

State of California
Santa Ana Regional Water Quality Control Board

Minutes of the October 15, 2021 Board Meeting
Video and Teleconference Meeting
No Physical Meeting Location
(Authorized by and in furtherance of
Executive Order N-08-21)

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

Item 1. Introductions

Board Members Present at Virtual Board Meeting

Kris A. Murray, Vice Chair
William Ruh
Daniel P. Selmi
Joe Kerr
Letitia Clark

Board Members Absent at Virtual Board Meeting

Lana Peterson, Chair

Staff Present at Virtual Board Meeting

Jayne Joy, Executive Officer
Katharine Buddingh, Regional Board Counsel
Ann E. Sturdivant, Division Chief
Lauma Willis, Division Chief
Kevin Heinemann, Information Technology Manager
Don Nguyen, Information Technology Associate
Daniel Mefford, Information Technology Specialist I
Jeannie Aguilar, Staff Services Manager I/ Board Clerk
Julio Lara, Senior Water Resource Control Engineer
Nick Amini, Senior Water Resource Control Engineer
Chuck Griffin, Senior Water Resource Control Engineer
Maher Zaher, Water Resource Control Engineer
Kirk Larkin, Water Resource Control Engineer
Susan Beeson, Sanitary Engineering Associate
Michelle Beckwith, Senior Environmental Scientist
Adam Fischer, Senior Environmental Scientist
Valerie Jahn-Bull, Senior Environmental Scientist
Reyna Mendoza, Scientific Aid
Kyle Fructuoso, Scientific Aid
Claudia Tenorio, Environmental Scientist
Eric Lindberg, Senior Engineering Geologist
Ken Williams, Senior Engineering Geologist

Cindy Li, Senior Engineering Geologist
Terri Reeder, Senior Engineering Geologist
Brian Covellone, Engineering Geologist
Jessica Law, Engineering Geologist
Dorene D'Adamo, State Board Liaison
Catherine Hagan, Attorney IV

Also Present at Virtual Board Meeting

None.

Virtual Public Attendance by Virtual Speaker Cards Received

Dean Kirk, Irvine Company

Item 2. Public Forum

None.

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

This item was presented by Dorene D'Adamo.

Ms. D'Adamo discussed water conservation and provided Board Members with updated information. Statewide we have seen a water usage reduction of 1.8 percent; the South Coast regions saw a reduction of less than 1 percent. In Region 8, the City of La Palma had a 13 percent savings in August and a 11 percent cumulative savings; Laguna Beach had an 8.6 percent savings in August and a 7.5 percent cumulative savings. Ms. D'Adamo will continue to track these numbers and provide updates to the Board.

Ms. D'Adamo foresees a great deal of planning meetings to address high temperatures and dry soils. Ms. D'Adamo will provide the Board with information when an updated analysis is received.

Ms. D'Adamo discussed Cannabis and the illegal grows. The Governor signed SB427, which allows local water agencies to adopt ordinances creating enhanced fines for water theft from their systems, the allowable penalty would be capped based on the nature of the violation.

Ms. D'Adamo provided an update to the public health goals for perfluorooctanoic acid (PFOA) and perfluorooctane sulfonic acid (PFOS). The California Office of Environmental Health Hazard Assessment (OEHHA) is continuing to evaluate comments. The comment period for the draft public health goals were extended to October 28, 2021. A workshop was held on September 28, 2021, discussing science and health effects of PFOA and PFOS specifically addressing cancer, developmental immune lipid liver and thyroid effects. After the public health goals are complete, the Board will develop maximum contaminant levels for those contaminants.

Ms. D'Adamo mentioned that the annual Water Quality Coordinating Committee will take place next week. The focus this year, is celebrating 50 years of the Clean Water Act.

Board Members had questions and comments for Ms. D'Adamo.

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Item 4. Proposed Board Meeting Dates for 2022

Vice Chair Murray asks Board Members to review the proposed Board Meeting dates for the 2022 calendar year. If there are any dates to be reconsidered, Board Members should notify Executive Officer, Jayne Joy.

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

Vice Chair Murray asked the Board Members for a motion and asked Board Clerk Ms. Aguilar for a roll call vote.

Item *6. Waste Discharge Requirements for Richland Communities, Inc., Golden Meadows Project, City of Menifee, Riverside County, Order Number R8-2021-0051

Item *7. Waste Discharge Requirements for I-15 Logistics, LLC, I-15 Logistics Project, City of Fontana, San Bernardino County, Order Number R8-2021-0053

Item *8. Waste Discharge Requirements for Gilman Springs Partners, LLC, Gilman Springs Mine Project, Riverside County, Order Number R8-2021-0054

Item *9. Change of Ownership from Richland Communities, Inc. to Lennar Homes of California, Inc., Highland Park Tentative Tract Map (TTM) 31894 Residential Development Project, Riverside County, Order Number R8-2021-0055

Item *10. Rescission of Various Orders, Order No. R8-2021-0050

Motion: It was moved by Board Member Ruh, seconded by Board Member Clark and carried to adopt Orders R8-2021-0051, R8-2021-0053, R8-2021-0054, R8-2021-0055 and R8-2021-0050 as presented by roll call vote.

Roll call vote: Board Member Letitia Clark- Aye, Board Member Joe Kerr- Abstain, Board Member Daniel Selmi - Aye, Board Member William Ruh - Aye, Vice Chair Kris Murray – Aye.

Item 11. Cannabis Program Update

This item was presented by Water Boards staff Eric Lindberg, Senior Engineering Geologist and Chief of the South Coast Regional Cannabis Unit.

Mr. Lindberg provided a Cannabis Cultivation Regulatory Program implementation update for the last twelve months and discussed the statewide policy of cannabis cultivation in California. The South Coast Regional Cannabis Unit (Cannabis Unit) staff are responsible for the implementation of the statewide Cannabis Cultivation General Order for the Santa Ana, Los Angeles, and San Diego Regional Water Boards.

The statewide policy for cannabis cultivation, and the statewide General Order (WQ 2019-0001-DWQ) in its current form was adopted by the State Water Resources Control Board in April 2019. The policy and General Order establishes requirements for the diversion and use of water, land disturbances, and waste discharge activities related to cannabis

cultivation. The Regional Water Boards issue Waste Discharge Requirements (WDRs) and Conditional Waivers of WDRs to commercial cannabis cultivation operations. The monitoring and reporting requirements under WDRs are tiered based on size and the potential risk to water quality; these are outdoor cultivations, require annual monitoring and reporting and the fees run between \$600- \$8,000 annually. Conditional Waivers of WDRs are indoor cultivations and have a one-time fee of \$600.

There are currently 641 enrollees in the program across three Regions; 69 cultivation operations are enrolled in the Santa Ana Region. The Cannabis Unit has seen a significant uptick in outdoor enrollments in the Los Angeles and Santa Ana Regions since the beginning of the year.

Cannabis Unit staff inspect and pursue enforcement on unlicensed, illicit cannabis cultivations across the three Regions, there are currently around 3,000 to 4,000 illicit sites between the three Regions. Cannabis Unit staff have issued 32 Notice of Violations since January 1, 2021, have several pending formal civil-administrative enforcement cases, and are cooperating with local authorities to support an unspecified number of criminal cases.

South Coast Cannabis Unit staff has faced setbacks due to funding shortfalls and have suffered more than 50 percent reduction of staff.

Board Members had questions for Mr. Lindberg.

Item 12. Update on the Vapor Intrusion Assessment at the Former Ford Aeronutronics Facility in Newport Beach

This item was presented by Jessica Law, Engineering Geologist.

Ms. Law with the Site Cleanup Program provided an update on the vapor intrusion assessment activities occurring at the former Ford Aeronutronics facility in Newport Beach. Assessment activities at the Site are ongoing; most notably, the installation and sampling of soil gas probes and indoor air sampling of commercial and residential properties has taken precedence. Indoor air sampling results have identified TCE and other chemicals in the indoor air at concentrations above Environmental Screening Levels in a number of homes, resulting in further evaluation, and interim mitigation (installation of air purifiers) has been offered to occupants of 26 homes.

As a result of the ongoing vapor intrusion assessment activities at the Site, two additional buildings (18 units) at an apartment complex located at the northern end of the vapor plume have recently been identified for inclusion within the indoor air investigation area. The apartment complex has a total of 500 units, 136 of which have now been identified as within the indoor air investigation area and have been offered indoor air sampling. To date, access agreements have been sent to a total of 578 residential units located throughout eight communities and three commercial businesses, requesting access to allow Ford's representatives to sample the indoor air (Figure 2). All of the commercial properties and 333 residential units had been sampled as of September 24, 2021. Because of the significant data set that was obtained during the Site investigation phase, eight residential community-specific human health risk assessments (HHRAs) and one commercial HHRA (for the three commercial properties) have been prepared and

submitted by Ford's technical consultant, Wood Environment & Infrastructure Solutions, Inc. (Wood). Results from the HHRAs are being used to determine the next steps for the Site, ranging from remediation to monitoring activities. To date, three feasibility study/remedial action plans (FS/RAP) have been submitted for three communities and we have commented on two of them. Additionally, for each of the FS/RAPs that have been reviewed by our staff, a public comment period was provided, including conducting public meetings to allow members of each affected community to comment on the respective draft FS/RAP documents.

In October 2020, a soil vapor extraction (SVE) pilot test was conducted, targeting three locations within the soil gas plume, to assess the feasibility of SVE for removing VOCs from the subsurface. The pilot test results indicated that adequate vacuum response could be achieved within a reasonable distance from the vacuum source. The Report concluded that the mass removal rates at all three locations were less than satisfactory when compared to industry standards. The low mass removal rates for the three pilot test locations is consistent with the low VOC concentrations detected in the subsurface; however, while the concentrations in the subsurface are not significantly high, they are high enough to create a risk of vapor intrusion in select areas.

The Santa Ana Water Board has hosted seven informational meetings to communicate with the general public the status of ongoing vapor intrusion assessment activities and next steps, including discussions of the HHRAs, the SVE pilot test, and the remediation process. The meetings were held in September 2018, November 2018, February 2019, May 2019, November 2019, November 2020, and July 2021. In addition to the general public meetings, we have also hosted five smaller community specific meetings: three meetings to discuss the results of the HHRA and two to discuss the draft FS/RAP and conduct a public comment period to allow for public input on the draft FS/RAP. At each public meeting, the Santa Ana Water Board case manager, Jessica Law, gives a visual presentation, followed by a question-and-answer session with a subject matter expert panel. The panel typically includes Jessica Law, Nick Amini (Santa Ana Water Board), Amanda Palumbo (California Office of Environmental Health Hazard Assessment - OEHHA), Mike Barnes (Wood), and additional subject matter experts from Wood, based on the meeting topics. The State Water Resources Control Board's Office of Public Participation (OPP) was actively involved in and served as moderators at the first four public meetings. Ford's public relations consultant (Craig Communications) has been managing the logistical elements of the public meetings, such as distributing meeting notifications, reservation of the venue, audio and video recording of the events and signing up attendees. Beginning in November 2019, due to limited resources in OPP, Craig Communications has served as moderators at the meetings. While Craig Communications has handled much of the meeting logistics, OPP remains strongly involved in supporting and advising Santa Ana Water Board staff on matters of public engagement for this project.

Board Members had questions for Ms. Law.

Item 13. Executive Officer's Report

Jayne Joy submitted an Executive Officer Report discussing a settlement agreement between Exeter Property Group, LLC and Exeter Alessandro Land, LLC.

Ms. Joy shared a PowerPoint presentation and provided an update on the oil spill that occurred on the coast of Huntington Beach. The presentation discussed an overview of the incident, unified command, Water Board's role and emergency response results to date.

The incident occurred on Friday, October 1, 2021, and was named Pipeline P00547 Incident. The location of the spill began offshore of the Huntington Beach, Orange County and progressed into San Diego County. An estimated 126,000 gallons of crude oil was spilled and is currently still under investigation. The Governor and the City of Huntington Beach both declared a state of emergency.

A Unified Command (UC) was established on October 2, 2021, that includes: the US Coast Guard, California Department of Fish and Wildlife's Office of Spill Prevention and Response, and BETA Offshore. The UC was established to address the gross and visible oil impacts at sea and along the coast. The coastline in the Santa Ana Region to the Mexican coast were impacted. At this time, the emergency response results included the removal of floating crude oil and coastline debris, estimated at 5,544 gallons of liquid recovered, and 13.6 barrels and 347,500 pounds of oily sand and debris. Shoreline cleanup and assessment teams have been used along the coast to clean up the beaches and to look for visible oil impacts and impacted wildlife.

The State Board's Emergency Management Program staff, the San Diego Water Board staff, and the Santa Ana Water Board staff worked together assessing the spill response activities.

Board Members had questions for Ms. Joy.

Item 14. Regional Board Member and Executive Officer Communications

Vice Chair Murray discussed the Quail Valley task force that she and Ms. Joy participated in. The task force was a partnership with the City of Menifee and the water districts in the affected areas planning to provide sewer systems to replace the failing septic tank systems. The task force will meet quarterly and will discuss legislative strategy to secure needed grants and appropriations from the state and federal governments. Vice Chair Murray acknowledged Congressman Calvert who was able to secure \$2.5 million for the initial planning. Vice Chair Murray recommends providing an update to the Board at a future meeting.

Closed Session

There was a closed session pursuant to Government Code Section 11126 subdivision (e) to discuss pending litigation (California Coastkeeper and Orange County Coastkeeper versus California Regional Water Quality Control Board, Santa Ana Region).

Adjournment

Vice Chair Murray adjourned the meeting at 12:16 p.m. to the regular Board Meeting of December 10, 2021, 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-08-21, 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:

JAYNE JOY, P.E.
Executive Officer

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