
Santa Ana Regional Water Quality Control Board

AGENDA ANNOUNCEMENT

NOTE: Item 16 will be heard following Item 6.

REGIONAL BOARD MEETING

Friday, December 2, 2022 at 9:00 a.m.

City of Anaheim

200 S. Anaheim Blvd.

Anaheim, CA 92805

And via Video and Teleconference (Gov. Code, § 11133)

[Live Video Webcast](#)

NOTICE:

This meeting will occur with both a physical meeting location and an option to participate from a remote location.

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

Video and Teleconference Option:

For those who **only wish to watch** the meeting, the webcast remains available at <https://cal-span.org/> and should be used **UNLESS** you intend to comment.

For those who wish to comment on an agenda item from a **remote location**, please complete the Zoom virtual speaker card available here:

https://us02web.zoom.us/webinar/register/WN_OVTv1W_jQn6Mul_3Ect5BQ

You must submit a virtual speaker card **no later than 5:00 p.m. on Wednesday, November 30, 2022**. If you do not submit a virtual speaker card by the deadline, please do so as soon as you can. Virtual speaker cards received after the deadline from remote participants will be accommodated where possible, but participation in the meeting cannot be guaranteed.

Remote participants cannot participate in the Zoom meeting until receiving an email with the password. 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 jessica.baenre@waterboards.ca.gov or call 951-782-3285. If you need assistance during the Board meeting, please email r8support@waterboards.ca.gov.

In-person Option:

For those who wish to comment on an agenda item in-person at the **physical meeting location**, it is **highly recommended** that you complete a speaker card in advance, please complete the Forms virtual speaker card available here:

<https://forms.office.com/g/6HXHzjP60K>.

You may also fill out a virtual speaker card using the QR Code available at the physical meeting location. At the meeting location, you will see a printed QR Code. To use the QR Code, open your phone's camera, point the camera at the QR code, and your phone will display a link to forms.office.com. Click on the link, and you will be directed to the virtual speaker card website, where you can sign up to speak on an agenda item.

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.

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 Santa Ana Water Board on any matter within the 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 –

State Water Board Member Dorene D'Adamo will provide an update on State Water Board activities.

{Dorene D'Adamo 916-641-5609 dorene.dadamo@waterboards.ca.gov}

Item 4. Regional Board Meeting Minutes of October 21, 2022 –

The Santa Ana Water Board will consider approval of the Minutes of the regular Board meeting of October 21, 2022. (Action item).

{Jessica Baenre 951-782-3285 jessica.baenre@waterboards.ca.gov}

Item 5. Board Meeting Dates for 2023 –

The Santa Ana Water Board will consider adoption of calendar meeting dates for 2023. (Action item).

{Jayne Joy 951-782-3284 jayne.joy@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. Waste Discharge Requirements and National Pollutant Discharge Elimination System (NPDES) Permit No. CA800015 for San Bernardino Municipal Water Department, Geothermal Facility, San Bernardino County –

The Santa Ana Water Board will consider the adoption of waste discharge requirements and NPDES permit authorizing the discharge of geothermal wastewater to tributaries to Reaches 4 and 5 of the Santa Ana River from the City of San Bernardino Municipal Water Department's Geothermal Facility.

Order Number R8-2022-0049

{Julio Lara 951-782-4901 julio.lara@waterboards.ca.gov}

Item *8. Waste Discharge Requirements and Master Recycling Permit for Orange County Water District, Groundwater Replenishment System, Orange County –

The Santa Ana Water Board will consider the adoption of waste discharge requirements and master recycling permit authorizing the production and distribution of full advanced treated recycled water for indirect potable and non-potable reuse within the Orange Groundwater Management Zone from the Orange County Water District's Groundwater Replenishment System.

Order Number R8-2022-0050

{Julio Lara 951-782-4901 julio.lara@waterboards.ca.gov}

Item *9. Waste Discharge Requirements for IDI Logistics, LLC, West Valley Logistics Center Project, City of Fontana, San Bernardino County –

The Santa Ana Water Board will consider adoption of waste discharge requirements authorizing the discharge of fill material to waters of the state for construction of six commercial development buildings and associated infrastructure.

Order Number R8-2022-0067

{Hossein Shahrokhnia 951-782-4998 hossein.shahrokhnia@waterboards.ca.gov}

Item *10. Waste Discharge Requirements for D.R. Horton, Inc., Tentative Map 37802 Project, City of Calimesa, Riverside County –

The Santa Ana Water Board will consider the adoption of waste discharge requirements authorizing the discharge of fill material to waters of the state for the development of residential housing in the City of Calimesa to accommodate increased housing needs.

Order Number R8-2022-0068

{Kyle Fructuoso 951-320-2028 kyle.fructuoso@waterboards.ca.gov}

Item *11. Waste Discharge Requirements and Clean Water Act Section 401 Water Quality Certification for IDI Logistics LLC, PLC North On and Off Site Commercial Development Project, City of Perris, Riverside County –

The Santa Ana Water Board will consider adoption of Waste Discharge Requirements and Clean Water Act Section 401 Water Quality Certification authorizing the discharge of fill material to federal and non-federal waters of the state for construction of a warehouse building and associated infrastructure including industrial track, detention basin, drainage channel, and offsite roadway improvements.

Order Number R8-2022-0069 Response to Comments Letter

{Hossein Shahrokhnia 951-782-4998 hossein.shahrokhnia@waterboards.ca.gov}

Item *12. Waste Discharge Requirements for Inland Empire Utilities Agency, Magnolia Channel Detention Basin Maintenance Project, City of Chino, San Bernardino County –

The Santa Ana Water Board will consider adoption of Waste Discharge Requirements authorizing removal of dredged material from federal and non-federal waters of the state for maintenance of two detention basins to restore their functions to capture sediment and provide flood control.

Order Number R8-2022-0070

{Hossein Shahrokhnia 951-782-4998 hossein.shahrokhnia@waterboards.ca.gov}

Item 13. Wastewater Consolidation (SB 1215) –

Staff from the State Water Board's Division of Water Quality and Division of Financial Assistance, as well as the Central Valley Regional Water Quality Control Board, will provide an overview of the state's wastewater consolidation program initiated by Senate Bill 1215. (Information Item).

{Jayne Joy 951-782-3284 jayne.joy@waterboards.ca.gov}

Item 14. Updates on Recent PFAS Regulatory Standards and Investigations in the Santa Ana Region –

Staff will provide a status update on regulatory standards for per- and polyfluoroalkyl substances, collectively known as PFAS, and ongoing investigations into the presence of PFAS and related chemicals in surface water and groundwater in the Santa Ana Region. (Information Item).

{Mona Behrooz 951-782-3237 mehrnoosh.behrooz@waterboards.ca.gov;

Pamela Ybarra 951-782- 4990 pamela.ybarra@waterboards.ca.gov}

Item 15. Regional Salt and Nutrient Management Plan Overview –

Staff will provide an overview of the Salt and Nutrient Management Plan (SNMP) in the Santa Ana Region, focusing on the Santa Ana Water Board's innovative approach to the management of salts in groundwater, the relationship between the regional SNMP and the State Antidegradation Policy ([Resolution 68-16](#)), and how Maximum Benefit Programs encourage recycled water reuse projects. (Information Item).

{Eric Lindberg 951-782-3219 eric.lindberg@waterboards.ca.gov}

Item 16. Resolution Amending the Water Quality Control Plan for the Santa Ana River Basin (Basin Plan) to Incorporate Copper (Cu) Total Maximum Daily Loads (TMDLs) for Newport Bay, Orange County –

The Santa Ana Water Board will consider adoption of the proposed Basin Plan Amendment to incorporate TMDLs for copper in Newport Bay and the accompanying Substitute Environmental Document. The Copper TMDLs are required to address impairment of water quality standards for copper in the bay. An implementation plan and compliance schedule for the TMDLs are included in the proposed Basin Plan Amendment. (Action Item).

Resolution Number R8-2022-0012

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

Item 17. Executive Officer's Report

{Jayne Joy 951-782-3284 jayne.joy@waterboards.ca.gov}

Item 18. Board Member and Executive Officer Communications –

Santa Ana Water 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 Santa Ana Water 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 (Gov. Code, § 11126, subd. (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 (Gov. Code, § 11126, subd. (a)(1));
- c. discuss significant exposure to litigation (Gov. Code, § 11126, subd. (e)(2)(B)(i));
- d. discuss whether to initiate litigation (Gov. Code, § 11126, subd. (e)(2)(C)(i)); and
- e. discuss pending litigation in the following matters (Gov. Code, § 11126, subd. (e)(2)(A)):
 - (1) *Cham-Cal Engineering Inc. and Western Avenue Associates, L.P. v. California Regional Water Quality Control Board-Santa Ana Region et al.*, Riverside Cnty. Super. Ct., Case No. CVRI 2101353 [Challenging Administrative Civil Liability Order R8-2020-0046].
 - (2) *Jonathan H. Cannon, as Trustee of the Cannon Family Trust, et al. v. Santa Ana Regional Water Quality Control Board*, Orange Cnty. Super. Ct., Case No. 30-2021-011835513-CU-WM-CJC [Challenging Investigative Order R8-2020-0047].

- (3) *In re: Santa Ana Region MS4 Permit – Orange County et al.*, Commission on State Mandates Test Claim No. 09-TC-03 [Regarding a test claim filed by Orange County, Orange County Flood Control District, and several cities within Orange County alleging that portions of Order No. R8-2009-0030 created unfunded state mandates].
- (4) *In re: Santa Ana Region MS4 Permit – Riverside County et al.*, Commission on State Mandates Test Claim No. 10-TC-07 [Regarding a test claim filed by Riverside County, Riverside County Flood Control and Water Conservation District, and several cities within Riverside County alleging that portions of Order No. R8-2010-0033 created unfunded state mandates].
- (5) *In re: Santa Ana Region MS4 Permit – San Bernardino County et al.*, Commission on State Mandates Test Claim No. 10-TC-10 [Regarding a test claim filed by San Bernardino County, San Bernardino County Flood Control District, and several cities within San Bernardino County alleging that portions of Order No. R8-2010-0036 created unfunded state mandates].
- (6) *In re: Water Code Section 13383(a) MS4 Trash Orders*, Commission on State Mandates Test Claim Nos. 17-TC-07 to 17-TC-28 [Regarding 22 different test claims filed by various MS4 permittees within the Santa Ana Region alleging that portions of the Water Code section 13383(a) MS4 Trash Orders issued to each created unfunded state mandates].

{Katharine Bramble 916-440-7769 katharine.bramble@waterboards.ca.gov}

Adjournment –

To the regular Board meeting tentatively scheduled for February 3, 2023 at 9:00 a.m.
Please follow our website for further updates:

https://www.waterboards.ca.gov/santaana/board_info/agendas/2022_agendas.html

NOTICES:

Any person who requires reasonable accommodation to participate in this Santa Ana Water Board meeting should contact Jessica Baenre at 951-782-3285 or at jessica.baenre@waterboards.ca.gov, no later than seven business days prior to the meeting.

If you need interpreter services, contact Jessica Baenre at least ten business days prior to the date of the Board meeting at jessica.baenre@waterboards.ca.gov.

Any person interested in obtaining information and/or providing input regarding pending applications for Water Quality 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 10 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.

Any person aggrieved by an action of the Santa Ana Water Board may petition the State Water Board to review the action in accordance with Water Code section 13320 and California Code of Regulations, title 23, section 2050 et seq. The State Water Board must receive the petition by 5:00 p.m., 30 days after the date of the action, except that if the thirtieth day falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Copies of the law and regulations applicable to filing petitions will be provided upon request.