

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION**

**BOARD MEETING MINUTES
December 11, 2019**

CALL TO ORDER

Chairman Henry Abarbanel called the meeting to order on December 11, 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., Board Chair; Celeste Cantú, Vice Chair; Megan Blair; Gary Strawn; Stefanie Warren.

Board Members absent:

Eric Anderson; Betty H. Olson, Ph.D.

Staff present:

David Gibson, James Smith, Chris Blank, Eric Becker, Craig Carlisle, Brandon Bushnell, Tino Gamboa, Jason DuMond, Kelly Dorsey, Roger Mitchell, Chiara Clemente, Jeremy Haas, Christina Arias, Keith Yaeger, Fisayo Osibodu, Regan Morey, Kimberly McMurray-Cathcart, Sarah Mearon, Laurie Walsh, Jill Harris, Cynthia Gorham, Ben Neill, Tony Felix, Tanya Nelson, Charles Cheng, Mireille Garcia, Nicole Gergans, Amy Grove, Joann Lim, Vicente Rodriguez, Sherrie Komeilyan, Chad Loflen, Debbie Woodward.

Remote attendance:

Wayne Chiu, Cleo Muñoz, Christina Arias, Jody Ebsen, Melissa Corona, Lisa Honma, Darren Bradford, Mike Porter.

Others present on behalf of the San Diego Water Board:

State Water Resources Control Board – Paul Hahn; Dee Dee d’Adamo; Catherine Hagan, Vincent Vu, Office of Chief Counsel; California Court Reporting – Marlee Nelson

Public Attendance:

Rolf Schattle, Lark Starkey, Kate Buckley
Wood PLC

Juana Recinos
Resident of Valley Center

Andrew Homer, Gary Merrill
Genentech, Inc.

Kyra Barboza, Helen Deisher
City of San Diego

Robert Stone
Pierian Water Systems

John Shaffer
EEC Environmental

Owni Toma, Jack Bebee, Juliana Luengas
Fallbrook Public Utility District

Jeff Williams
Resident of Oceanside

Alex Yescas
HDR, Inc.

Michael R. Welch
Michael Welch Consultants

Dante Parmintuan
Resident of Imperial Beach

Cari Dele, Lori Rigby, Melissa Thorne
City of Oceanside

Ben Gibson
General Dynamics

Lesley Dobalian
San Diego County Water Authority

Patrick McDonough, Matt O'Malley
San Diego Coastkeeper

Leon Benham
*Citizens for Coastal Conservancy
(C4CC)*

Oliver Tiliouine
Scripps Institution of Oceanography

Kimberly O'Connell, Sheryl Major,
Aristea Lubor, Phil Zerofsky
UC San Diego

Eric Syverson
Resident of Escondido

John Carter
Port of San Diego

Craig Carlisle
Resident of San Diego

BOARD MEETING

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

PUBLIC FORUM

Juana Recinos addressed the Board regarding the Commercial Agricultural Orders, and Mr. Gibson and Mr. Carlisle addressed her comments and responded to Board Member questions.

Ben Gibson spoke about Investigative Orders Nos. R9-2019-0040 and R9-2019-0041. Mr. Gibson and Ms. Hagan responded to his comments and to Board Member questions.

BOARD BUSINESS:

1. Minutes of Board Meeting:

- October 9, 2019

Motion to adopt the proposed minutes:

- Ms. Cantú

Second:

- Mr. Strawn

MOTION CARRIED:

- (Minutes10092019)

Aye:

- Ms. Blair
- Ms. Cantú
- Mr. Strawn
- Ms. Warren
- Dr. Abarbanel

Nay:

- None.

Absent:

- Mr. Anderson
- Dr. Olson

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.*

Ms. D'Adamo provided an update on State Board activities and priorities for the upcoming year and responded to Board Member questions.

Ms. Cantú updated the Board regarding a conference call in which she and Mr. Gibson participated regarding the Tijuana River valley and transboundary flows.

Chair Abarbanel provided an update on the Board's outreach efforts since August.

Ms. Warren spoke about a meeting and tour at the Airport Authority, and she also addressed the Board's community outreach efforts.

Mr. Gibson announced the retirements of John Odermatt and John Anderson, and congratulated Sarah Mearon on her promotion to fill Mr. Anderson's position and Nicole Gergans on her transition to a specialist role. He provided updates on staff activities since the last meeting and responded to Board Member questions.

Chair Abarbanel presented Ben Neill with a Sustained Superior Accomplishment award.

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

Mr. Smith explained the item in response to Board Member questions.

Ms. Warren requested summary reports or other documents from the State Water Board's Office of Emergency Response's involvement in the recent wildfires in Northern California.

Chair Abarbanel requested updates on outcomes from the Board's community outreach on environmental justice and disadvantaged communities; expanding the Board's modern monitoring efforts and an informational workshop to include the City of San Diego, San Diego State University, and Descartes Lab in preparation for the Water Quality Coordinating Committee Meeting in October; and an informational item from the Southern California Coastal Water Research Project (SCCWRP) regarding updates on climate change science. He also would like to develop and expanded working relationship with the other eight Regional Water Boards throughout the state.

4. Tentative Resolution: Adoption of 2020 Meeting Schedule (Tentative Resolution No. R9-2019-0228). (*David Gibson*)

Motion to adopt Resolution No. R9-2019-0228:

- Ms. Cantú

Second:

- Ms. Warren

MOTION CARRIED:

- (Resolution R9-2019-0228)

Aye:

- Ms. Blair
- Ms. Cantú
- Mr. Strawn
- Ms. Warren
- Dr. Abarbanel

Nay:

- None.

Absent:

- Mr. Anderson
- Dr. Olson

Abstain:

- None.

Chair Abarbanel called a recess at 10:16 a.m. and reconvened the meeting at 10:33 a.m.

CONSENT CALENDAR

5. WDR Rescission: Rescission of Order No. 87-108, Waste Discharge Requirements for Rancho Del Campo Campgrounds (Tentative Order No. R9-2019-0197). (*Sherrie Komeylyan*)

7. NPDES Permit Amendment: An Order Amending Order No. R9-2015-0009, NPDES No. CA0109142 for Transfer of Permit Responsibility, Coverage, and Liability from Continental Maritime of San Diego to HII San Diego Shipyard, Inc. (Tentative Order No. R9-2019-0220). (*Vicente Rodriguez*)

Motion to approve the Consent Calendar:

- Ms. Cantú

Second:

- Ms. Blair

MOTION CARRIED:

- (Order No. R9-2019-0197)
- (Order No. R9-2019-0220)

Aye:

- Ms. Blair
- Ms. Cantú
- Mr. Strawn
- Ms. Warren
- Dr. Abarbanel

Nay:

- None.

Absent:

- Mr. Anderson
- Dr. Olson

Abstain:

- None.

Item 6 was removed from the Consent Calendar:

6. WDR Amendment: Addendum No. 1 to Waste Discharge Requirement Order No. 93-07, San Luis Rey Wastewater Treatment Plant, City of Oceanside, San Diego County. (*Brandon Bushnell*)

Mr. Bushnell gave the staff presentation and responded to Board Member questions.

Lori Rigby and Melissa Thorne presented on behalf of the City of Oceanside and responded to Board Member questions.

Chair Abarbanel requested a change to the Tentative Order requiring a cost analysis for the production of a work plan. Mr. Mitchell introduced the proposed revision, and Ms. Thorne and Ms. Rigby responded to it.

Motion to approve Addendum No. 1 to Waste Discharge Requirement Order No. 93-07:

- Ms. Cantú

Second:

- Ms. Blair

Motion to amend motion to approve Addendum No. 1 to Waste Discharge Requirement Order No. 93-07:

- Dr. Abarbanel

Second:

- Mr. Strawn

AMENDED MOTION CARRIED:

- (Addendum No. 1 to Order No. 93-07)

Aye:

- Ms. Blair
- Mr. Strawn
- Dr. Abarbanel

Nay:

- Ms. Cantú
- Ms. Warren

Absent:

- Mr. Anderson
- Dr. Olson

Abstain:

- None.

Chair Abarbanel took the following item out of order:

9. Tentative Resolution: Joint Resolution Between the County of San Diego, City of Imperial Beach, City of Chula Vista, City of Coronado, Port of San Diego, San Diego Regional Water Quality Control Board, California State Lands Commission, and Surfrider Foundation Recommending Project Alternatives and Federal and State Actions to Eliminate Detrimental Transboundary Flows of Wastes in the Tijuana River Valley (Tentative Resolution No. R9-2019-0246).
(David Gibson)

Mr. Gibson gave the staff presentation.

The following stakeholders commented on the Tentative Resolution:

- Eric Syverson, Resident of Escondido
- Jeff Williams, Resident of Oceanside
- Dante Parmintuan, Resident of Imperial Beach
- Leon Benham, Citizens for Coastal Conservancy
- Matt O'Malley, San Diego Coastkeeper
- John Carter, Port of San Diego

Motion to approve Resolution No. R9-2019-0246:

- Ms. Cantú

Second:

- Mr. Strawn

MOTION CARRIED:

- (Order No. R9-2019-0246)

Aye:

- Ms. Blair
- Ms. Cantú
- Mr. Strawn
- Ms. Warren
- Dr. Abarbanel

Nay:

- None.

Absent:

- Mr. Anderson
- Dr. Olson

Abstain:

- None.

Chair Abarbanel adjourned for lunch and closed session at 12:24 p.m. Ms. Hagan stated that the Board Members would discuss Item 15(i) during closed session, but the Board Members would not take any action. Chair Abarbanel reconvened the public meeting at 1:27p.m.

INFORMATIONAL ITEM

Presentation slides are available upon request. Please send an email to sandiego@waterboards.ca.gov.

8. Update on the Clean Water Act Section 401 Program for Dredge and Fill Material and Discharges. *(Eric Becker)*

Mr. Becker gave the staff presentation and responded to Board Member questions. Jill Harris also responded to Board Member questions. Paul Hahn presented the State Board's approach to dredge & fill issues.

Chair Abarbanel called a recess at 2:18 p.m. and reconvened the meeting at 2:25 p.m.

ACTION ITEMS

10. NPDES Permit Amendment: An Order Amending Order No. R9-2015-0070, NPDES No. CA0107239, Waste Discharge Requirements for the University of California San Diego-Scripps Institution of Oceanography, Discharge to the Pacific Ocean, San Diego County (Tentative Order No. R9-2019-0176). (*Fisayo Osibodu*)

Chair Abarbanel recused himself from this item, due to a conflict of interest. Vice Chair Cantú gave her opening statement and administered the oath. Mr. Osibodu gave the staff presentation and responded to Board Member questions.

The following stakeholders commented on the item:

- Craig Carlisle, resident of San Diego
- Oliver Tiliouine, Scripps Institution of Oceanography

Motion to approve Order No. R9-2019-0176:

- Ms. Blair

Second:

- Ms. Warren

MOTION CARRIED:

- (Order No. R9-2019-0176)

Aye:

- Ms. Blair
- Ms. Cantú
- Mr. Strawn
- Ms. Warren

Nay:

- None.

Absent:

- Mr. Anderson
- Dr. Olson

Abstain:

- Dr. Abarbanel

11. NPDES Permit Reissuance: Waste Discharge Requirements for the City of Oceanside, San Luis Rey Water Reclamation Facility, La Salina Wastewater Treatment Plant, and Mission Basin Groundwater Purification Facility Discharge to the Pacific Ocean Through the Oceanside Ocean Outfall (Tentative Order No. R9-2019-0166). *(Joann Lim and Keith Yaeger)*

Chair Abarbanel gave his opening statement and administered the oath. Ms. Lim and Mr. Yaeger gave the staff presentation for this (Item No. 11) and the following three items (Nos. 12-14).

Lori Rigby and Melissa Thorne provided the presentation for the City of Oceanside.

12. NPDES Permit Reissuance: Waste Discharge Requirements for the Fallbrook Public Utility District, Fallbrook Water Reclamation Plant, and Santa Margarita Groundwater Treatment Plant Discharge to the Pacific Ocean through the Oceanside Ocean Outfall (Tentative Order No. R9-2019-0169). *(Joann Lim and Keith Yaeger)*

Jack Bebee, Owni Toma, and Melissa Thorne gave the presentation for the City of Fallbrook

13. NPDES Permit Reissuance: Waste Discharge Requirements for the Marine Corps Base, Camp Pendleton Southern Regional Tertiary Treatment Plant and Advanced Water Treatment Plant at Haybarn Canyon Discharge to the Pacific Ocean through the Oceanside Ocean Outfall (Tentative Order No. R9-2019-0167). *(Joann Lim and Keith Yaeger)*

14. NPDES Permit Reissuance: Waste Discharge Requirements for Genentech, Inc. Discharge to the Pacific Ocean through the Oceanside Ocean Outfall (Tentative Order No. R9-2019-0168). *(Joann Lim and Keith Yaeger)*

Andrew Homer of Genentech commented on this item.

After the presentations and comments from staff, the above-mentioned stakeholders, and Board Members, the Board decided to defer action on Items No. 11-14 until the February Board Meeting.

CLOSED SESSIONS
Closed Sessions are not open to the Public

15. 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. *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 County 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 Board:¹

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

Board Members discussed Item 15(i) during closed session but took no action.

ADJOURNMENT

There being no further business, Chair Abarbanel adjourned the meeting at 4:37 p.m.

These minutes were prepared by:

Signed by:

Christina Blank
Executive Assistant

David Gibson
Executive Officer

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.