

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION
BOARD MEETING MINUTES
February 10, 2021**

Pursuant to the Governor's Executive Orders ([N-29-20](#) and [N-33-20](#)) to protect public health by limiting public gatherings and requiring social distancing, this meeting occurred solely by remote presence.

CALL TO ORDER

Vice Chair Celeste Cantú called the remote meeting to order on February 10, 2021 at 9:03 a.m.

Roger Mitchell gave an opening statement providing information for attendees to participate in the meeting.

ATTENDANCE:

Board Members present:

Henry Abarbanel, Ph.D., Board Chair; Celeste Cantú, Vice Chair; Eric Anderson; Megan Blair; Betty H. Olson, Ph.D.; Gary Strawn.

Chair Abarbanel signed into the meeting at 9:06 a.m., and Vice Chair Cantú ceded the virtual gavel to him at that time.

Stefanie Warren signed into the meeting at 10:20 a.m.

Staff present:

David Gibson, David Barker, Chris Blank, Roger Mitchell, Jeremy Haas, Chiara Clemente, Laurie Walsh, Tom Alo, Keith Yaeger, Ben Neill, Chehreh Komeylyan, Brandon Bushnell, Amy Grove, Chad Loflen, Carey Nagoda, Eric Becker, Mireille Garcia, Sean McClain, Sarah Mearon, Fisayo Osibodu, Brandi Outwin-Beals, Lara Quetin, Vicente Rodriguez, Dulce Romero, Dan Boyd, Cleo Muñoz, Nicole Gergans, Tony Felix, Debbie Woodward, Jill Harris, Hiram Sarabia, Charles Cheng, Regan Morey, Sheila Christine McQuaid-Moran, Melissa Corona, Wayne Chiu, Tanya Clark, Erica Ryan, Whitney Ghoram, Lisa Honma, Helen Yu, Alan Monji, Sasha Smirensky, Cynthia Gorham.

Others present on behalf of the San Diego Water Board:

Laurel Firestone, Rebecca Fitzgerald, State Water Resources Control Board; Catherine Hagan, Vincent Vu, Lori Okun, Office of Chief Counsel.

Public Attendance:

Leta Mclean, Brenda Palermo <i>AECOM</i>	Joseph Murtaugh <i>USMC, Environmental Security</i>
Greg Seaman <i>U.S. Marine Corps</i>	

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 comments for the Public Forum.

BOARD BUSINESS:

- 1. **Minutes of Board Meeting:**
 - a. November 18, 2020
 - b. December 8, 2020

Motion to adopt the November 18, 2020 minutes:

- Dr. Olson

Second:

- Mr. Strawn

MOTION CARRIED:

- November 18, 2020
- December 8, 2020

Aye:

- Mr. Anderson
- Ms. Blair
- Ms. Cantú
- Dr. Olson
- Mr. Strawn
- Dr. Abarbanel

Nay:

- None.

Absent:

- Ms. Warren.

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.*

Chair Abarbanel provided a summary of his meeting with newly-elected San Diego Mayor Todd Gloria, Vice Chair Cantú, and Ms. Warren. Ms. Cantú also commented, stating that Mayor Gloria expressed his appreciation for the Board's willingness to help educate him on water quality issues.

Ms. Firestone provided an update on recent actions taken by the State Board and upcoming State Board actions and priorities, and she responded to Board Member questions and comments.

Mr. Gibson congratulated Ben Neill on his promotion to Senior Water Resource Control Engineer supervising the Groundwater Protection Unit. Mr. Gibson also responded to Board Member questions and comments regarding the written Executive Officer's Report and provided updates on recovery actions in the Tijuana River Valley.

Vice Chair Cantú announced that USEPA has scheduled a public meeting via Teams in which the public is invited to discuss Tijuana-San Diego Region cross-border flows on February 26, 2021, from 10:00 a.m. to 11:30 a.m. Pacific Daylight Time.

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

Dr. Olson stated that when she first joined the Board, she had asked for a briefing on chemicals in water that could affect an unborn fetus. After further reflection, she believes that such a briefing is too specific for a briefing before the full Board, and she wants to amend the request to say that she would like to receive information from OEHHA regarding such chemicals. Ms. Firestone responded that the State Board performs an annual review of drinking water regulations and priorities, and this year the staff is hoping to do more of a review regarding risk, and she will keep the Board updated regarding that work.

CONSENT CALENDAR

4. Waste Discharge Requirement Addendum: Addendum No. 2 to Order No. 88-54, Waste Discharge Requirements for Calmat Company, San Diego County. (*Brandon Bushnell*)
5. Waste Discharge Requirement Rescission: Rescission of Order No. 94-115, Waste Discharge Requirements for J. Mark Grosvenor, Trustee, Stallion Oaks Ranch, San Diego County (Tentative Order No. R9-2021-0003). (*Chehreh Komeilyan*)
6. Waste Discharge Requirement Addendum: Addendum No. 2 to Order No. 2010-0004 as amended by Order No. R9-2011-0039, Waste Discharge Requirements

for the United States Marine Corps, Marine Corps Base Camp Pendleton, Las Pulgas Landfill, San Diego County. (*Amy Grove*)

Motion to approve the Consent Calendar with errata for Item 8:

- Dr. Olson

Second:

- Mr. Strawn

MOTION CARRIED

Aye:

- Mr. Anderson
- Ms. Blair
- Ms. Cantú
- Dr. Olson
- Mr. Strawn
- Dr. Abarbanel

Nay:

- None.

Absent:

- Ms. Warren

Abstain:

- None.

Chair Abarbanel called a recess at 9:51 a.m. and reconvened the meeting at 10:01 a.m.

INFORMATIONAL ITEMS

7. Discussion of Draft Findings for the 2020/2022 Clean Water Act Sections 303(d) and 305(d) Integrated Report. (*Carey Nagoda*)

Ms. Nagoda gave the staff presentation and responded to Board Member questions. Ms. Fitzgerald, Mr. Loflen, and Mr. Gibson also responded to Board Member questions.

ACTION ITEM

8. Election: Election of the 2021 Regional Board Chair and Vice Chair. (*David Gibson*)

After thanking Dr. Abarbanel for his years of service as Chair, Dr. Olson nominated Ms. Cantú as Chair. Mr. Strawn seconded the motion.

After a unanimous vote in which Ms. Cantú was elected Chair, she nominated Dr. Olson to serve as Vice Chair. Dr. Abarbanel seconded the motion.

Motion to approve nominate Ms. Celeste Cantú as Regional Board Chair for 2021:

- Dr. Olson

Second:

- Mr. Strawn

MOTION CARRIED

Aye:

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

Nay:

- None.

Absent:

- None.

Abstain:

- None.

Motion to approve nominate Dr. Betty Olson as Regional Board Vice Chair for 2021:

- Chair Cantú

Second:

- Dr. Abarbanel

MOTION CARRIED

Aye:

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

Nay:

- None.

Absent:

- None.

Abstain:

- None.

Chair Cantú recessed for Closed Session at 10:41 a.m., and Mr. Vu stated that the Board would discuss item 9(i) and item 12. Chair Cantú reconvened the public meeting at 11:53 a.m.

CLOSED SESSIONS

Closed Sessions are not open to the Public

9. 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; Jayne Harkins, in her 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. 3:18-cv-02050-JM-LL, filed September 4, 2018. (David Gibson)*
- j. *General Dynamics Corp. v. California Regional Water Quality Control Board, San Diego Region and David Gibson in his official capacity as Executive Officer for the San Diego Regional Water Quality Control Board, et al. Verified Petition for Writ of Mandate and Complaint for Declaratory Relief, San Diego County Superior Court, Case No. 37-2020-00012512-CU-MC-CTL, filed March 2, 2020. (Catherine George Hagan)*
- k. *City of Oceanside and Fallbrook Public Utilities District v. State Water Resources Control Board. San Diego Regional Water Quality Control Board as Real Party in Interest. Verified Petition for Writ of Mandate and Request for Stay, San Diego County Superior Court, Case No. 37-2020-00033562.CU-WM-CTL, filed September 23, 2020. (Vincent Vu)*
- l. *Lockheed Martin Corporation v. California State Water Resources Control Board, Regional Water Quality Control Board, San Diego Region, et al. Verified Petition for Writ of Mandate and Request for Stay, San Diego*

County Superior Court, Case No. 37-2020-00042976.CU-WM-CTL, filed November 20, 2020. (*Catherine George Hagan*)

Petitions for Review Pending Before the State Water Board:¹

- m. Petition of the Fallbrook Public Utilities District and Southern California Alliance of POTWS (SCAP) for Review and Request for Stay of Order No. R9-2019-0169, NPDES No. CA0108031, Waste Discharge Requirements for the Fallbrook Public Utilities District, Fallbrook Reclamation Plant and Santa Margarita Groundwater Treatment Plant, adopted February 12, 2020, SWRCB/OCC File A-2688, filed March 11, 2020. (*Joann Lim and Keith Yaeger.*)
 - n. Petition of the City of Oceanside for Review and Request for Stay of Order No. R9-2019-0166, NPDES No. CA0107433, 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, adopted February 12, 2020, SWRCB/OCC File A-2689, filed March 11, 2020. (*Joann Lim and Keith Yaeger.*)
 - o. Petition of Jarod Campbell for Review of Amendment No. 1 to Clean Water Act Section 401 Water Quality Certification No. R9-2012-0075, issued on June 11, 2020, SWRCB/OCC File Not Assigned, filed July 7, 2020. (*Darren Bradford*)
 - p. Petition of Danny and Tina Luz for Review of Amendment 1 to Clean Water Act Section 401 Water Quality Certification No. R9-2012-0075, issued on June 11, 2020, SWRCB/OCC File Not assigned, filed July 10, 2020. (*Darren Bradford*)
 - q. Petition of Russell Campbell for Review of Amendment No. 1 to Clean Water Act Section 401 Water Quality Certification No. R9-2012-0075, issued on June 11, 2020, SWRCB/OCC File Not Assigned, filed July 11, 2020. (*Darren Bradford*)
10. Consideration of Initiation of Litigation or Discussion of Significant Exposure to Litigation. The San Diego Water Board may meet in closed session to initiate or consider initiating litigation concerning matters within its jurisdiction or to discuss significant exposure to litigation [Authorized under Government Code §11126(e)]. (*David Gibson*)

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.

- 11. Deliberation on a Decision to be Reached Based on Evidence Introduced in a Hearing. The San Diego Water Board may meet in closed session to consider evidence received in an adjudicative hearing and to deliberate on a decision to be reached based upon that evidence [Authorized under Government Code §11126(c)(3)].
- 12. Personnel. The San Diego Water Board may meet in closed session to consider the appointment, employment, evaluation of performance, or dismissal of a public employee or to hear complaints or charges brought against that employee by another person or employee unless the employee requests a public hearing [Authorized under Government Code §11126(a)].

ADJOURNMENT

There being no further business, Chair Cantú adjourned the meeting at 11:54 a.m.

These Minutes were prepared by:

Signed by:

Christina A. Blank
Executive Assistant

David W. Gibson
Executive Officer