

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION
BOARD MEETING MINUTES
April 12, 2023**

CALL TO ORDER

Chair Celeste Cantú called the meeting to order on April 12, 2023 at 9:00 a.m. in the City of Laguna Beach City Council Chambers, 505 Forest Avenue, Laguna Beach, California 92651.

ATTENDANCE

Board Members present:

Celeste Cantú, Board Chair; Betty H. Olson, Ph.D., Vice Chair; and Eric Anderson.

Remote attendance:

Gary Strawn, Megan Blair (Board members participating by remote attendance joined, and a quorum of the San Diego Water Board convened, at 9:14 a.m.)

Board Members absent:

Henry Abarbanel, Stefanie Warren

Staff present:

David Gibson, Chris Blank, Roger Mitchell, Jeremy Haas, Ben Neill, Brandi Outwin-Beals, Jessica Taylor, Mahsa Izadmehr, Joann Lim.

Remote attendance:

Kelly Dorsey, Regan Morey, Wayne Chiu, Debbie Phan, James Chhor, Chiara Clemente, Erica Ryan, Fisayo Osibodu, Brandon Bushnell, Amy Grove, Regina Coughlin, Chad Loflen, Frank Melbourn, Sean McClain, Abby Pashina, Cailynn Smith, Jody Ebsen, Vicente Rodriguez, Kristin Schwall, Christina Arias, Mireille Garcia

Others present on behalf of the San Diego Water Board

Vincent Vu, Alex Sauerwein, Office of Chief Counsel; Nichole Morgan (remote), State Water Resources Control Board.

Public Attendance:

Mel Vernon (remote) <i>San Luis Rey band of Mission Indians</i>	Katherine Partain (remote) <i>General Atomics</i>
Kelvin Barrios (remote) <i>Laborers Local 89</i>	Julie Yorkovic (remote) <i>AECOM</i>
Livia Beaudin (remote) <i>Coast Law Group</i>	Connor Medina (remote) <i>Orange County Business Council</i>
Amber Baylor <i>South Orange County Wastewater Authority (SOCWA)</i>	Brian Metz <i>Southern California Edison</i>
Matt Yeager, Sam Brogadir, Mai Song <i>Riverside County Flood Control and Water Conservation District</i>	Amanda Carr, Jenna Voss <i>Orange County Public Works</i>
Craig Gustafson <i>City of San Diego</i>	Scott Norris, Chelsea McGimpey <i>County of San Diego</i>
Alex Thomas, Laura Rocha <i>Moulton Niguel Water District</i>	

BOARD MEETING

Public comments on agenda items were limited to 3 minutes or otherwise at the discretion of the Board Chair

PUBLIC FORUM

Amber Baylor, Director of Environmental Compliance for SOCWA addressed the Board regarding the ocean acidification model performed in collaboration with member agencies and SCCWRP, and she responded to Board Member questions.

BOARD BUSINESS

Item 1 – Minutes of Board Meeting: March 8, 2023 and March 22, 2023

Motion to adopt the March 8, 2023 and March 22, 2023 minutes:

- Mr. Anderson

Second:

- Dr. Olson

Aye:

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

Nay:

- None

Absent:

- Mr. Abarbanel
- Ms. Warren

Abstain:

- None

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.*

Nichole Morgan, the State Board liaison, provided an update on recent State Board actions and priorities.

Board Member Olson commented on the Colorado River update in the Executive Officer’s Report.

Mr. Gibson provided an update on border water quality and responded to Board Member questions.

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.*

Item 3 – Waste Discharge Requirement Rescission: Rescission of Order No. 94-136, Waste Discharge Requirements for Mr. William R. Severance, Lake Morena Trailer Resort, San Diego County (Tentative Order No. R9-2023-0018). (*Mahsa Izadmehr*)

Motion to adopt the Consent Calendar:

- Dr. Olson

Second:

- Mr. Anderson

Aye:

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

Nay:

- None

Absent:

- Mr. Abarbanel
- Ms. Warren

Abstain:

- None

INFORMATIONAL ITEMS

Item 4 – Public Education, Outreach, and Tracking Efforts Used by Regional Municipalities to Reduce Discharges of Bacteria and Other Pollutants in Stormwater and to Prevent Non-Stormwater Discharges to Protect Receiving Water Quality and Support Beneficial Uses. (*Jessica Taylor*)

Amanda Carr, Deputy Director of Orange County of Orange, Jenna Voss, Watershed Manager of Orange County Public Works South Orange County Watershed Management Area gave a presentation on behalf of Orange County.

Chair Cantú called a brief recess at 10:18 a.m. and reconvened the meeting at 10:27 a.m.

Sam Brogadir and Mai Son presented on behalf of Riverside County Flood Control and Water Conservation District, followed by Craig Gustafson from the City of San Diego; and Scott Norris and Chelsea McGimpsey from the County of San Diego. The presenters also responded to Board Member questions and comments.

Item 5 – Moulton Niguel Water District Update on Water Recycling Strategy. (*Mahsa Izadmehr*)

Mahsa Izadmehr provided an introduction, followed by a presentation from Alex Thomas and Laura Rocha from the Moulton Niguel Water District. Mr. Thomas and Ms. Rocha also responded to Board Member questions and comments.

Chair Cantú recessed at 12:00 p.m. and reconvened the public meeting at 12:06 p.m.

ACTION ITEM:

Chair Cantú took this item out of order.

Item 7 – NPDES Permit Reissuance: Waste Discharge Requirements for Southern California Edison Company, Discharge to the Pacific Ocean Related to the Decommissioning of San Onofre Nuclear Generating Station, San Diego County (Tentative Order No. R9-2023-0011, NPDES No. CA0109282). (*Joann Lim*)

Chair Cantú gave an opening statement and administered the oath. Joann Lim gave the staff presentation and, with Brandi Outwin-Beals, responded to Board Member questions and comments.

The following stakeholders commented on the item:

- Garry Brown, Orange County Coastkeeper
- Connor Medina, Orange County Business Council
- Kelvin Barrios, Laborers Local 89

Motion to approve Tentative Order No. R9-2023-0011, NPDES No. CA0109282:

- Dr. Olson

Second:

- Mr. Anderson

Aye:

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

Nay:

- None

Absent:

- Mr. Abarbanel
- Ms. Warren

Abstain:

- None

OUTREACH

Item 6 – San Diego Water Board Workshop regarding Environmental Justice, Atmospheric River Events, the Practical Vision, and Community Issues or Concerns. *(David Gibson)*

David Gibson introduced the item; there was no discussion.

BOARD MEMBER REQUESTS

Item 8 – Future Agenda Items: Recommended Course of Action and Estimated Staff Hours to Address Action Items from the March 2023 Board Meeting. In addition, Board Members may discuss items for possible inclusion on future agendas. *(Kelly Dorsey)*

Board Members did not request any future agenda items.

Chair Cantú recessed for lunch and closed session at 12:39 p.m. Mr. Vu stated that the Board would discuss Item Nos. 9(j), 9(k), and 9(l) during closed session.

CLOSED SESSIONS

Closed Sessions are not open to the Public

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)

- 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. *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)*
- l. *Baldwin & Sons, Inc.; Sunranch Capital Partners, LLC; Sunrise Pacific Construction, Inc.; SRC-PH Investments, LLC; Baldwin & Sons, LLC;*

Shawn M. Baldwin; Randall G. Bone; and Jose Capati v. California Regional Water Quality Control Board San Diego Region, Verified Petition for Writ of Mandate, Orange County Superior Court, Case No. 30-2022-01291447-CU-WM-CJC, filed November 4, 2022. (Vincent Vu)

- m. Lockheed Martin Corporation v. California State Water Resources Control Board; Regional Water Quality Control Board, San Diego Region, Verified Petition for Writ of Mandate and Request for Stay, Superior Court of the State of California, County of San Diego, Case No. 37-2023-00001041-CU-WM-CTL, filed January 9, 2023. (Alex Sauerwein)*

Petitions for Review Pending Before the State Water Board:¹

- n. 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 l). (Laurie Walsh)*

Item 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)

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

Item 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)].

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.

Meeting Minutes April 12, 2023

Chair Cantú reconvened the public meeting at 1:17 p.m.

There being no further business, Chair Cantú adjourned the meeting at 1:18 p.m.

These Minutes were prepared by:

Signed by:

Christina A. Blank
Executive Assistant

David W. Gibson
Executive Officer