

State of California
Santa Ana Regional Water Quality Control Board

Minutes of the October 24, 2025 Board Meeting

City of Montclair
5111 Benito Street
Montclair, CA 91763

And via Video and Teleconference (Gov. Code, § 11123.2)

Vice Chair Scandura called the meeting to order at 9:10 a.m.

Court Reporter recorded items: 1 and 13

Item 1. Introductions and Declaration of Quorum

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

***Indicates that attendance was virtual.

Board Members Present at Board Meeting

John Scandura, Vice Chair
William “Bill” Ruh, Board Member
Letitia Clark, Board Member (arrived at 9:23 a.m.)
Sixto “Al” Lopez, Board Member

Board Members Absent at Board Meeting

Kris A. Murray, Chair
Gloria Alvarado, Board Member

Staff Present at Board Meeting

Eric Lindberg, Executive Officer
Jessica Baenre, Clerk to the Board
Dan Mefford, Information Technology Specialist I
Don Nguyen, Information Technology Associate
Nick Amini, Branch Manager, Surface Water and Agriculture Branch
Jagroop Khela, Branch Manager, Planning, Implementation and Permitting Branch
Claudia Tenorio, Chief of Regional Planning Programs
Mona Behrooz, Chief of Site Cleanup Section
Brian Covellone, Chief of Agriculture & Cannabis Section
Maher Zaher, Water Resource Control Engineer
Chuck Griffin, Senior Water Resource Control Engineer (Specialist)

State Water Board Present at Board Meeting

Heraclio Pimentel, Regional Board Counsel, Office of Chief Counsel
Jennifer Fordyce, Assistant Chief Counsel, Office of Chief Counsel
Heather Jidkov, Attorney IV, Office of Enforcement
Dorene D’Adamo, State Water Board Liaison, State Water Resources Control Board***

Court Reporter Present at Board Meeting

Marlee Nelson***

Public Attendance Present at Board Meeting

Ryan Kearns, Riverside County Flood Control

Arlene Chun, San Bernardino County Flood Control

Chris Bland, San Bernardino County Flood Control

Richard Boon

Chris Robles, Fair Ontario

Leslie Irish, L&L Environmental, Inc.***

Brian Hardy, Richland Communities***

Item 2. Public Forum

Ryan Kearns

Ryan Kearns from the Riverside County Flood and Water Conservation District discussed the Middle Santa Ana River Multi-Benefit Water Quality Strategy Plan. Initially aimed at reducing bacteria in the river, the plan evolved to include collaborations with nearby water quality projects such as habitat restoration, and park projects to maximize community benefits including access for recreation in and around the river.

Board Members asked questions.

Heraclio Pimentel, Regional Board Attorney, announced that Board Member Clark arrived at 9:23 a.m. and that the Board has a quorum.

Chris Robles

Chris Robles spoke as a member of the public and as founder of Fair Ontario. Mr. Robles mentioned that Fair Ontario's goal is to increase civic participation in the city of Ontario. Mr. Robles would like to hold a summit or academy for residents in Ontario to understand how water works. Mr. Robles asked for assistance from the Santa Ana Water Board to help him educate members of the public.

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

State Water Board Member Dorene D'Adamo provided an update on the following:

Revised Bay Delta Plan

On September 16 State Water Board staff rescinded the August 22 notice for public comment and hearing for the revised Bay Delta plan. A decision was made to have a limited recirculation of the staff report and substitute environmental document in support of the revised plan. Ms. D'Adamo mentioned that updating the Sacramento Delta components of the Bay Delta plan is a top priority to the State Water Board.

Administrative Hearing Office

Delta Conveyance Project:

On September 12 the Administrative Hearings Office released an amended hearing notice for a revised set of dates for hearings; public hearings resumed on September 29.

Sites Reservoir:

The petition for Sites Reservoir is before the administrative hearings office. On September 15 the Sites Reservoir Project Authority submitted a water quality certification application for construction of the project; this is an additional process that would be going through the Division of Water Rights. A Clean Water Act Section 404 permit application was submitted concurrently to the US Army Corps of Engineers.

Wastewater Needs Assessment

The Wastewater Needs Assessment Advisory Group began meeting last year in July 2024 and have been meeting quarterly.

Agricultural Expert Panel

In 2014, the State Water Board had an expert panel that provided expertise on the Irrigated Lands regulatory program. Ms. D'Adamo mentioned that it is time to get an updated review and a second expert panel was formed; their first public listening session took place on October 1. Work group sessions were held on October 13 and October 22.

Office of Operator Certification Program

On October 20 the Wastewater Operator Certification Programs held their semi-annual advisory meeting at the CalEPA building. This meeting was attended by Water Industry professionals and provided an opportunity for input and feedback.

Wildfire and Resiliency Program Update

Staff continues to collaborate with the California Natural Resources Agency to implement the State of Emergency proclamation. State Water Board staff in collaboration with the Regional Boards have reviewed and facilitated approval of over 100 projects, which was a milestone and was highlighted at the California Wildfire and Forest Resilience Task Force meeting on September 4. Ms. D'Adamo mentioned that eligible projects need to apply by December 31 using the application that is available on the Wildfire and Forest Resilience Task Force webpage.

Item 4. Regional Board Meeting Minutes of September 12, 2025

Vice Chair Scandura 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 Board Member Clark, and the Regional Board Meeting Minutes of September 12, 2025 were approved as presented by roll call vote.

Roll call vote: Board Member Lopez- Aye, Board Member Ruh- Aye, Board Member Clark- Aye, Vice Chair Scandura- Aye.

Item 5. Proposed Board Meeting Dates for 2026

Vice Chair Scandura asked whether any Board Members had conflicts with the proposed meeting dates for 2026. No conflicts were mentioned.

Vice Chair Scandura asked for a motion and asked Board Clerk Ms. Baenre for a roll call vote.

Motion: It was moved by Board Member Ruh, seconded by Board Member Lopez, and the Proposed Board Meeting Dates for 2026 were approved as presented by roll call vote.

Roll call vote: Board Member Lopez- Aye, Board Member Ruh- Aye, Board Member Clark- Aye, Vice Chair Scandura- Aye.

Item 6. Consideration of the Consent Calendar items are listed with an asterisk

Item *7. Waste Discharge Requirements for Richland Planned Communities, Inc., RMD Inland Investors, LLC, and Canadian Pacific Land, LLC, Rio Vista Project, City of Jurupa Valley, Riverside County; R8-2025-0070

Item *8. Waste Discharge Requirements and Clean Water Act Water Quality Certification for Routine Maintenance – Low Resource Value Flood Control Facilities Project, San Bernardino County; R8-2025-0074

Item *9. Waste Discharge Requirements for Bedford Canyon Wash Long-Term Maintenance Project, City of Corona, Riverside County; R8-2025-0076

Item *10. Waste Discharge Requirements for In-Situ Remediation of Groundwater at Walgreens Store No. 11652 Facility, 1726 Superior Avenue, Costa Mesa; R8-2025-0078

Item *11. Waste Discharge Requirements for Golden Meadows Maintenance, City of Menifee, Riverside County; R8-2025-0080

Vice Chair Scandura 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 Lopez, seconded by Board Member Ruh, and Order Number R8-2025-0070, Order Number R8-2025-0074, Order Number R8-2025-0076, Order Number R8-2025-0078 and Order Number R8-2025-0080 were approved as presented by roll call vote.

Roll call vote: Board Member Lopez- Aye, Board Member Ruh- Aye, Board Member Clark- Aye, Vice Chair Scandura- Aye.

Item 12. Waste Discharge Requirements for Remediation of Groundwater at the Flatiron Groundwater Treatment Facility, 501 West Francis Street, Ontario; R8-2025-0067

This item was postponed for a future meeting.

Vice Chair Scandura announced a 15-minute break from: 9:52 a.m.- 10:08 a.m.

Item 13. Public Hearing on Administrative Civil Liability Complaint No. R8-2025-0069, Daniel K. Musetti; Complaint R8-2025-0069

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

Vice Chair Scandura read an opening statement for Administrative Civil Liability Complaint R8-2025-0069 issued to Daniel K. Musetti.

It was noted that all Board Members in attendance were physically present.

Vice Chair Scandura named the Board Members, Advisory Team, Prosecution Team, and Respondent.

Board Members

John Scandura
William “Bill” Ruh
Letitia Clark
Sixto “Al” Lopez

Advisory Team

Mona Behrooz
Heraclio Pimentel
Jennifer Fordyce

Prosecution Team

Eric Lindberg
Charles Griffin
Nick Amini
Brian Covellone
Maher Zaher
Heather Jidkov

Respondent

Daniel K. Musetti

Vice Chair Scandura stated that the official record of testimony at this hearing will be created by the Court Reporter and that the hearing will also be recorded.

Vice Chair Scandura mentioned that the respondent, Daniel K. Musetti, was not present.

Vice Chair Scandura administered the oath.

Prosecution Team Presentation

Prosecuting Officer Eric Lindberg gave a brief opening statement.

Maher Zaher presented the Prosecution Team presentation. The presentation discussed the enforcement case background and overview, property background, chronology of the

progressive enforcement process, alleged violations, and liability methodology and calculations.

Mr. Zaher stated that the Prosecution Team calculated a proposed liability amount of \$438,271.28 for the alleged violations of Cleanup and Abatement Order R8-2022-0031.

Mr. Zaher explained that this enforcement case is regarding an unpermitted cannabis cultivation site at 25050 Cortrite Avenue Homeland, CA 92548, owned by Mr. Musetti the Respondent. Mr. Zaher stated that a Cleanup Order R8-2022-0031 was issued on June 29, 2022 and that staff has inspected several other properties owned by or associated with the Respondent for illegal cannabis cultivation.

Mr. Zaher explained that staff have attempted to assist the Respondent in complying with the Cleanup Order through numerous phone calls and the issuance of progressive enforcement actions.

Mr. Zaher further explained that the Respondent violated the cleanup order by failing to submit a Restoration and Monitoring Plan in violation of water code section 13267 and failed to complete implementation of corrective actions pursuant to an approved Restoration and Monitoring Plan in violation of Water Code Section 13304.

Mr. Zaher stated that staff documented unauthorized and threatened discharges of waste associated with cannabis cultivation and land disturbance activities. Mr. Zaher provided a summary of site conditions observed during the inspections that included:

- Alterations to ephemeral streams including collapse of stream bank
- Cannabis cultivation areas directly adjacent to the streams
- Extensive grading and enhanced erosion

Mr. Zaher's enforcement timeline included key events such as a property inspection on February 3, 2020, followed by several notices and orders issued to the Respondent between April 22, 2021, and July 28, 2025. Notable actions included issuing a Notice of Violation, phone calls about corrective actions, multiple reissues of the Cleanup Order, a second property inspection on June 7, 2023, and finally issuing an Administrative Civil Liability Complaint on July 28, 2025.

Mr. Zaher provided a summary of alleged violations:

Violation 1

- Failure to submit a Restoration and Monitoring plan for approval by August 28, 2022 as required by the Cleanup Order.
- Alleged days of violation: 930 days.

Violation 2

- Failed to complete implementation of cleanup and remediation actions by March 31, 2023 as required by the Cleanup Order.
- Alleged days of violation: 823 days.

Mr. Zaher shared a table explaining how the total base liability amounts and the final liability amounts were calculated.

Mr. Zaher concluded that the Prosecution Team recommended that the Board adopt the proposed liability amount of \$438,271.28 for the alleged violations of the Cleanup Order.

Board Member Ruh, Board Member Clark and Vice Chair Scandura asked questions.

The Advisory team asked questions.

Vice Chair Scandura asked whether Daniel K. Musetti or any representative on his behalf were present. There was no attendance from Mr. Musetti's side, either in-person or online.

Public or Interested Persons Comments

None.

Board Member Lopez provided comments.

Closing Statement by the Prosecution Team

Nick Amini provided the closing statement for the Prosecution Team. Mr. Amini stated that the evidence clearly showed that Mr. Musetti failed to comply with the Cleanup and Abatement Order. Mr. Amini further stated that the unlicensed cannabis cultivation on Mr. Musetti's property has caused significant environmental damage including stream alterations, discharge of pollutants, and erosion.

Mr. Amini noted that over the past five years the Prosecution Team has exhausted all enforcement efforts. Mr. Musetti failed to engage with regional board staff to address the violations and there is a high likelihood that Mr. Musetti's unauthorized activities have resulted in discharges of pollutants to the Waters of the State resulting in impacting the water quality in our communities.

Mr. Amini emphasized that Cleanup and Abatement Orders are vital to the enforcement of cannabis cultivation programs to address the impacts of unauthorized activities. Without enforcement and liability, the responsible parties would not take the Cleanup and Abatement Orders seriously, which would result in polluted sites and discharge to our waters.

Mr. Amini asked that the Board hold individuals accountable for non-compliance. The proposed penalty shows the severity of the violation and the need to hold Mr. Musetti accountable. Mr. Amini urged the Board to adopt the proposed penalty to protect our water resources and ensure environmental compliance.

Vice Chair Scandura stated again that the Respondent was absent from this hearing.

Closed Session

Vice Chair Scandura closed the record of the hearing and moved to a closed session. Pursuant to Government Code section 11126, subdivision (c)(3), the Board went into a closed session at 10:58 a.m. to deliberate on item 13.

Closed Session: 10:58 a.m. – 11:36 a.m.

Vice Chair Scandura announced that the Board has found the respondent Daniel K. Musetti guilty of the two violations that were alleged. The Board finds that the penalty of \$438,271.28 is appropriate. Vice Chair Scandura asked the advisory team to draft an order to present to the Board for consideration and adoption at the December 12 Board meeting.

Board Member Ruh, Board Member Clark and Vice Chair Scandura provided comments.

Item 14. Executive Officer's Report

Eric Lindberg provided a verbal Executive Officer report on the following:

Management Coordination Committee Meeting

The Management Coordination Committee meeting is a collection of Executive Officers, Directors and Deputy Directors from the State Board. At this meeting, the status of water quality in California and water rights issues are discussed.

Region 9 United States Environmental Protection Agency (USEPA)

Mr. Lindberg reported that staff from the Region 9 USEPA continue to face challenges regarding reorganization and staffing. Employees were given the option to voluntarily resign by September 30, and 150 employees left the organization, and those positions were eliminated. The administrator for Region 9 USEPA has stepped down and an interim administrator is jointly providing administrative services for region two (New York) and region nine (California). Mr. Lindberg stated that staff are continuing to work with the USEPA to make sure that California's interest are represented.

Legislative Update

The Governor has signed hundreds of bills which will affect staff's operations on a day-to-day basis, particularly in the area of housing development, redevelopment, and permitting processes. There are new requirements regarding how long the regional board has to determine the status of applications and provide responses. Mr. Lindberg mentioned that legislation did not provide any additional staff.

Senate Bill 682

Senate Bill 682 was a proposed ban on Per- and Polyfluoroalkyl Substances (PFAS) and PFAS related chemicals in cookware and various household items. The Governor declined to sign the bill.

Chair's Update

The top priorities for the Santa Ana region are the MS4 permit, incorporating tribal beneficial uses into the basin plan, seeing the Copper TMDL/ Lake Elsinore TMDL go through the various approval processes, and continue to encourage recycle water reuse and groundwater replenishment projects in accordance with the Governor's water supply strategy.

Board Member Clark asked a question.

Item 15. Board Member and Executive Officer Communications

Board Member Lopez

Shared that he was recently reappointed to the Board and looks forward to working with fellow Board Members, staff and legal counsel to work on the goals and objectives of the region.

Board Member Ruh

Congratulated Board Member Lopez on his reappointment and wished everyone a happy Thanksgiving.

Board Member Clark

Thanked Executive Officer Lindberg for meeting with a Tustin community member who had questions about water grants and remediating a former Marine base.

Vice Chair Scandura

Congratulated Board Member Lopez for his reappointment. Shared that he was also recently reappointed to the Board and looks forward to serving with fellow Board Members.

Mentioned that he attended the Chairs meeting and it was great to hear the different priorities of each region. Vice Chair Scandura also mentioned that there was an extensive discussion on PFAS.

Closed Session

The Board entered into a closed session from 10:58 a.m. – 11:36 a.m. to deliberate on item 13, pursuant to Government Code section 11126, subdivision (c)(3).

Adjournment

Vice Chair Scandura adjourned the meeting at 11:54 a.m.

Respectfully submitted:

ERIC T. LINDBERG, PG CHG

Executive Officer

/jb