
Santa Ana Regional Water Quality Control Board

AGENDA ANNOUNCEMENT

REGIONAL BOARD MEETING

Friday, October 16, 2020 at 9:00 a.m.
Video and Teleconference Meeting Only
No Physical Meeting Location
(Authorized by and in furtherance of
Executive Orders [N-29-20](#) and [N-33-20](#))
Live video webcast: [LIVE VIDEO](#)

NOTICE:

Video and Teleconference Meeting During COVID-19 Emergency: As a result of the COVID-19 emergency and the Governor's Executive Orders to protect public health by limiting public gatherings and requiring social distancing, this meeting will occur solely via remote presence.

If you want to watch or listen to the meeting but do not want to comment, you can access the webcast of the meeting at <https://cal-span.org/>

If you want to comment on an item during the meeting, you will need to submit a virtual speaker card by following the instructions included below. A computer is not required to participate in the meeting; the public will also have the option to dial into the meeting by phone. Additional information regarding remote meeting participation is available on the Santa Ana Water Board's website:

https://www.waterboards.ca.gov/santaana/board_info/remote_meeting/index.html

Special Virtual Speaker Card Instructions

Persons speaking at Santa Ana Water Board meetings are accustomed to filling out a speaker card. To allow for a more orderly process of identifying speakers in advance, the Santa Ana Water Board will use virtual speaker cards. The virtual speaker card will allow the Board Clerk to locate commenters within the Zoom meeting waiting list and unmute them so they can address the Board at the appropriate time.

To request to speak on an item at this meeting (except item 12), you must submit a virtual speaker card no later than 5:00 p.m. on Wednesday, October 14, 2020. To register visit:

https://us02web.zoom.us/webinar/register/WN_JZhPr_GmSrumEbway-4fwg

If you do not submit the registration form by the deadline, please do so as soon as you can. You cannot participate in the Zoom meeting until you receive an email with the password. Please note, that commenters will generally be taken in the order of the receipt of the virtual speaker cards. Further, note that the Board Chair has the discretion to specify the order of commenters.

After you submit the online registration form, you will receive an email with the Zoom weblink and phone numbers to participate in the meeting. If you do not receive a confirmation email with the Zoom information after filling out the online registration form, please email jeannie.aguilar@waterboards.ca.gov or call 951-782-3285.

Order of Agenda

Agenda Items are numbered for identification purposes only and may not necessarily be considered in this order.

Item 1. Introductions

Item 2. Public Forum - Any person may address the Regional Board on any matter within the Regional Board's jurisdiction, provided that the matter does not appear elsewhere on the agenda, has not been scheduled to appear on a future agenda, and is not otherwise pending before the Board.

Item 3. State Water Resources Control Board Liaison Report - This item is for information only. No public testimony will be allowed, and the Regional Board will take no formal action.

Item 4. Regional Board Meeting Minutes of July 30, 2020, July 31, 2020, and August 7, 2020 - The Board will consider approval of the Minutes of the regular Board meeting of July 30, 2020, July 31, 2020 and August 7, 2020. (Action item).
{Jeannie Aguilar 951-782-3285 jeannie.aguilar@waterboards.ca.gov}

Item 5. Proposed Board Meeting Dates for 2021 – The Regional Board will discuss the tentative calendar of meeting dates and locations for 2021. The calendar dates will be considered for adoption at the next Board meeting. (Information item).
{Hope A. Smythe 951-782-4493 hope.smythe@waterboards.ca.gov}

Item 6. Consideration of the Consent Calendar - Items below, marked with an asterisk, are expected to be routine and non-controversial. The Board will be asked to consider these items at one time without discussion. If any interested party, Board Member or staff requests that an item be removed from the consent calendar, it will be taken up in the order shown.

Item *7. Rescissions - Orders for the following six facilities are proposed to be rescinded as the discharge has ceased or the project has been completed or the facility will be regulated by another appropriate Order. (Action item). **Order Number R8-2020-0017**

{Mark Smythe 951-782-4998 mark.smythe@waterboards.ca.gov}

- 1) Order R8-2011-0050, U.S Army Corps, Lower Newport Bay Dredging Project, Project has been completed, WDR is no longer necessary.
- 2) Order R8-2014-0044, California Portland Cement Plant, 695 South Rancho Ave, Colton, discharge has been eliminated. WDR is no longer necessary.
- 3) R8-2005-0079 TSO R8-2009-0070 (as amended by TSO R8-2013-0061 and TSO R8-2014-0026), City of Irvine, Road Undercrossing Dewatering Sites, Irvine, the Order and TSO was renewed/replaced by Order R8-2019-0061. Order R8-2019-0061 omitted inclusion of rescission and replacement of Order R8-2005-0079 and the TSOs.
- 4) R8-2018-0087, Beckman Coulter, Inc., 4300 Harbor Blvd, Fullerton, discharge has been eliminated, WDR is no longer necessary.
- 5) Order 93-44, Live Nation/San Bernardino County Special Districts, Glen Helen Amphitheater, 2575 Glen Helen Parkway, San Bernardino, Discharges from the facility are hauled to another WWTP for processing. Discharge has been eliminated. WDR is no longer necessary.
- 6) R8-2007-0041(as amended by R8-2009-0045) and TSO R8-2009-0069 (as amended by R8-2013-0060 and TSO R8-2014-0025), General Waste Discharge Requirements for Discharges to Surface Water from Groundwater Remediation, The Order and TSO was renewed/replaced by Order R8-2019-0061. Order R8-2019-0061 omitted inclusion of rescission and replacement of Order R8-2007-0041 and the TSOs.

[Item *8. Waste Discharge Requirements for San Bernardino County Environmental Management Division, Flood Control District, Cucamonga Basins 6, 7, and 8 Maintenance Project, City of Upland, San Bernardino County](#) –

Authorizing sediment removal, vegetative clearance as needed, and other maintenance activities in basin and channel complex tributary to Cucamonga Creek. Ongoing maintenance includes excavation and fill discharges to 14.25 acres non-federal waters of the State (WOTS) and 13.17 acres waters of the U.S. (WOTUS). (Action Item).

Order No. R8-2020-0044

{Terri Reeder 951-782-4995 terri.reeder@waterboards.ca.gov}

[Item 9. Public hearing on Administrative Civil Liability Complaint R8-2020-0002 for Violation of Cleanup and Abatement Order No. R8-2016-0042 at the Cham-Cal Engineering Facility in Orange County](#) –

The Board will conduct a public hearing on the Administrative Civil Liability Complaint R8-2020-0002 and will consider whether to affirm, reject, or modify the monetary penalty as proposed in the Complaint. (Action item). **Order Number R8-2020-0002**

{Nick Amini 951-782-7958 nick.amini@waterboards.ca.gov}

Item 10. Presentation of the Recent Groundwater Management Zones Ambient Water Quality Determinations for the Period of 1999-2018

- Pursuant to the Salt Management Plan specified in the Basin Plan, total dissolved solids (TDS) and nitrate-nitrogen ambient water quality concentrations, are to be determined every three years for each groundwater management zone within the Region. The Basin Monitoring Program (BMP) Task Force consultants have completed their update of the ambient water quality, as well as an interpretative analysis of the results. The data and findings from the update will be presented to the Santa Ana Regional Water Board as an informational item by the BMP Task Force administrator and their consultant. (Information item).

{Cindy Li 951-782-4906 cindy.li@waterboards.ca.gov}

Item 11. Upper Temescal Valley Groundwater Management Zone Basin Plan Amendment – Resolution Number R8-2020-0038

– Public hearing to consider the proposed Basin Plan Amendment to adopt the Salt and Nutrient Management Plan for the Upper Temescal Valley Groundwater Management Zone. (Action item).

Resolution Number R8-2020-0038

{Cindy Li 951-782-4906 cindy.li@waterboards.ca.gov}

Item 12. Status Update on Continued Hearing for Tentative Order Number R8-2020-0005, NPDES Number CA8000403, Poseidon Resources (Surfside) L.L.C., Proposed Huntington Beach Desalination Facility

—On August 7, 2020, the Santa Ana Water Board continued the hearing and directed staff to make revisions to the mitigation requirements in Tentative Order No. R8-2020-0005. Staff will provide the Board and the public with an update on proposed timing for presenting revisions to the Tentative Order to the Board. The written and oral comment period on the Tentative Order closed on January 21, 2020 and July 31, 2020, respectively. No additional comments will be taken on this item at this time. (Information item, although the Board may provide direction to staff on proposed timing.)

Order Number R8-2020-0005

{Hope A. Smythe 951-782-4493 hope.smythe@waterboards.ca.gov}

Item 13. Executive Officer's Report

{Hope A. Smythe 951-782-4493 hope.smythe@waterboards.ca.gov}

Item 14. Regional Board Member and Executive Officer Communications – The Regional Board Members and the Executive Officer may discuss meetings, communications, correspondence or other items of general interest, relating to matters within the Board's jurisdiction. There will be no voting or formal action taken.

Closed Session - At any time during the regular session, the Regional Board may adjourn to a closed session to:

- a. Consider evidence received in an adjudicatory hearing and deliberate on a decision to be reached based on that evidence (Government Code Section 11126(c)(3));

- b. consider the appointment, employment, evaluation of performance, or dismissal of a public employee or to hear complaints or charges brought against a public employee, (Government Code Section 11126(a)(1));
- c. discuss significant exposure to litigation (Government Code Section 11126(e) (2)(B)(i));
- d. discuss whether to initiate litigation (Government Code Section 11126(e)(2) (C)(i)); and
- e. discuss pending litigation in the following matters (Government Code, §11126, subdivision (e)):
 - (1) Goodrich Corporation vs. California State Water Resources Control Board et al. (Los Angeles Superior Court Case Number BS 110389, [consolidated with BS110390 and BS110391])
 - (2) In re Petitions of Kwikset Locks, Inc. (SWRCB/OCC File Numbers A-1732, 1732(a), 1732(b), 1732(c), and 1732(d))
 - (3) In re Own Motion Review of Rialto-Area Perchlorate Contamination (SWRCB/OCC File Number A-1824).
 - (4) *United El Segundo, Inc. & Rapid Gas, Inc. vs. Santa Ana Regional Water Quality Control Board*, Riverside County Superior Court, Case Number RIC 1722363 [Challenging Cleanup and Abatement Order Number R8-2016-0048].
 - (5) *Orange County Water District vs. Sabic Innovative Plastics US, LLC et al.*, Orange County Superior Court, Case No. 30-2008-00078246-CU-TT-CXC [cross-complaints against Regional Board seeking declaratory relief].
 - (6) *Edwards Lifesciences LLC et al. vs. Regional Water Quality Control Board, Santa Ana Region*, Orange County Superior Court, Case No. 30-2019-01083704-CU-WM-CXC [challenging investigative order issued under Water code section 13267 on August 30, 2018].

Adjournment to the regular Board Meeting of December 4, 2020, at 9:00 am. This will be a video and teleconference meeting. Due to the COVID-19 emergency and the Governor's Executive Order N-33-20, recent Board Meetings have been presented as video and teleconference meetings with no physical meeting location, and solely via remote presence. Please follow our website for further updates:

https://www.waterboards.ca.gov/santaana/board_info/agendas/2020_agendas.html

NOTICES:

Any person who has a disability and requires reasonable accommodation to participate in this Santa Ana Water Board meeting should contact Jeannie Aguilar at 951-782-3285 or at jeannie.aguilar@waterboards.ca.gov, no later than seven business days prior to the meeting.

If you need interpreter services, contact Jeannie Aguilar at least seven business days prior to the date of the Board meeting at jeannie.aguilar@waterboards.ca.gov.

Any person interested in obtaining information and/or providing input regarding pending applications for Water Quality Standards Certification under Section 401 of the Federal

Clean Water Act, may contact Jason Bill at 951-782-3295.
jason.bill@waterboards.ca.gov

Changes and postponements that may occur to this agenda will be placed on our website and automatically forwarded to those who subscribe to our electronic mailing list. Anyone wishing to subscribe to our electronic agenda mailing list, may do so as follows: go to [Santa Ana Water Board Website](#), select “Subscriptions” from the homepage. Those who are not subscribers should visit our website prior to the board meeting date to view any changes to the agenda. Supporting documents for agenda items are now posted on our website at least 7 days prior to the scheduled meeting. To view or download the documentation, go to [Santa Ana Water Board Website](#) and select “Regional Board” then “Agendas” from the homepage.