State of California
California Regional Water Quality Control Board
Santa Ana Region

December 4, 2020

ITEM: 19

SUBJECT: Executive Officer's Report

1. **Status of Proposed Poseidon Huntington Beach Desalination Facility's NPDES Permit and Water Code Section 13142.5(b) Determination -** Poseidon Water (Poseidon) submitted an application for a Water Code section 13142.5(b) determination and NPDES permit renewal for the proposed Huntington Beach Desalination Facility (Facility) in 2016 to the Santa Ana Regional Water Quality Control Board (Santa Ana Water Board). Pursuant to the Water Code section 13142.5(b) and implementing requirements specified in the California Ocean Plan Desalination Provisions (Ocean Plan Chapter III.M), upon issuance of the NPDES permit, the Santa Ana Water Board is required to make a determination that the proposed Facility constitutes the best available site, design, technology, and mitigation feasible.

   In November 2019, the Santa Ana Water Board released the tentative NPDES permit and Water Code section 13142.5(b) determination (Tentative Order) for the proposed Facility for public review and comment. The written comment period for the Tentative Order closed on January 21, 2020. The staff of the Santa Ana Water Board and State Water Resources Control Board (collectively, Water Boards staff) prepared responses to public comments and made revisions to the Tentative Order. On June 30, 2020, the Santa Ana Water Board issued a revised Tentative Order. On July 30, 2020, July 31, 2020, and August 7, 2020, the Santa Ana Water Board held a public hearing to listen to comments on the Tentative Order and to consider adoption of the Tentative Order.

   The consensus of the Santa Ana Water Board at the August 7, 2020 hearing was to reduce the credits attributed for dredging of the Bolsa Chica Wetlands inlet channel to 25 percent of the total mitigation requirements because dredging is preservation, not restoration. With this change, Poseidon had to seek additional restoration projects for 84.1 acres. Poseidon had already proposed three projects (Fieldstone, oil pads, and muted tidal basin projects) that constitute 33 acres. Therefore, Poseidon needed to propose an additional 51.1 acres of mitigation credit and complete the analyses required to revise their Marine Life Mitigation Plan. The Santa Ana Water Board had also directed that the additional 51.1 acres of mitigation project(s) needed to satisfy the remaining mitigation credits must be within Bolsa Chica wetlands as a first priority

or within the Facility's source water body[1], if feasible. The Board continued the public hearing to allow Water Boards staff time to implement revisions to the Tentative Order to address the Board's mitigation concerns.

On October 28, 2020, Poseidon submitted two restoration project proposals to meet the additional mitigation requirements. The first proposal is for an additional 10-12 acres of restoration within Bolsa Chica – the Bolsa Chica intertidal shelf restoration project. The second proposed project is to create artificial reef habitat as part of the Palos Verdes rocky reef restoration project.

Water Boards staff and Coastal Commission staff reviewed the proposed projects. On November 17, 2020, Water Boards and Coastal Commission staff provided joint comments to Poseidon on their proposals and asked for additional detail on project components.. Pursuant to Water Code section 13142.5(b) and Board direction, the comment letter also requests that Poseidon provide an analysis of why the proposed mitigation projects are the best projects feasible. The comment letter can be viewed on our webpage at the following link:

https://www.waterboards.ca.gov/santaana/water_issues/programs/Wastewater/Poseidon/2020/11-18/Poseidon_Mitigation_Comment_letter.pdf

Water Boards staff expect Poseidon to submit their responses to our comment letter within the next 2-3 weeks during which time, Board staff may meet with Poseidon to discuss our comments. Water Boards staff will evaluate whether the additional information provided is sufficient to enable staff to revise the Tentative Order and mitigation requirements (specifically Attachment K to the Tentative Order). It may be that Board staff will need to seek additional information from Poseidon. When the Tentative Order is appropriately revised, it will be released for public review and comment. Public comments will only be accepted on the new revisions to the Tentative Order. Depending on the extent of comments received, I anticipate bringing the revised Order back for Board consideration at a continued hearing in March or April 2021.

2. **Public Meetings for the former Ford Aeronutronics Site in Newport Beach -** On Thursday, November 5, 2020, Regional Water Board staff hosted a virtual community meeting regarding the volatile organic compounds (principally trichloroethene, a carcinogen) present in soil vapor beneath some residential and commercial properties at the former Ford Aeronutronics site in the City of Newport Beach. This was the sixth public meeting for this project. The meeting was held from 6:30 to 8 pm using the Zoom Webinar platform and was recorded. The primary message for the

[1] The "source water body" is "the spatial area that contains the organisms that are at risk of entrainment at a desalination facility as determined by factors that may include, but are not limited to, biological, hydrodynamic, and oceanographic data." (Ocean Plan).

meeting was to provide a project status update and to discuss human health risk assessment reports that are currently being prepared for the site, including a discussion on the purpose and science behind risk-based decisions that inform investigation and cleanup activities.

The meeting was open to the public and included a presentation followed by a question and answer session. Due to the virtual meeting platform and material covered, there were three pauses throughout the presentation to address questions or provide clarification for the audience. The session was moderated by Tracy Craig of Craig Communications, Ford's communications consultant. Previous meetings were moderated by a representative from the SWRCB Office of Public Participation and they continue to be informed of public outreach activities. Craig Communication was also in charge of distributing notifications for the public meeting and facilitating the virtual platform. The total number of attendees for the meeting was 56, which included some consultants and Water Board staff.

The meeting started with a 25-minute presentation by Jessica Law of the Site Cleanup Program, with Power Point slides. The presentation was followed by an expert panel discussion. The panel included Jessica Law (RWQCB), Dr. Nick Amini (RWQCB), Dr. Amanda Palumbo (OEHHA), and two representatives of Wood (the technical consultant to Ford), Mike Barnes and Dr. Usha Vedagiri. The audience was able to type their questions using the Q&A feature in Zoom or use the raise hand feature to ask their question out loud. The questions submitted using the Q&A feature were read out loud and answered by the panel member most knowledgeable in the subject. Dr. Palumbo of OEHHA and Dr. Vedagiri addressed questions regarding health risks and risk assessment reports. Dr. Amini of RWQCB addressed pilot test and remediation specific questions. Jessica Law addressed risk management specific questions and Jessica Law and Mike Barnes addressed general project questions. This virtual meeting proved to be very effective in addressing a wide variety of the audience's concerns, and overall feedback from the attendees was positive. Approximately 18 questions were asked during the meeting. Due to the limitations of the virtual platform with respect to "one on one" interactions with the audience, attendees were encouraged to request an appointment for a scheduled one on one discussion, which could include property-specific questions. The pace of the investigation at the Former Ford site is proceeding in an expedited manner, with consideration for maintaining the integrity and quality of data.

The main questions and concerns expressed by the attendees were related to health risks, remediation/mitigation details, and the expected timeframes for the upcoming stages of investigation and cleanup. This was the first meeting of this series in which none of the questions from the public pertained to impacts on property value.
The next meeting, which will discuss the results of the soil vapor extraction pilot test and next steps for the former Ford site, is tentatively scheduled for March/April 2021 and will also be in a virtual format. Staff will continue to keep the Board advised about this matter.

3. **City of Beaumont Wastewater Treatment Plant Upgrades Status** – As you recall, at the September 11, 2020 Santa Ana Water Board meeting, Regional Board Staff provided an overview of the status of the City of Beaumont's completion of the Wastewater Treatment Plant and Salt Mitigation Facilities including the Brine Line. At that September Board meeting, City of Beaumont staff requested an additional 60 days (to November 30, 2020) to meet the Plant operational deadline. The Santa Ana Water Board agreed to the additional timeframe.

   On November 3, 2020, the City of Beaumont informed Board staff that the Wastewater Treatment Plant and Salt Mitigation Facilities upgrade construction projects were complete and the Wastewater Treatment Plant is now operational. Therefore, the City has complied with their Permit requirements, their Maximum Benefit Program requirements, and the Executive Officer's Water Code section 13267 Order.

   Regional Board staff will be in close communication with the City of Beaumont during the coming year to ensure compliance with the City's permit requirements and will keep the Board updated as appropriate.

4. **Harmful Algal Blooms (HABs) –** Photosynthetic cyanobacteria and blue-green algae form the base of the food chain and are some of the world's oldest water-based organisms. When there is the right combination of nutrients (nitrogen and phosphorus), sunlight, temperature, salinity, alkaline pH, and slow-moving water, cyanobacteria and algae can form harmful algal blooms (HABs). At times, certain cyanobacteria produce toxins that can cause fish kills and rashes and gastro-intestinal illness in humans (and perhaps respiratory problems and liver or neurological effects). In extreme cases, the deaths of livestock and dogs have been recorded worldwide. Cyanobacteria blooms can also cause low dissolved oxygen when blooms die and decompose; produce noxious odors in recreational waters and objectionable taste in drinking water; and can cause lake-wide visible surface scums and mats.

   In late 2016, the State Water Resources Control Board (State Water Board) initiated a statewide HAB program that includes the tracking and reporting of blooms. Since then, State Water Board staff has developed tools to standardize statewide response to and reporting of blooms. These tools include a field guide, a web portal, and a satellite map. In the absence of local oversight, Regional Water Quality Control Board (Regional Water Board) staff has taken on a leadership role in collecting samples and reporting findings to the public. The regulations do not identify clear authority to mandate lake closure or the posting of signs when HABs are observed at dangerous levels. Santa Ana Water Board staff, instead, recommends appropriate public messaging to lake managers and posts news advisories to the Santa Ana Water Board website when dangerous levels of HABs are detected. Recently, Assembly Bill 834 was passed, which allows the statewide HAB program to have increased staffing

at the State Water Board and funds available to the Regional Water Boards for sampling. No additional staff have been allocated to the Santa Ana Water Board to oversee, track or sample for HABs.

This season (June to November 2020), Santa Ana Water Board staff collected HABs samples during 18 separate field events, visited eight waterbodies, and collected approximately 60 samples. Partners at the Big Bear Lake Municipal Water District, City of Lake Elsinore, and the San Bernardino County Parks also collected samples as part of the pre-Labor Day statewide sampling effort. Out of the waterbodies sampled this season, the following did not record a Danger Advisory: Canyon Lake, Glen Helen Regional Park, Cucamonga-Guasti Regional Park, San Jacinto Wildlife Area, and Prado Recreation Dog Park. When samples collected showed Danger levels, news advisories were posted to the Santa Ana Water Board website and to the State Water Board's twitter account. Danger levels are based on the California Cyanobacteria and Harmful Algal Bloom Network Trigger levels. Danger levels of cyanotoxins were detected in Big Bear Lake, Prado Regional Park Lake, Yucaipa Regional Park Lake, Lake Hemet, Lake Elsinore, and Mystic Lake. When Danger levels are reached, it is recommended that people and their dogs stay out of the water and that fish not be consumed until the advisory is lifted.

Below are three sampling photographs from this season:

Figure 1: Lake Hemet, August 20, 2020

Figure 2: Big Bear Lake, October 13, 2020

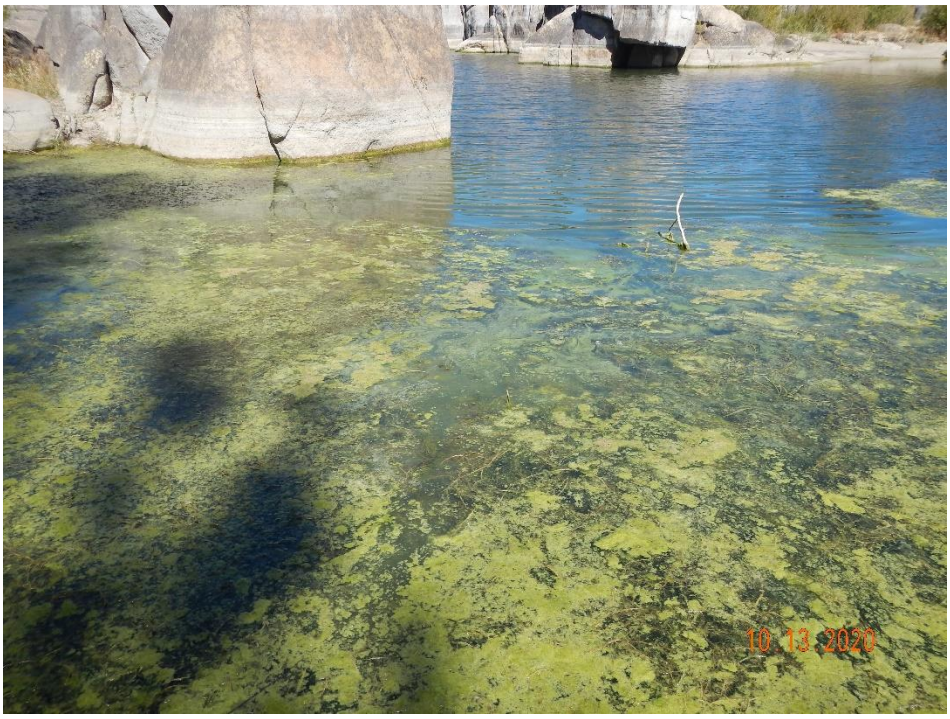

Figure 3: Mystic Lake, October 22, 2020