

State of California
Santa Ana Regional Water Quality Control Board

Minutes of the September 11, 2020 Board Meeting
Video and Teleconference Meeting
No Physical Meeting Location
(Authorized by and in furtherance of
Executive Orders [N-29-20](#) and [N-33-20](#))

Chair Ruh called the meeting to order at 9:00 a.m.

1. **Introductions**

Board Members Present at Virtual Board Meeting:

William Ruh, Chair
William P. von Blasingame
Tom Rivera
Daniel P. Selmi
Lana Peterson
Kris A. Murray
Joseph Kerr

Staff Present at Virtual Board Meeting:

Hope A. Smythe, Executive Officer
Jayne Joy, Assistant Executive Officer
Teresita Sablan, Regional Board Counsel
Ann E. Sturdivant, Division Chief
Mark E. Smythe, Division Chief
Lauma Willis, Division Chief
Cindy Li, Chief of Land Disposal
Julio C Lara, Chief of Wastewater
Michelle Beckwith, Chief of Storm Water - Coastal
David G. Woelfel, Chief of Regional Programs
Steven Stephansen, Environmental Scientist
Jason Bill, Environmental Scientist
Kaitlin Diaz, Environmental Scientist
Chuck Griffin, Senior Water Resources Control Engineer
Keith Person, Water Resources Control Engineer
Kevin Heinemann, Information Technology Manager
Don Nguyen, Information Technology Associate
Daniel Mefford, Information Technology Associate
Jeannie Aguilar, Associate Governmental Program Analyst
Sean Maguire, State Board Liaison
Catherine Hawe, Attorney, State Water Board

Also Present at Virtual Board Meeting

Marley Nelson, Court Reporter
(*Court Reporter recorded introductions and item 4 through item 8*).

Virtual Public Attendance by Virtual Speaker Cards Received

Brent McManigal, Gresham Savage Nolan and Tilden; Erik Zitek, Viridian Partners; Tom Moody, City of Corona; Sudhir Mohleji, Elsinore Valley Municipal Water District; Hoiyin Ip; Carson Capps, Orange County Coastkeeper; Dan Jagers, Beaumont-Cherry Valley Water District.

Break from 10:55 a.m. to 11:05 a.m.

Item 2. Public Forum:

Virtual Speakers: Hoiyin Ip, volunteer with Sierra Club.

Item 3. State Water Resources Control Board (SWRCB) Liaison Report

This item was presented by Sean Maguire.

Mr. Maguire discussed the challenges with COVID 19 and the financial impacts to communities, individuals, customers, dischargers, POTWS, and our water systems. Mr. Maguire stated surveys were sent to dischargers and to wastewater treatment facilities, and they received 250 responses. He also acknowledged his concerns regarding long-term economic impacts due to COVID 19. He discussed the state budget being passed with assumptions and with new programs. Mr. Maguire pointed out that the Board is being sensitive to communities and to dischargers that are having financial struggles and they are trying to keep fee increases to a minimum.

Mr. Maguire said last week our Board voted on compliance deadline extensions for the once-through cooling policy and whether to extend the State's once-through cooling compliance for coastal power plants. Mr. Maguire indicated the Board relies heavily on the advisory committees such as the electrical state agency partners, Cal ISO, the PUC and the energy commission to help guide them. Mr. Maguire advised the Board of the three-year extension approval for the Huntington Beach facility and indicated this was a difficult decision.

Mr. Maguire announced the Water Resilience Portfolio document is now available and there are 144 actions in the portfolio such as providing safe and affordable drinking water in California.

Item 4. Regional Board Meeting Minutes of June 19, 2020

Chair Ruh asked the Board Members for a motion of the Minutes and asked Ms. Aguilar to do a roll call vote.

Motion: It was moved by Board Member Murray, seconded by Board Member Kerr, and the Minutes of the June 19, 2020, Board Meeting was unanimously approved by roll call vote.

Roll call vote: Board Member Joe Kerr - Aye, Board Member Kris Murray - Aye, Board Member Lana Peterson - I abstain, Board Member Daniel Selmi - Aye, Board Member Tom Rivera - Aye, Vice Chair William von Blasingame - Aye, Chair William Ruh - Aye.

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Item 5. Consideration of the Consent Calendar items are listed with an asterisk

Chair Ruh asked for a motion and asked Ms. Aguilar to do a roll call vote.

Item *6. Waste Discharge Requirements for Crestmore Redevelopment, LLC, an Indirect Subsidiary of VCP Management, LLC (Viridian Partners), Agua Mansa Commerce Park Specific Plan Project, City of Jurupa Valley, Riverside County - Order Number R8-2020-0034

Item *7. Amendment of Site-Specific Waste Discharge Requirements Order Number R8-2016-0061 for In Situ Remediation of Groundwater at Former Raytheon Facility in Newport Beach – Order Number R8-2020-0039 proposes to amend Order R8-2016-0061

Motion: It was moved by Board Member Selmi, seconded by Board Member Peterson and unanimously carried to adopt Orders R8-2020-0034, and R8-2020-0039 by roll call vote

Roll call vote: Board Member Joe Kerr – Aye, Board Member Kris Murray - Aye, Board Member Lana Peterson - Aye, Board Member Daniel Selmi - Aye, Board Member Tom Rivera - Aye, Vice Chair William von Blasingame - Aye, Chair William Ruh - Aye.

Item 8. Mandatory Minimum Penalty Complaint, Design Form Inc., Orange County Order Number R8-2020-0043

(Information pertaining to this item is contained in a verbatim transcript of the proceedings).

Chair Ruh announced, this is the date, time and place set for item 8, a hearing in the matter of Mandatory Minimum Penalty Number R8-2020-0016, issued to Design Form Inc., to assess a penalty of \$7,840 for violations of the general permit for stormwater discharges associated with industrial activities.

Chair Ruh opened the hearing by administering the Oath to each individual speaker from the prosecution team. The Oath was administered to the prosecution team one by one due to the meeting being on Zoom and not in person.

Prosecution Team:

Regional Board Staff, Jayne Joy, Assistant Executive Officer, Michelle R. Beckwith, Chief of the Coastal Stormwater Unit, Chuck Griffin, Enforcement Coordinator, Kaitlin Diaz, Environmental Scientist.

Catherine Hawe, attorney for the State Water Board's Office of Enforcement provided legal counsel to the prosecution team staff.

Design Form, Inc., is the discharger, not represented by counsel. Glenn Baldwin, representative for Design Form, Inc., was not present.

Attorney Sablan indicated to the Board she received emails from Mr. Baldwin that he would not appear at the Board meeting until the meeting is conducted in person. Mr. Baldwin was informed the meeting would proceed even if he did not appear for the virtual hearing.

The hearing was conducted in accordance with the revised hearing procedures and order of proceedings.

Kaitlin Diaz provided a presentation of evidence regarding the mandatory minimum penalty complaint for Design Form, Inc. The prosecution team was allowed 30 minutes for the presentations and closing statements.

Ms. Diaz said on February 10, 2020, the Assistant Executive Officer issued MMP complaint R8-2020-0016 to Design Form, Inc. (Discharger) for alleged violations of the NPDES General Permit for storm water discharges associated with industrial activities. The General Permit regulates the discharge of storm water associated with industrial activities and the discharge of authorized non-storm water from specific categories of industrial facilities. The complaint alleges that the discharger operates a sheet metal fabrication business and requires permit coverage under the General Permit.

Ms. Diaz said the prosecution team recommends that the Board adopt the prosecution team's proposed Order, and impose the mandatory minimum penalty of \$7,840 on Design Form, Inc. An assessment of \$5,000 for the alleged violation and \$2,840 to recover staff costs as required by section 13399.33(d) of the California Water Code.

Open discussion.

Board members asked questions to the prosecution team such as the cost of the penalty, the breakdown of the penalty cost, the collection process, and if they had direct contact with Mr. Baldwin. Vice Chair, William von Blasingame asked the prosecution team what precipitated the event.

Speaker: Carson Capps, Orange County Coastkeeper, supported the staff's recommendation.

Chair Ruh closed the public hearing and the Board agreed to a closed session for deliberation.

Item 9. Update of Beaumont Wastewater Treatment Plant Upgrade and Maximum Benefit Compliance Status

This item was an informational item presented by Regional Board Staff Keith Person.

Mr. Person provided the Board with an update on the City of Beaumont's wastewater treatment plant upgrades and salt mitigation project and requested a recommendation by the Board to extend the time required to complete the project.

Mr. Person indicated that the Executive Officer issued an Investigative Order in accordance with California Water Code section 13267 on August 25, 2016. The 13267

Order required the City of Beaumont to report their progress with the wastewater treatment plan upgrades and salt mitigation facilities. The Order was issued to ensure that the City's Wastewater Treatment Plant and Brine Line construction projects remained on schedule. The construction of the treatment plant was completed in September 2020 and includes an increase in treatment capacity from four to six million gallons per day.

Mr. Person said due to the delays of the COVID-19 pandemic, this has led to circumstances out of the City's control that prevent the WWTP to be fully operational by the September 30, 2020 deadline. Santa Ana Water Board staff recommend the Board grant the City's request for a 60 day extension to November 30, 2020.

Speakers: Kristine Day, Beaumont Assistant City Manager; Bria Knoll, Albert Webb Associates.

Board Members asked questions and followed up with appreciation for the effort that's been put forward by the City of Beaumont. Hope Smythe, Executive Officer said she would send out a letter to the City of Beaumont approving the extension.

Item 10. Emergent Constituents Study Results – Presentation by EC Task Force – Presentation of the 2019 Sampling Results for Emergent Constituents in the Santa Ana Region

This item was presented by: Hope Smythe, Executive Officer, Mark Norton, SAWPA Planning Manager and Jason Dadakis, OCWD Assistant General Manager.

Ms. Hope Smythe, Executive Officer, informed and explained the Emerging Constituents Program Task Force Program to the Board.

Mr. Norton provided a presentation on the 2019 Sampling Results for Emerging Constituents in the Santa Ana Region. He said the sampling program back in August 2019 was a voluntary program and there wasn't monitoring requirements for the sampling of PFAS to compounds. Mr. Norton said the wastewater treatment plant operators, (roughly about 25 of them) Metropolitan Water District of Southern California and other partners conducted sampling in August 26, 2019 through August 30, 2019. This included over 20 PFAS compounds and many of the past emerging constituents that were sampled in addition to a few others and included sampling discharges from all upper watershed wastewater treatment facilities, river flows and imported water. Mr. Norton displayed the sampling locations, the August 2019 sampling results, sampling result trends, PFAS results summary and sampling results to the Board.

Jason Dadakis, from Orange County Water District, talked about new emerging constituents of concern PFOA and PFOS and recent regulations regarding PFOA and PFOS.

Speakers: Tom Moody, City of Corona.

Item 11. Underground Storage Tanks Corrective Action Plans
Report on File

Item 12. Underground Storage Tanks Site Closure Report

Report on file.

Item 13. Executive Officer's Report

None

Item 14. Regional Board Member and Executive Officer Communications

Chair Ruh thanked Board Member Joe Kerr for his willingness to join a SAWPA committee.

Chair Ruh asked the Board Members for a potential Poseidon Meeting date and to communicate with the Executive Officer regarding their availability.

Chair Ruh concluded that our thoughts are with all the folks on the front lines, from our firefighters, public safety personnel and our health professionals who are dealing with so much at this time.

Closed Session

At 10:29 a.m., the Board adjourned to a closed session to discuss Item 8.

Resume Open Session

The Board resumed at 10:52 a.m. Chair Ruh asked for a motion and a roll call vote to affirm the staff recommendation.

Motion: It was moved by Board Member Selmi, seconded by Board Member Peterson and was unanimously carried to adopt Order Number R8-2020-0043 by roll call vote, affirming the Mandatory Minimum Penalty of \$7,840 as proposed in Complaint No. R8-2020-0016.

Adjournment – Chair Ruh adjourned the meeting at 12:22 p.m. to the regular Board Meeting of October 16, 2020 at 9:00 a.m. 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.

Respectfully submitted:

HOPE A. SMYTHE

Executive Officer

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