

State of California
Santa Ana Regional Water Quality Control Board

Minutes of the June 3, 2022 Board Meeting
California Air Resources Board
4001 Iowa Avenue
Riverside, CA 92507

Chair Murray called the meeting to order at 9:02 a.m.

Item 1. Introductions

*** Indicates that attendance was virtual.

Board Members Present at Board Meeting

Kris A. Murray, Chair
Joe Kerr, Vice Chair
William Ruh
Letitia Clark
Gloria Alvarado
John Scandura

Board Members Absent at Board Meeting

None.

Staff Present at Board Meeting

Jayne Joy, Executive Officer
Ann Sturdivant, Assistant Executive Officer
Eric Lindberg, Division Chief
Nick Amini, Division Chief
Katharine Bramble, Attorney III
Dorene D'Adamo, State Board Liaison***
Terri Reeder, Senior Engineering Geologist
Mailee Gee, Senior Engineering Geologist
Mehrnoosh (Mona) Behrooz, Water Resource Control Engineer
Hossein Shahrokhnia, Environmental Scientist
Jessica Baenre, Associate Governmental Program Analyst
Jeannie Aguilar, Staff Services Manager I
Kevin Heinemann, Information Technology Manager
Daniel Mefford, Information Technology Specialist I
Don Nguyen, Information Technology Associate
Julio Lara, Senior Water Resources Control Engineer***
Jason Freshwater, Environmental Scientist***
Claudia Tenorio, Environmental Scientist***
Fernanda Arechiga, Scientific Aid***

Public Attendance at Board Meeting

Raymond Hiemstra, Orange County Coastkeeper

Public Attendance at Board Meeting (continued)

Amanda Carr, County of Orange

Seth Zielle

Ken Williams

Felipa Montes

Amanda Swanson, Department of Fish and Wildlife***

Keith Merkel***

Rachel Woodfield, Merkel & Associates***

Felipa Nothem***

Item 2. Public Forum

None.

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

This item was presented by Dorene D'Adamo.

On May 24, 2022 the State Water Board adopted an emergency water conservation regulation. The two main actions are:

- 1) The regulation bans irrigation of nonfunctional turf at commercial, industrial, and institutional properties.
- 2) The regulation requires that larger urban water suppliers institute phase two drought plans, which would be mandatory conservation up to 20%.

Ms. D'Adamo mentioned that looking forward in 2022/2023 the State Water Board will be adopting permanent standards for indoor use and outdoor use, addressing water loss/leaky pipes.

Ms. D'Adamo discussed the Emergency Curtailment regulations that were adopted in several key watersheds last year. These statutes can only be in place for one year and the State Water Board is working on a renewal and improvement process.

Lastly, Ms. D'Adamo discussed state and federal funding. State Water Board staff are developing recommendations and updating intended use plans for Drinking Water and Clean Water State Revolving Funds to account for additional money received. In May 2022, State Water Board staff released an update to the Drinking Water Needs Assessment and are currently working on a Needs Assessment for Wastewater.

Item 4. Regional Board Meeting Minutes of March 18, 2022

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

Motion: It was moved by Board Member Ruh, seconded by Vice Chair Kerr and the Minutes of the March 18, 2022 Board Meeting were approved by roll call vote.

Roll call vote: Board Member John Scandura- Aye, Board Member Gloria Alvarado- Aye, Board Member Letitia Clark- Abstain, Board Member William Ruh- Aye, Vice Chair Joe Kerr- Aye, Chair Kris Murray- Aye.

Board Member Letitia Clark abstained because she did not attend the March 18, 2022 Board meeting.

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

Chair Murray noted that item 7 included changes that were made in response to written comments received.

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

Item *6. Waste Discharge Requirements for Diversified Pacific Communities, Tentative Tract Map No. 37731 Project, City of Riverside County, Order Number R8-2022-0029

Item *7. Waste Discharge Requirements for Fontana Union Water Company, Lytle Creek Diversion and Intake Facility, Unincorporated San Bernardino County, Order Number R8-2022-0039

Item *8. Waste Discharge Requirements, Master Recycling Permit, and National Pollution Discharge Elimination System (NPDES) Permit No. CA8000409 for Inland Empire Utilities Agency's Regional Water Recycling Facilities, Order Number R8-2022-0041

Motion: It was moved by Board Member Ruh, seconded by Board Member Clark, and unanimously carried to adopt Orders R8-2022-0029, R8-2022-0039 and R8-2022-0041 as presented by roll call vote.

Roll call vote: Board Member John Scandura- Aye, Board Member Gloria Alvarado- Aye, Board Member Letitia Clark- Aye, Board Member William Ruh- Aye, Vice Chair Joe Kerr- Aye, Chair Kris Murray- Aye.

Item 9. Amendment to the Water Quality Control Plan for the Santa Ana River Basin to Revise the Schedule for Attaining the Fecal Coliform Total Maximum Daily Loads, Resolution R8-2022-0017

This item was presented by Regional Board staff, Terri Reeder.

The purpose of Resolution R8-2022-0017 is to extend the schedule for attaining the shellfish water quality object and make editorial changes to the current language proposed to provide more clarity.

Ms. Reeder discussed Total Maximum Daily Loads (TMDLs), beneficial uses in Newport Bay, the purpose of the Basin Plan Amendment, Fecal Coliform TMDLs, shellfish

harvesting beneficial use, water quality objectives, phase I dry season shellfish study, proposed phase II wet season shellfish study, fecal coliform TMDL facilitated meetings, public comments, staff responses and staff recommendations.

Board Members had questions and comments for Ms. Reeder.

Chair Murray opened the public comment period.

Raymond Hiemstra, Orange County Coastkeeper, stated that this item is important and needs serious consideration. This is an unprecedented, no requirement eight-year extension on top of a two-year extension from the original 2019 TMDL, that was ignored by the County of Orange for 20 years. Mr. Hiemstra stated that the State has no obligation to pay for this, and this should be a county project. Orange County Coastkeeper proposed a five-year extension with an interim standard and an end date, but it was rejected by Regional Board staff. Mr. Hiemstra requested that the Board vote no on this extension.

Amanda Carr, County of Orange, spoke on behalf of the County, Orange County Flood Control, and the funding partners. Ms. Carr addressed several questions raised by the Board and comments made by Mr. Hiemstra. Ms. Carr stated that the standard does not correlate with the risk in the shellfish; the 14 most probable number (MPN) standard and water quality objective are being met. Lastly, Ms. Carr mentioned that the water quality objective does not predict whether there are viruses in the shellfish, which is why the standard needs to be adjusted.

Board Member Scandura, Board Member Ruh and Chair Murray provided additional comments.

Chair Murray noted that changes were made in response to comments received.

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

Motion: It was moved by Board Member Scandura, seconded by Vice Chair Kerr, and unanimously carried to adopt Resolution R8-2022-0017 as presented by roll call vote.

Roll call vote: Board Member John Scandura- Aye, Board Member Gloria Alvarado- Aye, Board Member Letitia Clark- Aye, Board Member William Ruh- Aye, Vice Chair Joe Kerr- Aye, Chair Kris Murray- Aye.

Item 10. Status of Regulatory Oversight of PFAS Investigations in the Santa Ana Region

This item was presented by Regional Board staff, Mona Behrooz.

Ms. Behrooz provided an overview of scientific information, background and an update on the State and the Santa Ana Water Board activities related to the occurrence of Per- and

polyfluoroalkyl substances (PFAS) in California's drinking water resources and watersheds.

PFAS are a group of man-made chemicals that are resistant to heat, water and oil. This family of chemicals includes Perfluorooctanoic acid (PFOA) and Perfluorooctanesulfonic acid (PFOS) that have been subject to the highest regulatory scrutiny. PFAS are used in a wide range of industrial and household products such as: non-stick cookware, food packaging, stain resistant fabrics, textiles and carpets, roofing materials, lubricants, adhesives, water resistant clothes, paints, varnishes, sealants, dyes, inks, personal care products and cleaning products.

Ms. Behrooz discussed the fate and transport of these chemicals. Chemical manufacturing companies, chromium plating facilities and landfills are examples of sources that could release PFAS into the environment. Next, she discussed toxicity of PFAS chemicals. PFOA and PFOS are toxic to the liver and immune systems, cause developmental issues, are harmful to thyroids, decrease fertility, can impact cardiovascular health and have carcinogenic effects.

Since 2019, the State Water Resources Control Board has issued investigative orders for PFAS analysis to several industries and facilities: municipal solid waste landfills, commercial airports, suspected chromium plating facilities, wastewater treatment plants, refineries and bulk terminals, and drinking water supply wells. Based on the state-wide PFAS investigation results, elevated concentrations of PFAS were detected in soil and groundwater at airports due to use of aqueous film forming foam (AFFF). Other industries with impact to groundwater included chromium plating facilities, landfills, and some wastewater treatment plants.

Next, Ms. Behrooz shared results from PFAS investigations in the Santa Ana Region. She discussed overall trends of maximum total PFAS concentrations in groundwater at airports and landfills within the region. Then, she covered several types of facilities (i.e. military sites, commercial airports, and landfills) by highlighting maximum detected PFOA/PFOS concentrations at each facility. In addition, maximum total PFAS concentrations in effluents from wastewater treatment plants were presented. Furthermore, Ms. Behrooz highlighted maximum detected PFOA/PFOS concentrations in drinking water source wells across the Santa Ana Region. She also presented results of PFAS investigation in selected areas of the Santa Ana River watershed conducted by the Orange County Water District.

For the rest of the year and into the next year, the State is working on assessment, monitoring, and developing regulations for PFAS in drinking water. Senate Bill 170 appropriated \$30 Million from the General Fund to the State Water Board for technical and financial assistance to drinking water systems to address PFAS. An additional \$70 Million is proposed for the fiscal years 2022/2023 and 2023/2024. At the end of the presentation, Ms. Behrooz discussed assembly bills AB1817 and AB2247 that were passed in May 2022. AB1817 prohibits the sale of textiles that contain PFAS above 300 parts per billion starting in 2025. The bill also prohibits a person from manufacturing, distributing, selling, or offering to sell textile items that contain PFAS. In addition, AB2247 requires the CA Department of Toxic Substances Control to work with the Interstate Chemicals

Clearinghouse to establish a publicly assessable reporting platform and collect information on products containing intentionally added PFAS components. The reporting requirement would begin on July 1, 2025 and will be an annual obligation.

Board Members had questions and comments for Ms. Behrooz.

Chair Murray opened the public comment period.

Raymond Hiemstra, Orange County Coastkeeper, is on the Citizen Advisory Panel for the UCI Public Health study on PFAS and provided information on a national study done by the Centers for Disease Control and Prevention that recently went live. Mr. Hiemstra mentioned that the public is invited to participate in the research study and is looking for people who live in Anaheim, Garden Grove, Orange, or Yorba Linda that may wish to volunteer. Mr. Hiemstra provided the following website to get more information <https://sites.uci.edu/pfas/>.

Chair Murray asked Board staff to provide updates on this topic.

Item 11. Status of the *Caulerpa Prolifera* Eradication Project in Newport Bay

This item was presented by Regional Board staff, Terri Reeder.

Ms. Reeder informed Board members that *Caulerpa prolifera* was first observed in October 2020 in China Cove, which is located in Lower Newport Bay. *Caulerpa prolifera* is a non-native, highly invasive alga, and its presence results in a loss of habitat that can impact the economy and the environment. The alga was not positively identified until March 2021.

In April 2021, the Santa Ana Water Board and other state and federal agencies were notified of a *Caulerpa prolifera* infestation in China Cove. In July 2021, an operation took place to remove the infestation of the main biomass in China Cove. However, *Caulerpa prolifera* is still being found growing up through sediment in thick eelgrass beds. Phase one will not be considered complete until three consecutive diver surveys result in zero finds. Continued surveys are needed every two weeks, since unchecked *Caulerpa prolifera* will continue to grow and could spread to other areas within Newport Bay.

Ms. Reeder anticipates that eight to ten more surveys would be needed between June 1-October 31, 2022 with an additional cost of \$200,000. A hearing is scheduled with the State Board on June 7, 2022, to obtain additional funding from the Department of Financial Assistance's Cleanup and Abatement Account.

When phase one is complete, phase two would be initiated. Phase two requires a longer surveillance period of two to three years with quarterly diver surveys to verify that no additional *Caulerpa prolifera* is found. Eradication cannot be declared until phase two is completed.

Board Members had questions and comments for Ms. Reeder.

Item 12. Executive Officer's Report

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Executive Officer Jayne Joy reminded Board Members of the Water Quality Coordinating Committee (WQCC) meeting that will be held on October 27th and October 28th. This will be a hybrid meeting (in-person and virtual). If any Board members are interested in attending, please let us know.

Item 13. Regional Board Member and Executive Officer Communications

Vice Chair Kerr thanked staff for the reports and information provided.

Board Member Ruh discussed the drought and mentioned that the capacity of most of our reservoirs was at 30% or less as of June 1st. Board Member Ruh stated that outdoor landscaping needs to be looked at, the era of green lawns and mowed green turf is over. Board Member Ruh stressed the importance of the drought and equity regarding water cutbacks.

Board Member Clark thanked staff and the California Air Resources Board for hosting today's Board meeting.

Board Member Alvarado thanked staff for the reports and stated that she enjoyed meeting everyone.

Board Member Scandura thanked staff and fellow Board members for today's accomplishments.

Chair Murray thanked staff and the California Air Resources Board.

Closed Session

None.

Adjournment

Chair Murray adjourned the meeting at 12:08 p.m.

Respectfully submitted:

JAYNE JOY, P.E.
Executive Officer

/jb