

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION
BOARD MEETING MINUTES
MARCH 13, 2019**

CALL TO ORDER

Chair Henry Abarbanel called the meeting to order on March 13, 2019 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:

Henry Abarbanel, Ph.D., Chair; Celeste Cantú, Vice Chair; Eric Anderson, Board Member; Megan Blair, Board Member; Gary Strawn, Board Member; Stefanie Warren, Board Member.

Board Members absent:

Betty H. Olson, Ph.D.

Staff present:

David Gibson, James Smith, Chris Blank, John Anderson, Kelly Dorsey, Whitney Ghoram, Chiara Clemente, Christopher Means, Hiram Sarabia, Vicente Rodriguez, Regan Morley, David Barker, Eric Becker, Darren Bradford, Frank Melbourn, Ben Neill, Roger Mitchell, Sarah Mearon, Cynthia Gorham, Keith Yaeger, Laurie Walsh, Jeremy Haas Chad Loflen, Brandon Bushnell, Steven Teel, Mike Porter, Helen Yu, Michelle Santillan, Jill Harris, Fisayo Osibodu, Craig Carlisle.

Remote attendance:

Cleo Munoz, Sean McClain, Betty Fetscher, Jody Ebsen, Melissa Corona, Alan Monji, Brian McDaniel.

Others present on behalf of the San Diego Water Board:

State Water Resources Control Board –Catherine Hagan, Office of Chief Counsel; Catherine Hawe, Office of Enforcement. California Court Reporting – Marlee Nelson.

Public Attendance:

Thomas L. Bosworth
San Diego County Sanitation District

Waylon Matson
4 Walls International

Todd Snyder, Dan Brogadin
County of San Diego

Raya Yazdaniford
CalTrans

Rachel Davenport
City of San Diego

Amber Craig, Chris Harris
U.S. Customs and Border Protection

Adrienne Abor, Raquella Hogge
Nautilus/Enthalpy

Carla Camacho
Ocean Discovery Institute

BOARD MEETING

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

PUBLIC FORUM

There were no Public Forum speakers.

BOARD BUSINESS:

1. **Minutes of Board Meeting:** February 13, 2019

Motion: Mr. Anderson moved to adopt the proposed minutes

Seconded by: Mr. Strawn

MOTION CARRIED: (February 13, 2019)

Aye: Mr. Anderson
Ms. Cantú
Mr. Strawn
Ms. Warren
Chairman Abarbanel

Nay: None.

Absent: Dr. Olson

Abstain: Ms. Blair

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.***

Ms. Cantú reported on a meeting she had with Joaquín Esquivel in Sacramento last month.

Mr. Gibson announced that he would be leading a tour of the lower Tijuana River Valley for State Board Members on March 18.

Chair Abarbanel congratulated staff for being awarded the Sierra Club's Fantastic Environmental Action Taken (FEAT) award.

3. **Future Agenda Items: *Board members discussed items for possible inclusion on future agendas***

Dr. Abarbanel asked for an update on the Modern Monitoring project, and Mr. Gibson responded to questions about it.

CONSENT CALENDAR

4. **New Waste Discharge Requirements: Waste Discharge Requirements for the Bel Air Murrieta, LLC Project (Tentative Order No. R9-2019-0011).** *(Darren Bradford)*

Mr. Bradford responded to Board Member questions.

- 5. Settlement Agreement and Stipulation for Entry of Administrative Civil Liability Order, San Diego County Sanitation District, Sanitary Sewer Overflow to Los Coches Creek, San Diego River (Tentative Order No. R9-2019-0021). *(Christopher Means)*

Motion to approve the

Consent Calendar: Mr. Anderson

Seconded by: Ms. Cantú

MOTION CARRIED: (Order No. R9-2019-0011)
(Order No. R9-2019-0020)

Aye: Mr. Anderson
Ms. Blair
Ms, Cantú
Mr. Strawn
Ms. Warren
Chairman Abarbanel

No: None.

Absent: Dr. Olson

Abstain: None.

INFORMATIONAL ITEMS

- 6. **POSTPONED TO A FUTURE MEETING** Update on the Santa Margarita River Estuary Water Quality Restoration Strategy and Investigative Order No. R9-2019-0007. *(Hiram Sarabia)*

Item 8 was taken out of order.

- 8. Update on Water Quality Conditions and Issues Affecting the US Customs and Border Protection Mission. *(David Gibson)*

Presentation

Amber Craig, U.S. Customs and Border Protection

Chris Harris of U.S. Customs and Border Protection and Mr. Gibson also responded to Board Member questions.

- 7. Ocean Discovery Institute update. *(Henry Abarbanel)*

Presentation

Carla Camacho, Ocean Discovery Institute

Mr. Gibson also responded to Board Member questions.

- 9. **POSTPONED TO A FUTURE MEETING** Public Hearing to Consider NPDES Permit Reissuance and Water Code Section 13142.5(b) Determination: Waste Discharge Requirements for the Poseidon Resources (Channelside) LP, Claude “Bud” Lewis Carlsbad Desalination Plant Discharge to the Pacific Ocean (Tentative Order No. R9-2019-0003, NPDES No. CA0109223). *(Ben Neill)*

Chair Abarbanel adjourned for lunch and Closed Session at 10:48 a.m., and he reconvened the Public Meeting at 12:13p.m. Ms. Hagan stated that the Board would discuss Items 10(j) and 10(o) during Closed Session.

CLOSED SESSIONS***Closed Sessions are not open to the Public***

10. 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. *Test Claim on California Regional Water Quality Control Board, San Diego Region, Order No. R9-2015-0100, Provisions A.4, B.2, B.3.a, B.3.b, B.4, B.6, D.1.c(6), D.2.a(2), D.3, D.4, E.3.c(2), E.3.c(3), E.3.d, E.5.a, E.5.c(1)(a), E.5.c(2)(a), E.5.c(3), E.5.e, E.6, F.1.a, F.2.a, F.2.b, F.2.c, F.3.b(3), and F.3.c. 16-TC-05, 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, (June 2017). *(Catherine George Hagan)*
- h. *Test Claim on California Regional Water Quality Control Board, San Diego Region, Order No. R9-2017-0077, Sections A.1, A.3, and A.5, 17-TC-05, City of San Juan Capistrano and County of San Diego, Claimants, filed with the Commission on State Mandates, (June 2017). (Catherine George Hagan)*
 - i. *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)*
 - j. *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)*
 - k. *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)*
 - l. *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)*
 - m. *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)*
 - n. *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)*
 - o. *People of the State of California, Ex. Rel. the Regional Water Quality Control Board, San Diego Region v. International Boundary and Water Commission, United States Section, Jose Nunez, in his capacity as Acting Commissioner of the International Boundary and Water Commission, United States Section. Complaint for Declaratory and Injunctive Relief (Clean Water Act 33 U.S.C. §1251 et seq.), United States District Court for the Southern District of California, Case No. [not yet assigned], filed September 4, 2018. (David Gibson)*

Petitions for Review Pending Before the State Water Board¹

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

Board Members discussed Items 10(j) and 10(o).

ADJOURNMENT

There being no further business, Chair Abarbanel adjourned the meeting at 12:13 p.m.

These minutes were prepared by:

Signed by:

Christina Blank
Executive Assistant

David Gibson
Executive Officer

DRAFT

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.