

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION
BOARD MEETING MINUTES
AUGUST 8, 2018**

CALL TO ORDER

Chair Tomas Morales called the meeting to order on August 8, 2018 at 9:00 a.m. at the San Diego Regional Water Quality Control Board Hearing Room, 2375 Northside Drive, Suite 108, San Diego, California 92108.

ATTENDANCE:

Board Members present:

Tomas Morales, Chair; Henry Abarbanel, Ph.D., Vice Chair; Eric Anderson, Board Member; Betty H. Olson, Ph.D., Board Member; Gary Strawn, Board Member; Stefanie Warren, Board Member.

Staff present:

Dave Gibson, James Smith, Chris Blank, Roger Mitchell, John Odermatt, Cynthia Gorham, Wayne Chiu, John Anderson, Jeremy Haas, Kelly Dorsey, Chiara Clemente, Laurie Walsh, Michelle Santillan, Betty Fetscher, Brandi Outwin-Beals, Helen Yu, Lori Costa, Ben Neill, Mireille Garcia, Craig Carlisle, David Barker.

Remote attendance:

Rachel O'Donovan, Kimberly McMurray-Cathcart, Kristin Schwall, Melissa Corona, Fisayo Osibodu, Lalitha Thotakura, Tony Felix, Joann Lim, Jody Ebsen, Hiram Sarabia.

Others present on behalf of the San Diego Water Board:

State Water Resources Control Board –Catherine Hagan, Adriana Nuñez. California Court Reporting – Marlee Nelson.

Public Attendance:

Clint Boschen
Tetra Tech

Todd Snyder, Jo Ann Weber, Heather Krish, Victor Avina
County of San Diego

Mary Vondrak
City of Laguna Beach

Grant Sharp, Rita Abellar, Cindy Rivers
County of Orange

Renee Anderson, Barry Pulver
Residents of San Diego Region

Victor Kalkirtz, Rachel Davenport, Ruth Kolb, Gail Ryan, Alejandra Gavaldon, Kris Michell, Kris McFadden, Arielle Beaulieu
City of San Diego

Kelly Tait, Karen Holman
Port of San Diego

Tim Klein, Michelle Hallack
Alta Environmental

Nick Popaditch, Jessica Palmer, Norma Ramirez
U.S. Navy

Michael Welch
Michael Welch Consulting

John Niemeyer
Latham & Watkins

Josh Brooks, Matt O'Malley
San Diego Coastkeeper

Adrienne Cibor
Nautilus

Martin Offenhauer
San Diego River Power Edn.

Roya Yazdaniford
CalTrans

Rosanna Lacarra
City of Coronado

Roger Baron, Devin Slaven
City of Lake Forest

Dan McKirnan
Environmental Health Coalition

Nancy Gardiner
Haley & Aldrich

BOARD MEETING

Public comments on agenda items were limited to 3 minutes or otherwise at the discretion of the Board Chair

PUBLIC FORUM

Neil Mohr of Republic Services provided an update on the Sycamore Landfill expansion project.

BOARD BUSINESS:

1. **Minutes of Board Meeting:** June 20, 2018

Motion: Mr. Anderson moved to adopt the proposed minutes.

Seconded by: Mr. Strawn

MOTION CARRIED: [\(June 20, 2018\)](#)

Aye: Dr. Abarbanel
Mr. Anderson
Dr. Olson
Mr. Strawn
Ms. Warren
Chairman Morales

Nay: None.

Absent: None.

Abstain: None.

2. **Chairman's, Board Members', State Water Board Liaison's, and Executive Officer's Reports.**

These items were for Board discussion only. Public testimony was not allowed, and the Board took no formal action.

Mr. Morales reported that the discussion topics for the WQCC in October are almost final.

Dr. Abarbanel summarized a meeting in which he, Mr. Gibson, and Sarah Mearon participated at San Diego State University to discuss the Sage Project, which establishes partnerships with local communities to afford students real-world learning opportunities by

working on community-based projects and incorporating that work into their courses. He also provided an update on the Next Generation Monitoring project.

Mr. Gibson provided an update on the Cannabis Program and responded to Board Member questions.

3. Future Agenda Items:

Board members discussed items for possible inclusion on future agendas

Dr. Abarbanel expressed ongoing concern regarding the storage of nuclear waste at the San Onofre Nuclear Generating Station (SONGS), and requested that Southern California Edison return to provide an update and answer the questions posed in June.

INFORMATIONAL ITEMS:

4. Annual Update on the Strategy for a Healthy San Diego Bay. *(Wayne Chiu)*

Staff Presentation
Wayne Chiu

Port of San Diego Presentation
Karen Holman, Kelly Tait

Dan McKirnan also commented on the item.

Chair Morales recessed the meeting at 11:05 a.m. and reconvened at 11:20 a.m.

5. Report on 2014 Triennial Review Project to Evaluate Water Contact Recreation (REC-1) Water Quality Objectives and Methods for Quantifying Exceedances. *(Michelle Santillan)*

Staff presentation
Michelle Santillan

The following stakeholders provided comments on this item:

- Kris Michell, Chief Operating Officer, City of San Diego
- Victor Avina, Policy Advisor, County of San Diego, Supervisor Cox's office
- Todd Snyder, Watershed Protection Program Manager, County of San Diego
- Grant Sharp, Manager, South Orange County Watershed Management Area
- Matt O'Malley, San Diego Coastkeeper

Laurie Walsh addressed questions posed by the commenters.

Chair Morales recessed for lunch and Closed Session at 12:30 p.m. Ms. Hagan indicated that the Board would discuss Item Nos. 6 (k) and (l) and Item 7 during Closed Session. Chair Morales reconvened the public meeting at 2:25 p.m.

CLOSED SESSIONS

Closed Sessions are not open to the Public

6. Discussion of Ongoing Litigation [Authorized under Government Code §11126, subd. (e)]. The San Diego Water Board may meet in Closed Session to discuss ongoing litigation for the following cases:

Civil Actions (Judicial and Administrative, other than Petitions for Review filed with the State Water Board)

- a. *In re: Test Claim on California Regional Water Quality Control Board, San Diego Region, Order No. R9-2007-001, (NPDES No. CAS0108758) Waste Discharge Requirements for Discharges of Urban Runoff from the Municipal Separate Storm Sewer Systems (MS4s) Draining the Watersheds of the County of San Diego, the Incorporated Cities of San Diego County, the San Diego Unified Port District, and the San Diego County Regional Airport Authority adopted on January 24, 2007. Test Claim filed by San Diego County, et al., with Commission on State Mandates, No. 07-TC-09 (filed June 2008). (Catherine George Hagan)*
- b. *State of California Department of Finance, State Water Resources Control Board, And California Regional Water Quality Control Board, San Diego Region v. Commission on State Mandates. Petition for Writ of Administrative Mandamus. Sacramento County Superior Court, Case No. 34-2010-80000604 (filed July 2010). (Catherine George Hagan)*
- c. *Test Claim on California Regional Water Quality Control Board, San Diego Region, Order No. R9-2009-0002, (NPDES No. CAS0108740) Waste Discharge Requirements for Discharges of Urban Runoff from the Municipal Separate Storm Sewer Systems (MS4s) Draining the Watersheds of the County of Orange, the Incorporated Cities of the County of Orange, and the Orange County Flood Control District adopted on December 16, 2009. Test Claim filed by County of Orange, et al., with Commission on State Mandates, No. 10-TC-11 (filed June 2011). (Catherine George Hagan)*
- d. *Test Claim on California Regional Water Quality Control Board, San Diego Region, Order No. R9-2010-0016 (NPDES No. CAS0108766) adopted November 10, 2010, County of Riverside, Riverside County Flood Control and Water Conservation District, and the Cities of Murrieta, Temecula and Wildomar, Co-Claimants, filed with Commission on State Mandates, No. 11-TC-03 (filed November 2011). (Catherine George Hagan)*
- e. *Test Claim on California Regional Water Quality Control Board, San Diego Region, Order No. R9-2013-0001 (Regional MS4 Permit) filed with Commission on State Mandates by County of San Diego. (San Diego Region Water Permit – County of San Diego, Test Claim No. 14-TC-03 (filed June 2015). (Catherine George Hagan)*
- f. *Test Claim on California Regional Water Quality Control Board, San Diego Region, Order No. R9-2013-0001 as amended by Order No. R9-2015-0001 and Order No. R9-2015-0100 (Regional MS4 Permit) filed with the Commission on State Mandates by Orange County Copermittees, Test Claim No. 15-TC-02 (filed June 2016). (Catherine George Hagan)*

- g. San Diego Gas & Electric Company v. San Diego Regional Water Quality Control Board.* Petition for Writ of Administrative Mandamus. San Diego County Superior Court Case No. 37-2015-00032608-CU-WM-CTL (filed September 2015) (Challenging Cleanup and Abatement Order No. R9-2012-0024 for San Diego Bay Shipyard Sediment Site). (Catherine George Hagan)
- h. San Altos-Lemon Grove, LLC. v. California Regional Water Quality Control Board, San Diego Region, a State of California Agency, David Gibson, Executive Officer, California Regional Water Quality Control Board, San Diego Region.* Petition for Writ of Mandate. San Diego County Superior Court Case No. 37-2017-00012461-CU-WM-CTL (filed April 2017) (challenging Administrative Civil Liability Order No. R9-2016-0064). (Catherine George Hagan)
- i. People of the State of California, ex. rel. The San Diego Regional Water Quality Control Board v. Paul Lee Warren, et al.,* Complaint for Declaratory and Injunctive Relief Based on Violations of the California Water Code. San Diego County Superior Court, North County Division, Case No. 37-2017-00024906-CU-TT-NC (filed July 10, 2017). (Catherine George Hagan)
- j. San Diego Regional Water Quality Control Board, et al., v. Paul Warren,* San Diego County Superior Court, Central Division, Case No. 37-201740038307-CU-PT-CTL (filed October 13, 2017). (Catherine George Hagan)
- k. Ecology Auto Parts, Inc. v. California Regional Water Quality Control Board, San Diego Region, and State Water Resources Control Board,* Petition for Writ of Administrative Mandamus and Complaint for Declaratory Relief, San Diego County Superior Court, Case No. 37-2017-00047177-CU-MC-CTL (filed December 8, 2017) (challenging July 14, 2017, amendment to Cleanup and Abatement Order No. R9-2013-0122). (Catherine George Hagan)
- l. Burrtec Waste Industries, Inc. v. California Regional Water Quality Control Board, San Diego Region, and David W. Gibson, Executive Officer.* Petition for Writ of Mandate and Complaint for Declaratory and Injunctive Relief, San Diego County Superior Court, Case No. 37-2017-00047432-CU-MC-CTL (filed December 8, 2017) (challenging July 14, 2017, amendment to Cleanup and Abatement Order No. R9-2013-0122). (Catherine George Hagan)

Petitions for Review Pending Before the State Water Board¹

None at this time other than those being held in abeyance.

Board Members discussed items (k) and (l) during this Closed Session, but no action was taken.

¹ Petitions for review of San Diego Water Board actions or inactions filed with the State Water Board being held in abeyance by the State Water Board are generally not listed in the agenda. The titles of these matters are available at the San Diego Water Board. Please contact Catherine George Hagan at Catherine.Hagan@waterboards.ca.gov or 619-521-3012 for more information.

7. Consideration of Initiation of Litigation. The San Diego Water Board may meet in Closed Session to discuss the City of Imperial Beach, City of Chula Vista, and San Diego Unified Port District Complaint against the United States International Boundary and Water Commission (USIBWC), Surfrider's Notice of Intent to Sue and the Board's own Notice of Intent to Sue USIBWC over matters within the San Diego Water Board's jurisdiction [Authorized under Government Code §11126, subdivision (e)]. (*David Gibson*)

Board Members discussed this item during Closed Session, but no action was taken.

ADJOURNMENT

There being no further business, Chair Morales adjourned the meeting at 2:25 p.m.

These minutes were prepared by:

Signed by:

Christina Blank
Executive Assistant

David Gibson
Executive Officer

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