
Santa Ana Regional Water Quality Control Board

AGENDA ANNOUNCEMENT

REGIONAL BOARD MEETING

Friday, September 17, 2021 at 9:00 a.m.

Video and Teleconference Meeting Only

No Physical Meeting Location

(Authorized by and in furtherance of
Executive Orders N-08-21)

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, you must submit a virtual speaker card no later than 5:00 p.m. on Wednesday, September 15, 2021. To register visit:

https://us02web.zoom.us/webinar/register/WN_LQscjFCNTQeGoBgPqqlCFA

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. If you need assistance during the Board meeting, please email RB8-r8support@waterboards.ca.gov.

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 June 18, 2021 - The Board will consider approval of the Minutes of the regular Board meeting of June 18, 2021 (action item). {Jeannie Aguilar 951-782-3285 jeannie.aguilar@waterboards.ca.gov}

Item 5. 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 *6. Waste Discharge Requirements for BLC Fleming, LLC, Legado Specific Plan Project, City of Menifee, Riverside County – Authorizing discharges of 0.81 acre of fill to waters of the State including 0.42 acre of fill to waters of the United States. The waters proposed for fill include a vernal pool, wetlands, and unnamed ephemeral tributaries to Salt Creek. The discharge of fill is associated with the proposed Legado Specific Plan Project, which would construct up to 1,061 residential homes and associated amenities and infrastructure within an approximate 331.0-acre Project site.

The Order will serve as a Clean Water Act Section 401 Water Quality Certification for the discharge of fill to the waters of the United States over which the U.S. Army Corps of Engineers asserted jurisdiction. **Order Number R8-2021-0041.**

{Maher Zaher 951-782-3204 maher.zaher@waterboards.ca.gov}

Item *7. Change of Ownership from Terracina Investors, LLC, to KB Home Coastal, Inc., Terracina Residential Project, Riverside County, Order Number R8-2021-0043

– Ownership of the Terracina Residential Project, authorized by Order R8-2016-0015, has been transferred from Terracina Investors, LLC, to KB Home Coastal, Inc. Order Number R8-2021-0043 amends existing Order Number R8-2016-0015 and transfers the legal responsibility of its conditions to the new owner. Additional conditions have been added to the provisions in Order Number R8-2021-0043 with respect to noticing, recordkeeping, and reporting. **Order Number R8-2021-0043.**

{Kyle Fructuoso kyle.fructuoso@waterboards.ca.gov}

Item *8. Mitigation Amendment (Order Number R8-2021-0045) for Pacific Summit-Foothill, LLC, Sycamore Heights Residential Development Project, San Bernardino County, Order Number R8-2021-0016

– Order Number R8-2021-0045 is proposed to amend the mitigation requirement in Order Number R8-2021-0016. VCS Environmental, on behalf of Pacific Summit-Foothill, requested on July 19, 2021, to modify mitigation in Order Number R8-2021-0016. Pacific Summit-Foothill requested to purchase 0.62 acre of rehabilitation credits from the Riverpark Mitigation Bank, in lieu of 0.62 acre of stream restoration credits from the Soquel Canyon Mitigation Bank because the latter currently does not have such credits available. No further changes are proposed. **Order Number R8-2021-0045.**

{Kyle Fructuoso kyle.fructuoso@waterboards.ca.gov}

Item 9. Basin Plan Amendments to Incorporate Total Maximum Daily Loads (TMDLs) for Copper in Newport Bay

- The Santa Ana Water Board will conduct a public workshop to update the Board and the public on the proposed Basin Plan Amendments to Incorporate TMDLs for Copper in the Newport Bay and the accompanying Substitute Environmental Document, which includes the Staff Report 2021 and the Responses to Comments documents. The Copper TMDLs are required to address impairment of water quality standards due to copper in the Bay. An Implementation Plan and compliance schedule for the TMDLs are included in the proposed amendments. (Information item). **Resolution Number R8-2021-0009.**

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

Item 10. Underground Storage Tanks Corrective Action Plans - Board staff will provide a list of sites where Corrective Action plans have been submitted within the Region as required by the California Underground Storage Tank Regulations, Title 23, Article 11, Section 2728 (information item).

{Kenneth R. Williams 951-782-4496 ken.williams@waterboards.ca.gov}

Item 11. Underground Storage Tanks Site Closure Report - Board staff will provide a list of site closures that have occurred within the Region as required by the California Underground Storage Tank Regulations, Title 23, Article 11, Section 2728(d) (information item).
{Kenneth R. Williams 951-782-4496 ken.williams@waterboards.ca.gov}

Item 12. Executive Officer's Report
{Jayne Joy 951-782-3284 Jayne.joy@waterboards.ca.gov}

Item 13. 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) *Cham-Cal Engineering Inc. and Western Avenue Associates, L.P. v. California Regional Water Quality Control Board-Santa Ana Region et al.* (Riverside County Superior Court, Case No. CVRI 2101353) [Challenging Administrative Civil Liability Order R8-2020-0046]

Adjournment to the regular Board Meeting of October 15, 2021 at 9:00 am. Please follow our website for further updates:

https://www.waterboards.ca.gov/santaana/board_info/agendas/2021_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 ten 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 us by email at RB8-401application@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 “Subscribe” 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