and Drinking Water. (*Dan Boyd*)

Dan Boyd provided an introduction and brief overview of the item, followed by presentations from Christine Sotelo and Jacob Oaxaca from the State Water Board, Megan Plumlee from the County of Orange Water District; and Christopher Banks from the Office of Environmental Health Hazard Assessment.

Jacob Oaxaca and Megan Plumlee responded to Board Member questions and comments.

### **BOARD MEMBER REQUESTS**

5. Future Agenda Items: Recommended Course of Action and Estimated Staff Hours to Address Actions from the March 2021 Board Meeting. In addition, Board Members may discuss items for possible inclusion on future agendas. (*Kelly Dorsey*)

Dr. Abarbanel requested an update on Lake San Marcos and asked that both the principals and the residents from the area be invited.

Chair Cantú recessed for Closed Session at 12:30 p.m., and Vincent Vu stated that the Board would discuss Item 6(i). Chair Cantú reconvened the public meeting at 1:25 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)*
- k. *City of Oceanside and Fallbrook Public Utilities District v. State Water Resources Control Board. San Diego Regional Water Quality Control Board as Real Party in Interest. Verified Petition for Writ of Mandate and Request for Stay, San Diego County Superior Court, Case No. 37-2020-00033562.CU-WM-CTL, filed September 23, 2020. (Vincent Vu)*
- l. *Lockheed Martin Corporation v. California State Water Resources Control Board, Regional Water Quality Control Board, San Diego Region, et al. Verified Petition for Writ of Mandate and Request for Stay, San Diego County Superior Court, Case No. 37-2020-00042976.CU-WM-CTL, filed November 20, 2020. (Catherine George Hagan)*

**Petitions for Review Pending Before the State Water Board:<sup>1</sup>**

- m. 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.*)
  - n. Petition of the City of Oceanside for Review and Request for Stay of Order No. R9-2019-0166, NPDES No. CA0107433, Waste Discharge 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.*)
  - o. Petition of Jarod Campbell for Review of Amendment No. 1 to Clean Water Act Section 401 Water Quality Certification No. R9-2012-0075, issued on June 11, 2020, SWRCB/OCC File Not Assigned, filed July 7, 2020. (*Darren Bradford*)
  - p. Petition of Danny and Tina Luz for Review of Amendment 1 to Clean Water Act Section 401 Water Quality Certification No. R9-2012-0075, issued on June 11, 2020, SWRCB/OCC File Not assigned, filed July 10, 2020. (*Darren Bradford*)
  - q. Petition of Russell Campbell for Review of Amendment No. 1 to Clean Water Act Section 401 Water Quality Certification No. R9-2012-0075, issued on June 11, 2020, SWRCB/OCC File Not Assigned, filed July 11, 2020. (*Darren Bradford*)
7. 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*)

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<sup>1</sup> 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](mailto:Catherine.Hagan@waterboards.ca.gov) or 619-521-3012 for more information.

8. 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 be reached based upon that evidence [Authorized under Government Code §11126(c)(3)].
9. 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 1:26 p.m.

These Minutes were prepared by:

Signed by:

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Christina A. Blank  
Executive Assistant

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David W. Gibson  
Executive Officer