

**State of California**  
**Santa Ana Regional Water Quality Control Board**

Minutes of the September 9, 2022 Board Meeting  
City of Corona  
400 S. Vicentia Ave.  
Corona, CA 92882

Chair Murray called the meeting to order at 9:02 a.m.

Court Reporter recorded items: 1, 4, 5, 6, 7, 8, 9 and 10.

**Item 1. Introductions**

\*\*\* Indicates that attendance was virtual.

Board Members Present at Board Meeting

Kris A. Murray, Chair  
Joe Kerr, Vice Chair  
William Ruh\*\*\*  
Letitia Clark  
Gloria Alvarado\*\*\*  
John Scandura

Board Members Absent at Board Meeting

None

Staff Present at Board Meeting

Jayne Joy, Executive Officer  
Ann Sturdivant, Assistant Executive Officer  
Nick Amini, Division Chief  
Katharine Bramble, Attorney III  
Jennifer Fordyce, Assistant Chief Counsel  
Dorene D'Adamo, State Board Liaison\*\*\*  
Jessica Baenre, Associate Governmental Program Analyst  
Daniel Mefford, Information Technology Specialist I  
Don Nguyen, Information Technology Associate  
Maher Zaher, Water Resource Engineer  
Kyle Fructuoso, Environmental Scientist  
Adam Fischer, Senior Environmental Scientist  
Fernanda Arechiga, Scientific Aid\*\*\*  
Christopher Hyun, State Board\*\*\*  
Charlotte Ely, State Board\*\*\*  
Valerie Jahn-Bull, Senior Environmental Scientist (Specialist)\*\*\*

Court Reporter Present at Board Meeting

Marlee Nelson\*\*\*

### Public Attendance at Board Meeting

Arlene Chun, San Bernardino County

James Fortuna, OC Public Works

Theodore McCombs, Department of Justice\*\*\*

Mark Gilmartin, Law Offices of Mark B. Gilmartin\*\*\*

Vanessa Velasco, California Department of Water Resources\*\*\*

Lydia Poncé, Society of Native Nations\*\*\*

Charming Evelyn, Sierra Club\*\*\*

Mandy Sackett, Surfrider Foundation\*\*\*

Craig Cadwallader, Surfrider Foundation\*\*\*

Elizabeth Lambe\*\*\*

### Item 2. Public Forum

Mark Gilmartin, legal counsel for United El Segundo, Inc., Rapid Gas, Inc., and CF United PropCo LLC. spoke on the Cleanup and Abatement Order, R8-2021-0006, that was issued on June 8, 2021.

Lydia Poncé, discussed the water shortage.

Vanessa Velasco, Climate Change Specialist with the Department of Water Resources introduced herself to the Board and Regional Board staff.

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

This item was presented by Dorene D'Adamo.

Ms. D'Adamo discussed the drought. On August 11, 2022, the Governor made an announcement regarding a drought strategy and building a water resilience portfolio; the State Water Board anticipates that California's water supply could diminish by up to 10% by the year 2040. The Governor's plan focuses on above ground storage, off stream storage below ground, ground water recharge and storm water capture of 4-million more-acre feet of water. The plan also targets recycled water with a goal of 800,000-acre feet per year by 2030.

Ms. D'Adamo discussed long term water use efficiency plans. The State Water Board is focusing on fixing leaky pipes and targeted indoor and outdoor standards for water suppliers, these efficiency measures should free up 500,000-acre feet of water. The State Water Board is also focusing on improving stormwater capture, desal of ocean, brackish brown water, and recycled water. In addition, the State Water Board plans to update regulations to include potable reuse.

Ms. D'Adamo discussed water conservation. Statewide urban water savings in July 2022 is 10% lower than July 2020, the targeted goal is a 15%.

Ms. D'Adamo discussed water quality actions. At the August 2022 State Water Board meeting, a Statewide general order was adopted for large habitat restoration projects. At the September 2022 State Water Board meeting, the Statewide Construction Stormwater General Permit was updated.

Lastly, Ms. D'Adamo discussed the SAFER drinking water program. In July 2022, the State Auditor questioned the SAFER drinking water program saying that the State Board lacked urgency, one particular metric that was analyzed was the application process. Ms. D'Adamo stated that the State Board places a great sense of urgency on the Human Right to Water and shared several accomplishments from the SAFER drinking water program thus far.

- 650,000 Californians in 120 communities now have access to safe and affordable drinking water.
- 84% increase in grant funding has been distributed to small, disadvantaged communities, totaling \$700 million dollars.
- 150% increase in technical assistance dollars.
- \$50 million dollars in emergency assistance, to address immediate needs.

Ms. D'Adamo mentioned that the State Water Board is working on system improvements to address the State Auditor Report.

Board members had questions and comments for Ms. D'Adamo.

#### **Item 4. Regional Board Meeting Minutes of July 22, 2022**

Chair Murray 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 Alvarado and the Minutes of the July 22, 2022 Board Meeting were approved by roll call vote.*

Roll call vote: Board Member John Scandura- Aye, Board Member Gloria Alvarado- Aye, Board Member Letitia Clark- Abstain, Board Member William Ruh- Aye, Vice Chair Joe Kerr- Abstain, Chair Kris Murray- Aye.

Board Member Letitia Clark and Vice Chair Kerr were absent from the July 22, 2022 Board meeting.

#### **Item 5. Consideration of the Consent Calendar items are listed with an asterisk**

Chair Murray pulled item 8 for discussion.

Chair Murray asked the Board Members for a motion and asked Board Clerk Ms. Baenre for a roll call vote.

Item \*6. Waste Discharge Requirements for La Ventana 242, LLC, and D.R. Horton, Inc., Tentative Tract Map 31100 Line F Outfall Structure, Riverside County, Order Number R8-2022-0047

Item \*7. Waste Discharge Requirements and Clean Water Act Section 401 Water Quality Certification for City of Lake Elsinore, Summerhill Drive Extension Project, Riverside County, Order Number R8-2022-0052

Item \*9. Waste Discharge Requirements for City of San Jacinto, Esplanade Avenue Widening Phase 1 Project, Riverside County, Order Number R8-2022-0057

Item \*10. Waste Discharge Requirements and Clean Water Act Section 401 Water Quality Certification for San Bernardino Valley Water Conservation District, Mill Creek Diversion Debris Management Project, San Bernardino County, Order Number R8-2022-0058

*Motion: It was moved by Board Member Ruh, seconded by Board Member Clark, and unanimously carried to adopt Orders R8-2022-0047, R8-2022-0052, R8-2022-0057 and R8-2022-0058 as presented by roll call vote.*

Roll call vote: Board Member John Scandura- Aye, Board Member Gloria Alvarado- Aye, Board Member Letitia Clark- Aye, Board Member William Ruh- Aye, Vice Chair Joe Kerr- Aye, Chair Kris Murray- Aye.

Executive Officer Joy shared a presentation on item 8. Ms. Joy provided background information on the Huntington Beach Desalination Facility, shared events leading to the termination request and stated the staff recommendation.

Speakers: Charming Evelyn, Mandy Sackett, Craig Cadwallader and Lydia Ponce all supported the staff recommendation for termination.

Board Members provided comments.

Chair Murray asked the Board Members for a motion and asked Board Clerk Ms. Baenre for a roll call vote.

Item \*8. Termination of Waste Discharge Requirements and NPDES Permit for Poseidon Resources (Surfside) L.L.C., Huntington Beach Desalination Facility, Orange County, R8-2022-0053

*Motion: It was moved by Board Member Ruh, seconded by Board Member Alvarado, and unanimously carried to adopt Order R8-2022-0053 as presented by roll call vote.*

Roll call vote: Board Member John Scandura- Aye, Board Member Gloria Alvarado- Aye, Board Member Letitia Clark- Aye, Board Member William Ruh- Aye, Vice Chair Joe Kerr- Aye, Chair Kris Murray- Aye.

**Item 11. Presentation by Representatives of the Stormwater Monitoring Coalition (SMC)**

This informational item and was presented by Regional Board staff Adam Fischer and Gerhardt Hubner, Administrative Officer with the Southern California Stormwater Coalition (SMC).

Mr. Fischer discussed how regulators engage with multiple permittees directly through the SMC and similar organizations. Regulators guide permittees in working collaboratively toward compliance by identifying conflicts with policies and regulations and, where possible, remove or minimize barriers in permits to their collaborative work.

Mr. Hubner discussed the SMC background, highlights, collaborative efforts, research agenda, examples of projects, communication tools and the future.

The SMC brings together 16 permittees and regulators to collaborate on regional research monitoring initiatives, working together to advance shared beneficial use goals. The SMC was founded in 2001 and operates under a master cooperative agreement and uses a voluntary co-funding model. In fiscal year 2022-2023, the SMC annual budget was \$607,707 to support projects; 24 priority projects were identified in the research agenda and the SMC has a 40 to 1 cost leveraging ratio.

Mr. Hubner discussed the SMC's effectiveness. 71% of SMC member agencies reported that SMC's work over the past 5 years positively influenced at least one decision or action within their agency and 50% of SMC member agencies say that at least one SMC project completed over the past five years was used to develop or update a stormwater regulatory program that directly involved their own agency. The SMC Steering Committee Meetings are held quarterly and focus on obtaining a collaborative advantage by building trust, sharing resources, and having an aligning purpose.

Board Members had questions and comments for Mr. Hubner.

Speakers: Arlene Chun and James Fortuna spoke in support of the SMC, stated that the SMC provides tremendous value and is a great collaborative tool.

### **Item 12. Water Conservation Activities**

This informational item was presented by State Water Board staff Charlotte Ely and Chris Hyun with the Office of Research, Planning, and Performance.

The presentation provided an update for the Santa Ana region, current statewide water restrictions and long-term conservation activities.

Ms. Ely discussed the Santa Ana region update. There are 29 urban retail water suppliers in the Santa Ana region. Annually residential use averages about 82-86 gallons per capita daily. Data shows that since July 2021, the Santa Ana region cumulative water savings was at 3.9%; Ms. Ely states that this data can be explained by a lack of conservation potential for urban water suppliers within the Santa Ana region.

Mr. Hyun discussed current statewide water restrictions. The State Water Board adopted two water conservation emergency regulation in 2022, which prohibits certain potable water use for all Californians. Emergency regulations are effective for one year unless the State Water Board modifies or ends the regulations. Restrictions include:

- Overwatering
- Washing vehicles without an automatic shutoff nozzle
- Washing hard surfaces that don't absorb water

- Street cleaning or construction site preparation
- Filling decorative fountains, lakes, or ponds
- Outdoor watering within 48 hours after rainfall
- Watering non-functional lawns

Mr. Hyun provided the following websites to get more information [SaveOurWater.com](https://www.saveourwater.com) and [bit.ly/conservationreg](https://bit.ly/conservationreg). The public can also report water waste at [savewater.ca.gov](https://savewater.ca.gov). The reports are anonymously sent to local water suppliers and the State Water Board. Fines up to \$500/day may be issued by those with authority to enforce infractions, including local water suppliers.

Ms. Ely discussed long term conservation activities and the implementation of Senate Bill (SB) 606 and Assembly Bill (AB) 1668.

Ms. Ely shared the following reasons for water conservation:

- protects beneficial uses (water supply, water quality, recreation, habitat)
- saves energy & reduces GHG emissions
- creates more resilient communities
- keeps water rates affordable and equitable
- encourages CA-friendly landscapes

Ms. Ely discussed the following major conservation milestones in California:

- 1960– Construction of SWP
- 1978– Fixture Efficiency
- 1983– UWMP Act
- 1991– CUWCC BMPs
- 1992– Energy Policy Act (Federal)
- 2009– SB X7-7
- 2014-2017– Emergency Regulations
- 2018– SB 606 & AB1668

Ms. Ely discussed how past statewide efforts have been criticized by advocates and the urban retail water suppliers. In 2018, conservation legislation SB 606 and AB 1668 established a new framework for urban water management. The Department of Water Resources provides recommendations, State Water Board conducts rulemaking and urban retail water suppliers calculate “objectives”.

Lastly, Ms. Ely explained the Water Use Objective Exploration Tool, which shows statewide and urban retail water supplier trends. The Water Use Objective Exploration Tool can be accessed at: [tinyurl.com/ObjectiveTool](https://tinyurl.com/ObjectiveTool).

Board Members had questions and comments for Ms. Ely and Mr. Hyun.

Speaker: Charming Evelyn

### **Item 13. Executive Officer’s Report**

Report submitted.

**Item 14. Board Member and Executive Officer Communications**

Board Member Scandura discussed dewatering and congratulated Board Member Alvarado and those who were confirmed by the Senate last month.

Board Member Clark congratulated Board Member Alvarado and Board Member Scandura on their confirmations and thanked the City of Corona for hosting us.

Vice Chair Kerr thanked the staff and speakers.

Chair Murray thanked the City of Corona, those who spoke and presented. Chair Murray also congratulated Board Member Alvarado, Board Member Scandura and State Board Member Dorene D'Adamo on their confirmations.

**Closed Session**

The Board entered into closed session at 11:43 a.m., to discuss pending litigation pursuant to Gov. Code, § 11126, subd. (e)(2)(A).

**Adjournment**

Vice Chair Kerr adjourned the meeting at 12:28 p.m.

Respectfully submitted:

**JAYNE JOY, P.E.**  
Executive Officer

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