

State of California
Santa Ana Regional Water Quality Control Board

Minutes of the May 5, 2023 Board Meeting
City of Cypress
5275 Orange Avenue
Cypress, CA 90630

Vice Chair Clark called the meeting to order at 9:00 a.m.

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

Item 1. Introductions

*** Indicates that attendance was virtual.

Board Members Present at Board Meeting

Kris A. Murray, Chair***
Letitia Clark, Vice Chair
William Ruh, Board Member
Gloria Alvarado, Board Member***
John Scandura, Board Member

Board Members Absent at Board Meeting

None

Staff Present at Board Meeting

Jayne Joy, Executive Officer
Jessica Baenre, Executive Assistant
Nick Amini, Branch Manager
Eric Lindberg, Branch Manager
Jagroop Khela, Branch Manager***
Daniel Mefford, Information Technology Specialist I
Don Nguyen, Information Technology Associate
Fernanda Arechiga, Scientific Aid***
Maile Gee, Senior Engineering Geologist
Mona Behrooz, Senior Water Resource Control Engineer
Claudia Tenorio, Environmental Scientist
Adam Fisher, Senior Environmental Scientist
Chad Nishida, Water Resource Control Engineer
Julio Lara, Senior Water Resource Control Engineer***
Cindy Li, Senior Engineering Geologist***
Mark Allen, Engineering Geologist***
Pamela Ybarra, Water Resource Control Engineer***
Raj Rajen, Water Resource Control Engineer***
Paloma Abell-Orozco, Associate Governmental Program Analyst***
Bill Rice, Engineering Geologist***

State Water Board Present at Board Meeting

Laurel Firestone, State Water Board Liaison***

Katharine Bramble, Regional Board Counsel

Division of Drinking Water Present at Board Meeting

Daniel Newton, Assistant Deputy Director***

Oliver Pacifico, District Engineer***

Division of Water Quality Present at Board Meeting

Wendy Linck, Engineering Geologist***

Court Reporter Present at Board Meeting

Marlee Nelson***

Public Attendance Present at Board Meeting

Amanda Carr, County of Orange

Jason Dadakis, Orange County Water District

Item 2. Public Forum

Amanda Carr, Deputy Director for OC Environmental Resources, provided a brief overview of the Orange County Stormwater public education process. The OC Stormwater Program branded by the term H₂OC, is driven by collaboration, engagement, and being data-driven. Ms. Carr discussed the evolution of H₂OC and mentioned that community based social marketing is a multiple step process identifying behavior that you want to change, identifying barriers and benefits, developing strategies, pilot tests and being able to implement broadly and evaluate changes.

Ms. Carr mentioned that herself and colleagues at Riverside and San Bernardino would be willing to give a comprehensive Stormwater program presentation at an upcoming Board meeting.

Board members asked questions and provided comments.

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

This item was presented by State Water Board Member Laurel Firestone.

Board Member Firestone provided an update on Environmental Justice and Racial Equity. The State Board adopted a Racial Equity Resolution at the end of 2021 and presented a Racial Equity Action Plan in January. The overall goal is to work towards ensuring that race is no longer a predictor of a person's access to or quality of water resources. Board Member Firestone mentioned that two ways of achieving this goal are by ensuring that Water Boards employees at all organizational levels reflect the racial and ethnic diversity of California and to use a racial equity lens consistently in the decision-making process to help address and change systems that lead towards disparities.

Board Member Firestone discussed AB2108. AB2108 requires the Water Boards to conduct outreach, engagement and analysis around racial equity and environmental justice. In late January 2023, the State Water Board developed practical outreach and

engagement guidance which includes templates, contact lists, information on CalEnviroScreen and other data tools that can help in identifying disproportionate impacts.

Board Member Firestone mentioned that a task force was formed to develop a racial equity data action plan that would look at training and best practices for incorporating racial equity concepts into data collection, visualization, and analysis. Additionally, the racial equity action plan would identify and expand opportunities for public participation and create publicly accessible data tools and interfaces.

Board Member Firestone briefly discussed the Advancing Racial Equity training and racial equity staff survey for Water Boards staff that was sent out in mid-March 2023. This survey measured staff understanding and experience around racial equity, it was noted that Santa Ana Water Board had a good rate of response for submitting the survey.

Board Member Firestone also provided several updates.

- The site cleanup sub-account program was recently approved.
- The State Water Board is continuing to work on direct potable reuse regulations. The notice of regulatory action will be published within the next month and start the 45-day public comment period.
- A hearing was held for the 2024 California Integrated Report.
- A workshop was held regarding onsite wastewater treatment system policies and the State Water Board is currently working on renewing the conditional waiver.
- A webinar was held discussing the updated annual drinking water needs assessment. A big focus was updating the affordability and financial capacity indicators.

Lastly, Board Member Firestone mentioned that on May 18, 2023 at 9:00 a.m. the State Water Board will be having a public workshop for nutrient management to solicit input on more actions that the State Board could take to incentivize wastewater agencies to evaluate feasibility of removing nutrients in their discharges as part of their future planning or facility upgrades.

Board Members asked questions and provided comments.

Item 4. Regional Board Meeting Minutes of February 3, 2023

Information pertaining to this item is contained in a verbatim transcript of the proceedings.

Vice Chair Clark 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 Scandura, and the Minutes of the February 3, 2023 Board Meeting were approved by roll call vote.

Roll call vote: Board Member Scandura- Aye, Board Member Alvarado- Aye, Board Member Ruh- Aye, Vice Chair Clark- Aye, Chair Murray- Aye.

Item 5. Consideration of the Consent Calendar items are listed with an asterisk
Information pertaining to this item is contained in a verbatim transcript of the proceedings.

It was noted by Vice Chair Clark that item *7 and item *8 had an errata sheet.

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

Item *6. Waste Discharge Requirements for Masco Building Products Corporation, In-situ Remediation of Soil and Groundwater at the Former Weiser Lock Facility, Orange County, Order Number R8-2023-0008

Item *7. General Waste Discharge Requirements for Discharges of Waste from Inert Waste Disposal Facilities (IWDFs) Within the Santa Ana Region, Order Number R8-2023-0018

Item *8. Waste Discharge Requirements for Richland Developers, Inc., Tract 16072 Residential Development Project, San Bernardino County, Order Number R8-2023-0025

Motion: It was moved by Board Member Ruh, seconded by Board Member Scandura, and unanimously carried to adopt Orders R8-2023-0008, R8-2023-0018 with errata sheet, and R8-2023-0025 with errata sheet as presented by roll call vote.

Roll call vote: Board Member Scandura- Aye, Board Member Alvarado- Aye, Board Member Ruh- Aye, Vice Chair Clark- Aye, Chair Murray- Aye.

Item 9. Updates on Recent PFAS Regulatory Standards, Investigations, and Orange County Water District Response to PFAS in the Orange County Groundwater Basin
Information pertaining to this item is contained in a verbatim transcript of the proceedings.

This item was presented by regional board staff Maile Gee, supervisor of the Underground Storage Tank and Site Cleanup Program Section, Daniel Newton, Assistant Deputy Director for the Division of Drinking Water (DDW), and Jason Dadakis, Executive Director of Water Quality and Technical Resources for the Orange County Water District (OCWD). This presentation focused on PFAS in drinking water within Santa Ana Region.

Ms. Gee provided background information on per- and polyfluoroalkyl substances (PFAS). PFAS also known as forever chemicals, are a group of man-made chemicals resistant to heat, water, and oil. This family of chemicals includes thousands of compounds, however, Perfluorooctanoic acid (PFOA) and Perfluorooctanesulfonic acid (PFOS) have been subjected to the most regulatory scrutiny. PFAS are used in a wide range of industrial and household products. Ms. Gee noted that Aqueous Film Forming Foams (AFFF) have been widely used at airports, military bases, bulk fuel terminals, and fire training facilities.

Ms. Gee discussed the fate and transport of these chemicals mentioning that consumer goods that we all use will eventually end up in landfills or wash down the drain into the wastewater system. It was also mentioned that PFAS can also be distributed to the environment through air transport from air emission or dust.

Ms. Gee discussed health effects. PFOA and PFOS have been listed as carcinogenic by the Office of Environmental Health Hazard Assessment. Exposure to PFAS can result in adverse health effects such as a greater risk for cancer, lower immune response, reproductive, and cardiovascular effects.

Ms. Gee provided the following federal PFAS updates:

- In December 2022-
 - United States Environmental Protection Agency (U.S. EPA) announced a proposed rule to enhance reporting of PFAS data to the Toxics Release Inventory under the Emergency Planning and Community Right to know Act (EPCRA).
 - U.S. EPA removed 12 PFAS chemicals from the list of approved inert ingredients in pesticides.
 - U.S. EPA issued guidance to states addressing PFAS Discharges in National Pollutant Discharge Elimination System (NPDES) Permits and pretreatment and monitoring programs.
- In January 2023-
 - U.S. EPA proposed a significant new use rule (SNUR) that would strengthen the regulation of PFAS by preventing anyone from resuming use of inactive PFAS without EPA review.
 - U.S. EPA issued a Test Order for PFAS used in plastics and chemical manufacturing as part of the PFAS national testing strategy under the Toxic Substances Control Act (TSCA).
 - Department of Defense (DOD) released a military specification for the purchasing and use of fluorine-free foam.
- In February 2023-
 - U.S. EPA Announced \$2 Billion of funding, from Bipartisan Infrastructure Law to address Emerging Contaminants, including PFAS, in drinking water through the Emerging Contaminants in Small or Disadvantaged Communities (EC-SDC) Grant Program. California was allocated over \$169 million of funding.
- In March 2023-
 - U.S. EPA announced proposed maximum contaminant level goals (MCLGs) and maximum contaminant levels (MCLs) for 6 PFAS chemicals.
- In April 2023-
 - U.S. EPA issued Advance Notice of Proposed Rulemaking to inform future hazardous substance designations of PFAS under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA).

Ms. Gee provided the following state PFAS updates:

- Effective January 1, 2023-

- Sale of plant-based food packaging containing regulated PFAS, at levels higher than 100 parts per million (ppm) total organic fluorine, is prohibited.
- Effective July 1, 2023-
 - Sale/ distribution of new juvenile (under 12 years) products containing regulated PFAS, at levels higher than 100 ppm total organic fluorine, is prohibited.

Mr. Newton reviewed previous orders from March 2019, September 2020, and March 2021 and reviewed the current order that went into effect in October 2022. The current order covers 1,296 wells, rescinded all previously issued orders, and focused on detections rather than non-detections. A key change of the current order is using U.S. EPA method 533. Mr. Newton mentioned, PFAS is a class of 12,000 analytes with many of the newer analytes being short chain PFAS, method 533 is more robust, does a better job at picking up the short-chain analytes and samples 25 analytes. Data is currently being reviewed and will be received quarterly until the current order is changed.

Mr. Newton provided a comparison of the U.S. EPA proposed MCLGs and MCLs to the existing California Notification and Response Levels for six PFAS chemicals.

Mr. Newton discussed AB 756 that was passed in 2018, which provides the Division of Drinking Water notification levels with some regulatory authority. Required actions are:

- If any system that an order was sent to receives a detect of PFAS they are required to notify the public via the consumer confidence report.
- If a notification level concentration exceeds any of the 25 analytes the water system is required to notify their governing body.

Mr. Dadakis provided an overview of PFAS in the OCWD Service area discussing current OCWD Service Area PFAS Impacts, projected impacts of U.S. EPA proposed PFAS regulation and sharing next steps.

Mr. Dadakis provided background information for OCWD. OCWD was formed in 1993 and manages the local Groundwater basin which accounts for 85% of the local water supply. OCWD services 2.5 million residents and covers 19 cities and special water districts representing 95% of the areas pumping. It was mentioned that OCWD has its own laboratory for PFAS testing. Mr. Dadakis highlighted that OCWD does municipal drinking water testing, GWRS recycled water compliance, basin wide ground water monitoring and surface water monitoring; in 2022 over 2300 samples were analyzed.

Mr. Dadakis reviewed the OCWD PFAS Policy Summary that was approved on November 20, 2019. Policy highlights were:

- OCWD will finance, design, and construct PFAS treatment systems for large retail agencies' impacted wells.
- Operations & Maintenance costs will be shared 50/50 between OCWD and the retailer.
- Producer owns, maintains, and operates the well and its treatment system.
- PFAS concentration must be greater than applicable Response Level or Maximum Contaminant Level.

- OCWD has executed agreements with 11 out of 19 producers. Huntington Beach (12) is being processed.

Mr. Dadakis mentioned that 58 wells have been taken offline due to the PFAS response level established by the State of California and DDW. Of those 58 wells:

- 21 wells had treatment installed and are currently operational and back online.
- 28 wells have treatment systems in construction.
- 9 wells have treatment systems in the design phase.

Mr. Dadakis anticipates that the remaining 37 wells should be back online with treatment by the end of 2024. The current cost to build the treatment for PFAS is approaching \$300 million dollars.

Mr. Dadakis showed several maps indicating 30 wells that would be affected by U.S. EPA's new notification standard and 15 additional wells that are likely to exceed proposed MCLs in the near term. Affected wells would require treatment or some other modification to stay in operation.

Mr. Dadakis shared OCWD's next steps. Mr. Dadakis mentioned that the public comment period for U.S. EPA's proposed regulation will end on May 30, 2023. OCWD will continue to test, monitor treatment systems, and monitor State DDW notification levels, response levels and MCL development. OCWD will also continue to pursue state and federal grants to offset treatment costs and continue cost-recovery litigation.

Mr. Newton shared DDW's next steps. Mr. Newton mentioned that the DDW will develop and validate a broad-spectrum test method for the class of PFAS, will monitor all community public water systems in the state at least once and is considering the development of a treatment-based regulation of the entire class of PFAS.

Ms. Gee shared the Santa Ana Water Board next steps. Ms. Gee mentioned that the staff will continue to monitor developments and will provide another update later in 2023.

Board Members asked questions and provided comments.

Item 10. Proposition 1 Projects

This information item was presented by regional board staff Chad Nishida, Water Resources Control Engineer in the Site Cleanup Section. Mr. Nishida discussed eligibility criteria and current phase funding for Proposition 1 (Prop 1), projects within the Santa Ana Region and the South Archibald Project.

Prop 1 was passed by voters in 2014 and allocated \$670 million for prevention and cleanup of contaminated groundwater that serves or has served as a source of drinking water. \$144 million was set-aside for projects that are determined to benefit disadvantaged communities (DACs). \$72 million was set-aside for severely DACs.

Mr. Nishida discussed Prop 1 eligibility criteria:

- Contamination in groundwater

- Eligible applications (public agencies, 501 (c)(3) Non-Profits, Tribes, Public Utilities or Mutual Water Companies)
- Responsibility Party Requirements
- Match Funding

Mr. Nishida highlighted several eligible project types:

- Installation of extraction wells combined with treatment systems
- Centralized groundwater treatment systems
- Remedial Investigation/ Feasibility Studies
- Pilot Studies

Next Mr. Nishida, discussed several grants:

- Round 1 Grants – 2018 included 24 projects (14 planning, 10 implementation). Total of \$132 million statewide
- Round 2 Grants – 2020 included 13 projects (6 planning, 7 implementation). Total of \$346 million statewide
- Round 3 Status – 2023
 - \$102.2 million available
 - \$52.9 million for 8 projects preliminarily awarded
 - \$21.8 million for DACs
 - \$27.5 million for Prop 1 Groundwater Grant Program-funded and co-funded projects regardless of their DAC status

Mr. Nishida mentioned that Region 8 received \$102 million from the state and has seven current projects (3 planning, 4 implementation) within the region. Mr. Nishida highlighted that the Santa Ana Water Board is working closely with the following agencies: Orange County Water District, Eastern Municipal Water District, Cucamonga Valley Water District, Inland Empire Utilities Agency, and Chino Desalter Authority.

Mr. Nishida reviewed in detail the OCWD North Basin Project, OCWD South Basin Project, Eastern Municipal Water District South Basin Project, Eastern Municipal Water District Perris North Project, Cucamonga Valley Water District Project, and the Inland Empire Utilities Agency and Chino Desalter Authority Project known as the South Archibald TCE Plume.

Board Members asked questions and provided comments.

Item 11. Executive Officer’s Report

Ms. Joy introduced Jagroop Khela as the new Planning, Implementation, and Permitting Branch Manager. Mr. Khela has 21 years of experience and has previously worked for the State Water Board, and the Department of Toxic Substances Control.

On March 8, 2023 the Chino Basin Desalter Authority hosted a tour of the Chino II Desalter located in Jurupa Valley; Board members, staff and the public attended.

On April 14, 2023, Ms. Joy, and Board member Scandura attended the Orange County Water District and Orange County Sanitation District event for the Final Expansion of the Groundwater Replenishment System.

Ms. Joy discussed the Regional Racial Equity Resolution and introduced the Region 8 Racial Equity Team that includes Jessica Baenre, Maile Gee, Nick Amini, Paloma Abell-Orozco, Raj Rajen, Vanessa Fuerte, and Jayne Joy.

Lastly, Ms. Joy discussed the Municipal Separate Storm Sewer System (MS4) Public Outreach that will take place in May.

Item 12. Board Member and Executive Officer Communications

Board Member Alvarado thanked everyone for the presentations and information that was shared. Board Member Alvarado spoke on the Chino Basin Desalter tour stating that the tour was amazing and invites the public to tour a desalter plant if an opportunity is available. Lastly, Board Member Alvarado thanked staff for the work that has been done thus far for the racial equity resolution and is looking forward to the upcoming listening sessions.

Chair Murray stated that the presentations were exceptional and is glad that resources will be available on our website for the community to review.

Board Member Scandura thanked everyone and acknowledged staff that are coming and going. Board Member Scandura welcomed Jagroop and is looking forward to working with him. Board Member Scandura mentioned the departure of Celia Pazos who is now working for the Department of Pesticide Regulation. Lastly, Board Member Scandura mentioned the pending departure of Assistant Executive Officer Ann Sturdivant who he has known for two decades. Board Member Scandura stated that Ann was an outstanding person, enjoyable to work with her and wishes her well in retirement.

Board Member Ruh discussed Ann Sturdivant stating that it was a privilege to work with her throughout the years and wishes her well in her retirement.

Vice Chair Clark thanked the City of Cypress, discussed attending the Southern California Association of Governments (SCAG) General Assembly and mentioned that she is excited about participating in the racial equity listening sessions.

Closed Session

None

Adjournment

Vice Chair Clark adjourned the meeting at 12:01 p.m.

Respectfully submitted:

JAYNE JOY, P.E.
Executive Officer

/jb