

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION
9174 Sky Park Court, Suite 100
San Diego, California 92123

MINUTES OF MEETING
APRIL 14, 2010

At 9:00 a.m. Chairman King called to order the meeting of the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) at the Regional Water Quality Control Board, 9174 Sky Park Court, San Diego, California.

Item 1 – Roll Call and Introductions: Board Members Present: David King, Eric Anderson, Wayne Rayfield, and Grant Destache.

Staff Present: David Gibson, James Smith, Julie Chan, David Barker, Lori Costa, Brian Kelley, John Anderson, Chiara Clemente, Eric Becker, Jeremy Haas, Craig Carlisle, John Odermatt, Deborah Jayne, Michelle Mata, Alan Monji, Jody Ebsen, Lynn Berlad, Sean McClain, Barry Pulver, Tom Alo, Chris Means, Ben Neill, Lisa Honma, Tony Felix, Amy Grove, Deborah Woodward, Robert Pierce, Chad Loflen, Cheryl Prowell, Kristin Schwall, Joann Cofrancesco, Cynthia Gorham, Cathryn Henning, and Mike Porter. Others Present on behalf of the San Diego Water Board: State Water Resources Control Board – Catherine Hagan, Fran Spivy-Weber, and Bart Christensen.

Public Attendance: Jim Bell-Ecological Life Systems Institute; Michael Welchself; Jayne Joy-Eastern Municipal Water District; Steve Smullen-US IBWC; Con Kontaxis-Caltrans; Doug Liden-US EPA; Brad Fowler-City of Dana Point; Amy Comte-Caltrop; Todd Novarek-MNWD; Paul Lawrence-Dana Point Harbor; Brad Fowler-City of Dana Point; George Edwards-Orange County Watersheds; and Hernando Durán Cabrera-Comisión Estatal de Servicios Públicos de Tijuana.

Chairman King announced that due to lack of a quorum, Items 3, 5-10, 13, and 14 were postponed until the May 12 Board meeting.

Fran Spivy Weber, State Water Board Liaison, reported on the budget situation, the Once-through Cooling Water Policy, and a federal plan to fund a grant for projects that would benefit water quality and water supply in the regions.

Item 2 – Public Forum

Mr. Jim Bell, Director of Ecological Life Systems Institute, Inc., presented an idea to install photo voltaic panels over 4.3 percent of the roofs and parking lots in the

San Diego/Tijuana Region, which would produce enough electricity to power large scale reverse osmosis pumps to convert seawater into freshwater.

Mr. Rayfield made comments and thanked Mr. Bell for his presentation. He also asked staff to schedule a presentation on the Dana Point Desalination project at a future Board meeting.

Mr. Gibson said he would look in to it and provide an EO report, then consider scheduling an informational item on similar issues.

Item 3 – Minutes of Board Meeting: February 10, 2010

This record of the minutes of the meeting on this date is not intended as the official record of events and is solely for administrative convenience. A more detailed account of the proceedings is available upon request, consisting of a tape recording and a court reporter transcribed record. Please contact the San Diego Water Board office for assistance.

Item 3 was postponed.

Item 4 – Chairman's, Board Members', State Water Board liaison's and Executive Officer's Reports: These items are for Board discussion only. No public testimony will be allowed, and the Board will take no formal action.

Mr. Anderson reported that he noticed the San Luis Rey reservoir was almost full!

Mr. Destache reported on the meetings and future actions of the Tijuana River Valley Recovery Team. Mr. Gibson reported on the upcoming workshops. Chairman King thanked them for their efforts.

Chairman King reported that he spoke at the Annual WateReuse Conference and gave details about the conference.

Mr. Gibson reported that he met with the City of San Diego to discuss their indirect potable reuse project for the San Vicente Reservoir and said they asked for a stakeholder interview. He recommended that he do the interview on behalf of the Board. The Board members supported his recommendation.

Mr. Gibson also reported that SANDAG's Quality of Life Initiative had several committees and they had asked the San Diego Water Board to participate in their Water Quality committee. Mr. Gibson recommended that he offer his services on that committee and, in the future, possibly asking the Board to select a Board member to sit on their steering committee. The Board members supported his recommendation.

Consent Calendar:

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Items 5-10 were postponed.

Item 5 – Waste Discharge Requirements Revision: Barrett Lake Mobile Home Park, San Diego County (Ownership change) (Tentative Addendum No. 2 to Order No. 94-142) (*Cathryn Henning*)

Item 6 – NPDES Permit Recission: Mountain Water Ice Company, Oceanside, San Diego County - An Order Rescinding Order No. R9-2005-0015, NPDES Permit No. CA0108391 (Tentative Order No. R9-2010-0028) (*Joann Cofrancesco*)

Item 7 – NPDES Permit Reissuance: Waste Discharge Requirements for the Sweetwater Authority, Richard A. Reynolds Desalination Facility, discharge to the Lower Sweetwater Basin, San Diego County. (Tentative Order No. R9-2010-0012, NPDES Permit No. CA0108952) (*Michelle Mata*)

Item 8 – Administrative Civil Liability against the County of San Diego Municipal Storm Water Program. The San Diego Water Board will consider adoption of a tentative Order that would accept an offer to settle administrative civil liability proposed in Complaint No. R9-2009-0089 for violation of construction storm water “wet season” requirements within the San Diego Municipal Storm Water Permit, Order No. R9-2007-0001. The proposed settlement supports the assessment of \$57,350. If the San Diego Water Board rejects the tentative Order, the matter may be rescheduled to a future public hearing at which time the San Diego Water Board will receive evidence and testimony and consider assessment of liability. (Tentative Order R9-2010-0025) (*Frank Melbourn*)

Item 9 – Administrative Civil Liability against the San Diego Unified School District, Bell Jr. High Landfill. The San Diego Water Board will consider adoption of a tentative Order that would accept an offer to settle administrative civil liability proposed in Complaint No. R9-2009-0175 for failure to submit semi-annual monitoring reports required by Order No. 97-11, General Waste Discharge Requirements for Post-Closure Maintenance of Inactive Nonhazardous Waste Landfills within the San Diego Region. The proposed settlement supports the assessment of \$155,000. If the San Diego Water Board rejects the tentative Order, the matter may be rescheduled to a future public hearing at which time the San Diego Water Board will receive evidence and testimony and consider assessment of liability. (Tentative Order R9-2010-0020) (*Rebecca Stewart*)

Item 10 – Administrative Civil Liability against the City of Carlsbad, Agua Hedionda Creek Emergency Dredge Project. The San Diego Water Board will consider adoption of a tentative Order that would accept a settlement reached in response to Notice of Violation No. R9-2008-0099 for alleged violations of Water

Quality Certification No. 06C-0007. The proposed settlement supports the assessment of \$47,647 and requires the purchase of 3.58 acres of habitat mitigation. If the San Diego Water Board rejects the tentative Order, the matter may be rescheduled to a future public hearing at which time the San Diego Water Board will receive evidence and testimony and consider assessment of liability. (Tentative Order R9-2010-0008) (*Frank Melbourne*)

Remainder of the Agenda (Non-Consent Items):

Item 11 – Information Item: Hernando Durán Cabrera, Director of the Comisión Estatal de Servicios Públicos de Tijuana (CESPT) will provide an update on sewage treatment operations south of the international border. Located in Baja California, CESPT is Northern Mexico's public services utility for Tijuana and is responsible for sewage collection and treatment along the Tijuana River Valley. (*Brian Kelley and Bart Christensen*)

Senior staff member, Brian Kelley, gave a brief presentation. Mr. Hernando Durán Cabrera also gave a presentation.

Board Members thanked Mr. Cabrera for his presentation and commended them on their progress.

Board Member Anderson left the meeting at this time.

Item 12 – Information Item: Water Quality Protection in Dana Point Harbor (*James Smith*)

Paul Lawrence, Dana Point Harbor, presented their environmental practices, including the Clean Marinas California Program.

Brad Fowler, City of Dana Point, provided an overview of City programs that serve to protect harbor quality.

George Edwards provided information on the water quality response at Baby Beach to BMP efforts by the Orange County Watersheds group.

Board members thanked the speakers for their excellent presentation and congratulated them on their success. Mr. Gibson also expressed his thanks.

Item 13 – Waste Discharge Requirements: United States Marine Corps, Las Pulgas Landfill, Marine Corps Base Camp Pendleton (Update of current waste discharge requirements in response to the design report for the Phase II lateral expansion of the landfill and in response to evidence of a release from the unlined portion of the landfill) (Tentative Order No. R9-2010-0004) (*Amy Grove*)

Item 13 was postponed.

Item 14 – Adoption of Emergency, Abandoned, and Recalcitrant Annual Priority Site List: Former Santa Ysabel Chevron Service Station (Resolution No. R9-2010-0063) (*Craig Carlisle*)

Item 14 was postponed.

Item 15 – *Closed Session* - Discussion of Ongoing Litigation [Authorized under Government Code Section 11126, subd. (e)]

The San Diego Water Board may meet in closed session to discuss ongoing litigation for the following cases:

Civil Actions

a. *People of the State of California Ex Rel. the Regional Water Quality Control Board, San Diego Region v. Carlos Marin, an individual in his capacity as Commissioner of the International Boundary and Water Commission, United States Section, et al.*, Complaint for Violations of the Clean Water Act and Related State Law Claims. United States District Court, Southern District of California, Case No. 01-CV-027BTM(JFS) (filed February 2001). (*David Gibson*)

b. *Surfrider Foundation v. California Regional Water Quality Control Board -- San Diego Region and California State Water Resources Control Board; (Cabrillo Power I, LLC, Real Party-in-Interest)*, Petition for Writ of Mandate. San Diego County Superior Court, Case No. 37 2007-00069621-CU-PT-CTL (filed July 2007). (*Brian Kelley*)

c. *William G. Dickerson and Heidi Dickerson, Husband and Wife; Larry Gunning and Penelope L. Gunning, Husband and Wife; and Perry & Papenhausen, Inc., a California Corporation v. San Diego Regional Water Quality Control Board, a Public Entity*, Petition for Writ of Mandate. San Diego County Superior Court, Case No. 37-2007-00075846-CU-WM-CTL (filed September 2007). (*Frank Melbourn*)

d. *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*)

e. *William and Lori C. Moritz v. California Regional Water Quality Control Board, San Diego Region*, Petition for Writ of Mandate. San Diego County Superior

Court, Case No. 37-2009-00093097-CU-WM-CTL (filed June 2009) (*Christopher Means*)

Petitions for Review Pending Before State Water Resources Control Board

f. Petition of NRDC, Inc. (Waste Discharge Requirements Order No. R9-2007-001 [NPDES No. CAS0108758] for Urban Runoff Discharges from the Municipal Storm Systems in the Incorporated Cities of San Diego, San Diego Unified Port District, and San Diego Regional Airport Authority, SWRCB/OCC File A-1830(c), filed February, 2007 (in abeyance).

g. Petition of City of San Marcos (Investigative Order No. R9-2008-0118 for City of San Marcos Discharge of Material into Upper Copper Creek, San Marcos, San Diego County), filed October, 2008 (in abeyance).

h. Petition of Natural Resources Defense Council and San Diego Coastkeeper (Executive Officer Approval of Countywide Model Standard Urban Stormwater Mitigation Plan for Development Applications), SWRCB/OCC File A-2010, filed April 2009 (in abeyance). (*Eric Becker*)

i. Petition of San Diego Coastkeeper and Petition of Surfrider Foundation (Order No. R9-2009-0038 (Poseidon Resources Corporation, Carlsbad Desalination Plant, Order Amending Waste Discharge Requirements No. R9-2006-0065 [NPDES No. CA0109223]), SWRCB/OCC File A-2024 and A-2024(a), filed June 2009. (*Michelle Mata*)

j. Petition of Department of the Navy (Waste Discharge Requirements Order No. R9-2009-0081 [NPDES No. CA0109185] for the United States Department of the Navy, Naval Base Coronado, San Diego County), SWRCB/OCC File A-2032, filed July 2009. (*Vicente Rodriguez*)

k. Petition of South Coast Water District and South Orange County Wastewater Authority (Administrative Civil Liability Order No. R9-2009-0048 for South Orange County Wastewater Authority, South Coast Water District Groundwater Recovery Facility, San Diego County), SWRCB/OCC File A-2035, filed July 2009. (*Jeremy Haas*)

l. Petition of La Costa Town Square, LLC (Denial of Clean Water Act section 401 Water Quality Certification, La Costa Town Square Project, Application 09C-043, San Diego County), SWRCB/OCC File A-2039, filed August 2009 (in abeyance). (*Chiara Clemente*)

m. Petition of San Juan Capistrano (Revised Cleanup and Abatement Order No. R9-2009-0124 for Chevron USA, Inc., and the City of San Juan Capistrano at Chevron Service Station No. 9-3417, 32009 Camino Capistrano, San Juan

Capistrano, Orange County), SWRCB/OCC File A-2051, filed October 2009 (in abeyance). (*Barry Pulver*)

n. Petition of South Coast Water District and South Orange County Wastewater Authority (Failure to Act to Modify NPDES Permit for Brine Discharge and Groundwater Recovery Facility, San Diego County), SWRCB/OCC File A-2072, filed January 2010. (*Brian Kelley*)

o. Petitions of the City of Laguna Hills, the City of Laguna Niguel, the City of San Juan Capistrano, the City of Mission Viejo, the City of San Clemente, the City of Dana Point, the City of Laguna Woods, the County of Orange and Orange County Flood Control District, the City of Aliso Viejo, the City of Lake Forest, and the City of Rancho Santa Margarita (Waste Discharge Requirements Order No. R9-2009-0002 (NPDES No. CAS0108740), Orange County Municipal Separate Storm Sewer System (MS4) Permit), SWRCB/OCC Files A-2073(a)-(j), filed January 2010 (requests to hold in abeyance). (*Ben Neill*)

p. Petition of Chevron (Revised Cleanup and Abatement Order No. R9-2009-0124 for Chevron USA, Inc. at Chevron Service Station No. 9-3417, 32009 Camino Capistrano, San Juan Capistrano, Orange County), SWRCB/OCC File A-2074, filed January 2010. (*Barry Pulver*)

q. Petitions of American Salvage Inc., and Consolidated Electrical Distributors (CED) and Northbrook Properties, Inc. (NPI) (Cleanup and Abatement Order No. R9-2010-007), SWRCB/OCC Files A-2084 and 2084(a), filed February 2010 (requests to hold in abeyance). (*Lynn Berlad*)

r. Petition of Vulcan Materials Company (Reconsideration of Clean Water Act Section 401 Water Quality Certification No. 08C-051 for Poway Mining Site, Vulcan Materials, San Diego County) SWRCB/OCC File A-2088, filed March 2010 (request to hold in abeyance). (*Mike Porter*)

The Closed Session was not held.

Item 16 – *Closed Session* - 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 against persons who are alleged to have violated the Porter-Cologne Water Quality Control Act or the federal Clean Water Act or to discuss significant exposure to litigation [Authorized under Government Code Section 11126(e)]

The Closed Session was not held.

Item 17 – *Closed Session* - 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 adjudicatory hearing and to deliberate on a decision to be reached based upon that evidence [Authorized under Government Code Section 11126(c)(3)]

The Closed Session was not held.

Item 18 – *Closed Session* - 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 Section 11126(a)]

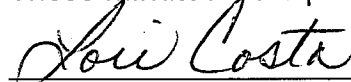
The Closed Session was not held.

Item 19 – Arrangements for Next Meeting and Adjournment

Wednesday, May 12, 2010 - 9:00 a.m.
Water Quality Control Board
Regional Board Meeting Room
9174 Sky Park Court
San Diego, California

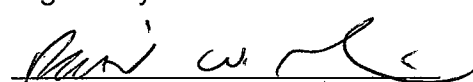
With there being no further business, the meeting was adjourned at 11:25 p.m.

These minutes were prepared by:



Lori Costa
Executive Assistant

Signed by:



David W. Gibson
Executive Officer