CALL TO ORDER
Chair Celeste Cantú called the meeting to order on August 10, 2022 at 9:00 a.m. in the San Diego Regional Water Quality Control Board Hearing Room, 2375 Northside Drive, Suite 108, San Diego, California 92108.

ATTENDANCE

Board Members present:
Celeste Cantú, Board Chair; Betty H. Olson, Ph.D., Vice Chair; Henry Abarbanel; Stefanie Warren.

Board Members absent:
Eric Anderson, Megan Blair, Gary Strawn

Staff present:
David Gibson, Abigail Pashina, Roger Mitchell, David Barker, Jeremy Haas, Wayne Chiu, Sarah Mearon, Kristin Schwall, Tom Alo, Sherrie Komeylyan, Sean McClain, Sasha Smirensky

Remote attendance:

Others present on behalf of the San Diego Water Board:
Vincent Vu, Alex Sauerwein, Office of Chief Counsel; Julie Macedo, Office of Enforcement; Nichole Morgan (remote), State Water Resources Control Board; Peter Petty, California Reporting.
Meeting Minutes August 10, 2022

Public Attendance:

<table>
<thead>
<tr>
<th>Name</th>
<th>Organization</th>
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<tbody>
<tr>
<td>Leon Benham</td>
<td>Citizens for Coastal Conservancy</td>
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<tr>
<td>Dustin Biddle (remote)</td>
<td>U.S. EPA, Region 9</td>
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<td>Peter Kozelka (remote)</td>
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<td>Keith Tashima (remote)</td>
<td>Ryan Kempster (remote), Arielle</td>
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<td>Stan Phillips (remote)</td>
<td>Beaulieu, Allison Sharpe, Rachel</td>
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<td>Elizabeth Greene</td>
<td>Davenport</td>
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<tr>
<td>Caroline Lee</td>
<td>City of San Diego</td>
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<tr>
<td>George Gigounas</td>
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<td>Isabella Neel</td>
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<td>Lockheed Martin</td>
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<td>Rebecca Harrington, Jason Giffen, Karen Holman, Paula Sylvia, Kenneth O. Corley, Mike Johns</td>
<td>San Diego Unified Port District</td>
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<td>Amanda Parker</td>
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<td>Michael Rafarum</td>
<td>Kelly Richardson</td>
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<td>U.S. Navy</td>
<td>Latham/General Dynamics</td>
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<td>Michael Welch</td>
<td>John Adriany</td>
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<td>Michael Welch Consultants</td>
<td>Sutter Band of Masai Indians</td>
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<td>Mike Palmer</td>
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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

Leon Benham, from Citizens for Coastal Conservancy, addressed the Board requesting modifications to the Tijuana River Restoration Plan.

BOARD BUSINESS

Item 1 – Minutes of Board Meeting: June 8, 2022

Motion to adopt the June 8, 2022 minutes:

- Stefanie. Warren

Second:

- Betty Olson

Aye:

- Betty Olson
- Stefanie Warren
- Chair Cantú

Nay:

- None

Absent:

- Eric Anderson
- Megan Blair
- Gary Strawn
Abstain:
- Henry Abarbanel

**Item 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.

Henry Abarbanel informed the Board that he is meeting with the Southern California Coastal Water Research Project (SCCWRP) on August 16 with two of his graduate students to discuss some of SCCWRP’s projects. He is also planning a meeting with SCCWRP in October to include Board Members Betty Olson and Gary Strawn and the South Orange County Wastewater Authority.

Nichole Morgan, the State Board liaison for the San Diego Region, provided an update on State Board recent actions and upcoming priorities.

Mr. Gibson and Sarah Mearon responded to Board Member questions regarding Lake San Marcos. In addition, Mr. Gibson announced that this fall, the Board Hearing room will be one of the first Regional Board hearing room to install equipment to host our own hybrid meetings. Mr. Gibson also provided an update on Treaty Minute 320 regarding money allocated in the USMCA treaty, Senate Bill 170 projects, and an update with photos regarding the repair of two transmission lines that carry mostly raw wastewater to the ocean from Tijuana.

**CONSENT CALENDAR**

*Items on the consent calendar may be removed at the request of any Board member or person. If an item is removed from the uncontested items calendar, it will only be voted on at this meeting if the Board accepts the staff recommendation for the agenda item. Otherwise, the item will be continued to a subsequent board meeting to allow input by interested persons.*


**Motion to adopt the Consent Calendar:**
- Henry Abarbanel

**Second:**
- Stefanie Warren

**Aye:**
- Henry Abarbanel
- Betty Olson
- Stefanie Warren
- Chair Cantú
Nay:
- None

Absent:
- Eric Anderson
- Megan Blair
- Gary Strawn

Abstain:
- None

Chair Cantú called a recess at 10:00 a.m. and reconvened the meeting at 10:13 a.m.

ACTION ITEMS


The Board received comments and heard presentations from the San Diego Water Board Cleanup Team and representatives from the interested parties, including Lockheed Martin Corporation, the San Diego Unified Port District, and General Dynamics Corporation.

**Motion to adopt Tentative Order No. R9-2022-0007:**
- Henry Abarbanel

Second:
- Stefanie Warren

Aye:
- Henry Abarbanel
- Betty Olson
- Stefanie Warren
- Chair Cantú

Nay:
- None

Absent:
- Eric Anderson
- Megan Blair
- Gary Strawn

Abstain:
- None

Chair Cantú called a recess at 11:55 a.m. and reconvened the meeting at 12:04 p.m.
Item 6 – Tentative Resolution: A Resolution Endorsing the Fiscal Year 2022-2023 Operational Plan (Tentative Resolution No. R9-2022-0114). (David Gibson)

Mr. Gibson gave the staff presentation and responded to Board Member questions and comments.

Motion to adopt Tentative Resolution No. R9-2022-0114:
- Betty Olson

Second:
- Stefanie Warren

Aye:
- Henry Abarbanel
- Betty Olson
- Stefanie Warren
- Chair Cantú

Nay:
- None

Absent:
- Eric Anderson
- Megan Blair
- Gary Strawn

Abstain:
- None

Chair Cantú recessed for closed session at 12:36 p.m. Mr. Sauerwein noted that the Board would discuss Item No. 9(j) and 9(k) during closed session. Chair Cantú reconvened the public meeting at 1:19 p.m.

INFORMATIONAL ITEM

Item 7 – A Sediment Cleanup and Navy Dredging Update for San Diego Bay. (Sarah Mearon)

Kristin Schwall, Sherrie Komeylyan, and Tom Alo gave the staff presentation, followed by Karen Holman and Paula Sylvia from the San Diego Unified Port District. Presenters responded to Board Member questions and comments.

BOARD MEMBER REQUESTS

Item 8 – Future Agenda Items: Recommended Course of Action and Estimated Staff Hours to Address Action Items from the June 2022 Board Meeting. In addition, Board Members may discuss items for possible inclusion on future agendas. (Kelly Dorsey)

Stefanie Warren requested an update on the Waste Discharge Requirements that have been moved into the Local Agency Management Programs (LAMP) and State Water Board General Waste Discharge Requirements for Small Domestic Wastewater Treatment Systems; Henry Abarbanel requested an update on the City of San Diego Pure Water Program; and Betty Olson requested an update on harmful algal blooms in the San Diego Region.
Item 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)

and Order No. R9-2015-0100 (Regional MS4 Permit) filed with the Commission on State Mandates by Orange County Copermitttees, 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)


j. United States of America v. California Regional Water Quality Control Board, San Diego Region; David W. Gibson, in his official capacity as Executive Officer of the Regional Water Quality Control Board, San Diego Region; State of California Water Resources Control Board; and E. Joaquin Esquivel, in his official capacity as State Water Resources Control Board Chair, Complaint for Declaratory and Injunctive Relief, United States District Court for the Southern District of California, Case No. 3:21-cv-01749-GPC-AGS, filed October 8, 2021. (Vincent Vu)

k. United States of America v. California Regional Water Quality Control Board, San Diego Region, David W. Gibson, in his official capacity as Executive Officer of the “Regional” Water Quality Control Board, San Diego Region, State of California Water Resources Control Board, and E. Joaquin Esquivel, in his official capacity as State Water Resources Control Board Chair, Petition for Writ of Mandate, San Diego County Superior Court, Case No. 37-2021-00043908-CU-WM-CTL, filed October 8, 2010. (Vincent Vu)
Petitions for Review Pending Before the State Water Board:¹

I. Petitions of San Diego Coastkeeper and Coastal Environmental Rights Foundation; City of Rancho Santa Margarita; City of Laguna Hills; County of Orange & Orange County Flood Control District; City of Dana Point; City of Laguna Beach; City of Mission Viejo; City of Laguna Niguel; Riverside County Flood Control & Water Conservation District et al.; City of San Clemente; City of San Juan Capistrano; and City of Aliso Viejo (Order No. R9-2015-0100, amending Order No. R9-2013-0001 [NPDES No. CAS 0109266] for Discharges from the Municipal Separate Storm Sewer Systems (MS4s) Draining the Watersheds within the San Diego Region), SWRCB/OCC FILE A-2456 (a thru I). (Laurie Walsh)

There being no further business, Chair Cantú adjourned the meeting at 2:27 p.m.

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 Vincent Vu at Vincent.Vu@waterboards.ca.gov or 916-323-5669 for more information.