

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION
NTC at Liberty Station
McMillin Companies Event Center
2875 Dewey Road
San Diego, California

MINUTES OF MEETING
MARCH 16, 2015

At 9:00 a.m., Chairman Abarbanel called to order the meeting of the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) at the McMillin Companies Event Center at Liberty Station, 2875 Dewey Road, San Diego, California.

Item 1 – Roll Call and Introductions

Board Members present: Henry Abarbanel, Tomás Morales, Betty Olson, Gary Strawn, and Stefanie Warren. Eric Anderson arrived at 9:10 a.m.

Staff Present: David Gibson, James Smith, Chris Blank, David Barker, Kelly Dorsey, Darren Bradford, Ben Neill, Kristin Schwall, Laurie Walsh, Melissa Valdovinos, Sophie di Campalto, Chad Loflen, Sheila Christine McQuaid-Moran, Tony Felix, Lucas Lima, Cynthia Gorham, Eric Becker, Jeremy Haas, Nicole Gergans, Leah Anderson, Hiram Sarabia-Ramirez.

Others present on behalf of the San Diego Water Board: State Water Resources Control Board – Catherine Hagan, Adriana Nuñez, Nathan Jacobsen. California Court Reporting – Marlee Nelson.

Public Attendance: Veronica Wilson; Mary Johnson Powell, TRVEA; Henry Caleb Powell, TRVEA; Denise Erkeneff, Surfrider; Rory Wicks; Edward Burtner; Duline McGough; Matt Fleming, O.C. Register; Patrick McDonough, County of San Diego; Christine Sloan, County of San Diego; Yidelwa Asba, County of San Diego; Jo An Weber, County of San Diego; Bryn Evans, Dudek; Nancy Hastings, Surfrider; Scott Thomas, Sea & Sage Audubon Society; Susan Sheakley, Sea & Sage Audubon Society; John Everett, Attorney General's Office; Brian Bosworth, Surfrider; Steven Smullen, USIBWC; Drew Irby, Trout Unlimited; Chris Peregrin, TRNERR; Doug Liden, USEPA; Len Sinfield, U.S. Navy; Jessica Palmer, U.S. Navy; Dewey Youngerman, Continental Maritime; Amber Craig, U.S. Border Patrol; Mark Yancey, Mobile Surf Movies; Jeffrey Knox, Tijuana Sloughs Surf Club; John Holder, WILD Coast; Emily Rusch, CalPIRG; Alex Richter, San Diego Surfers; Cole Hurst, San Diego Surfers; Ryan Hurst, San Diego Surfers; Guinevare Breeding; Waylon Matson, 4 Walls International; Bill White, Save San Onofre Coalition; Edward Schexnayder, Save San Onofre Coalition; Elizabeth Goldstein, California State Parks Foundation; Phillip Manson; Bob Scott, AECOM; Udo Wahn; Emily Corbitt; John Sao Paolo; Ruth Garcia, City of San Diego District 8; Garth Engelhorn, Western Solutions; Tracy & Larry Smith; Aida Welch; Bob Welch; Matt O'Malley, San Diego Coastkeeper; Rebecca Orloff, San Diego Coastkeeper; Laura Jacksonberg, RNU; Mike Kramen, TCA; Valarie McFall, TCA; Joel Kramer; Chad Nelson, Surfrider; Ray Hiemstra Orange County Coastkeeper; Ellen Lougee; Kiko Nelsen; Sam Nelsen, Thurston Surf Team; Alfred Cruz, Jr., United Coalition to Protect Panha;

Jonathan Applebaum; Sunshine Johnson, Surfrider; Kelly Taft, Amec E&I; Margie Johnson, Surfrider; Pamela Slater-Price; Hershel Price; Elizabeth Hendershot; Rick Erkeneff, Surfrider; Brad Drew, Surfrider; Anna Begg; Jamie Begg; Kara Monaghan; Andrew Wills; Lido Wahn, Surfrider; Pete Stauffer, Surfrider; Matthew Melin; Amanda Sousa, Sufrider; Cindy Lin, USEPA; Colleen Dietzel, Ocean Beach Green Center; Haley Haggerstone, Surfrider; Joseph Rigby, Surfrider; Waldemar Vidal; David Huelin; James Ziebart; Susan Corbitt; Lauren Bercha; Robert Knutsen; Verna Rollinger, Village Laguna; Mark West, Surfrider; Julie Busse; David Busse; Melinda Guerrero, Surfrider; Roger Kube, Surfrider; Chandra Tobey; James Agren; Mark Freeman; Courtney Van Garden; Craig Cadwallader, Surfrider; Katherine Ferguson, Surfrider; Drew Schneider, Surfrider; Lavelle Snortum, Surfrider; Dane Petersen, Surfrider; Kate Feely, Surfrider; Joel Kramer; Nancy Eiring, Surfrider; Christopher Wilson, Surfrider; Leslie Walker; Louise Barilli, Surfrider; Emily Little, Surfrider; Russell Saler, United Coalition to Protect Panha; Felicia Putt, Coastkeeper; Daniel Murphy, Surfrider; Andrew Kosum; Mel Millstein, County Supervisor Dave Roberts; Angela Howe, Surfrider; Diane Castaneola, WiLDCOAST; Tommy Hough, San Diego County Democrats for Environmental Action; Jösan Feathers; Stefanie Sekich-Quinn, Surfrider; Damon Nagami, Natural Resources Defense Council; Dan Silver, Endangered Habitats League; Drew Kleiss, City of San Diego.

Item 2 – Public Forum

There were no Public Forum items.

Item 3 – Minutes of Board Meeting: February 11, 2015

Dr. Olson moved to accept the minutes, and Mr. Morales seconded the motion. The minutes were approved by unanimous vote of the Board members present.

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. Strawn stated that the San Diego River Conservancy will be considering grant applications for Proposition 1 funds.

Mr. Gibson provided an update on Tijuana River Valley Recovery Team activities, and he announced the departure of Dr. Lilian Busse from the San Diego Water Board staff. He also welcomed new staff member and Environmental Scientist Hiram Sarabia-Ramirez to the Restoration and Planning Unit.

Item 5 – Future Agenda Items: Board Members may discuss items for possible inclusion on future agendas. No action will be taken. *(David Gibson)*

Dr. Abarbanel requested a follow-up report from last month's recycled water workshop specifically requesting an estimate of what it would take for the San Diego Region to reach zero discharge to the ocean by 2025 or 2030. He also asked for a cost estimate of how many personnel years it would take to accomplish everything the Board would like to do, how much can be expected in the 2015 budget, and a listing of what can and cannot be

accomplished within that amount. He would then take that accounting to the State Board and the State legislature.

Item 6 – Public Hearing: NPDES Permit Reissuance: Continental Maritime of San Diego, Discharge to San Diego Bay (Tentative Order No. R9-2015-0009, NPDES No. CA0109142). (*Kristin Schwall*)

Kristin Schwall gave the staff presentation.

The following stakeholders spoke about the Tentative Order:

- Dewey Youngerman, Continental Maritime
- Dr. Cindy Lin, U.S. EPA

Dr. Olson moved to adopt Tentative Order No. R9-2015-0009 with all errata, and Mr. Strawn seconded the motion. A roll call vote was taken, and all Board members voted “aye.” The motion passed.

Items 7 and 8 were heard together

Item 7 – Tentative Resolution: Tentative Resolution Endorsing the Tijuana River Valley Recovery Team Five-Year Action Plan Dated March 2015 (Tentative Resolution No. R9-2015-0035). (*Melissa Valdovinos*)

Item 8 – Tentative Resolution: Tentative Resolution Endorsing a Request for Disbursement from the Cleanup and Abatement Account to Fund the Tijuana River Valley Recovery Team (Tentative Resolution No. R9-2015-0036). (*Melissa Valdovinos*)

Melissa Valdovinos gave the staff presentation for both items and answered Board member questions.

The following stakeholders commented on the Tentative Orders:

- John Holder, WiLDCOAST
- Roger Kube, Surfrider
- Mary Johnson Powell, TRVEA
- Waylon Matson, 4 Walls International
- Doug Liden, U.S. EPA
- Chris Peregrin, California State Parks/Tijuana River National Estuarine Research Reserve
- Steve Smullen, U.S. International Boundary and Water Commission
- Christine Sloan, County of San Diego
- Drew Kleiss, City of San Diego

After closing remarks from Ms. Valdovinos and Mr. Gibson, the Board discussed the items.

After discussion, Mr. Morales moved to adopt Tentative Resolution No. R9-2015-0035, and Mr. Anderson seconded the motion. A roll call vote was taken, and all Board members voted "aye." The motion passed.

Mr. Strawn moved to adopt Tentative Resolution No. R9-2015-0036, and Ms. Warren seconded the motion. A roll call vote was taken and all Board members voted "aye." The motion passed.

Dr. Abarbanel called a recess at 11:25 a.m. and reconvened the meeting at 11:43 a.m.

Item 9 – Tentative Resolution: Tentative Resolution Supporting Denial of Revised Tentative Order No. R9-2013-0007, Waste Discharge Requirements for Foothill/Eastern Transportation Corridor Agency, Tesoro Extension (SR 241) Project, Orange County (Tentative Order No. R9-2015-0022). (*Darren Bradford*)

After Dr. Abarbanel's opening remarks, Darren Bradford gave the staff presentation.

The following participated in the organized presentations for their organizations:

- Elizabeth Goldstein, Save San Onofre Coalition
- Bill White, Save San Onofre Coalition
- Damon Nagami, Natural Resources Defense Council
- Ray Hiemstra Orange County Coastkeeper
- Stefanie Sekich-Quinn, Surfrider Foundation
- Dan Silver, Endangered Habitats League
- Mike Kramen, TCA

Dr. Abarbanel recessed for lunch at 12:32 p.m. and reconvened the meeting at 1:30 p.m.

The following stakeholders commented on the Tentative Resolution:

- Mel Millstein on behalf of County Supervisor Dave Roberts
- Emily Rusch, California Public Interest Research Group (CalPIRG)
- Nancy Hastings, Surfrider
- Rick Erkeneff, Surfrider
- Craig Cadwallader, Surfrider
- Chad Nelsen, Surfrider
- Angela Howe, Surfrider
- Denise Erkeneff, Surfrider
- Pete Stauffer, Surfrider
- Mark West, Surfrider
- Joel Kramer, Surfrider
- Lauren Bercha, Surfrider
- Diane Castaneola, WILD COAST
- Drew Irby, Trout Unlimited

- Tommy Hough, San Diego County Democrats for Environmental Action
- Scott Thomas, Sea & Sage Audubon Society
- Jeff Knox, Tijuana Sloughs Surf Club
- Alfred Cruz, Jr., United Coalition to Protect Panha/California Cultural Resource Preservation Alliance
- Katie Ferguson, Surfrider
- Rory Wicks, Wicks Law
- Veronica Wilson, Self
- Jösan Feathers, Self
- Alex Richter, Self
- Cole Hurst, Self
- Ryan Hurst, Self
- Matthew Melin, Self
- Emily Corbitt, Self
- Mark Freeman, Self
- Pam Slater-Price, Self
- Sam & Kiko Nelsen, Thurston Surf Team

Dr. Abarbanel called a recess at 2:09 p.m. and reconvened the meeting at 2:19 p.m.

Mr. Bradford offered closing remarks, and Dr. Abarbanel closed the public comment portion of the item.

After Board discussion of the item, Mr. Morales moved to adopt Tentative Resolution No. R9-2015-0022, and Mr. Strawn seconded the motion. A roll call vote was taken, and all Board members voted “aye.” The motion passed.

Item 10 – *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 (Judicial and Administrative, other than Petitions for Review filed with the State Water Board)

- 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)*
- 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. *In re: Citizens Development Corporation, Debtor and Debtor in Possession*, Case No. 10-15142-LT11. United States Bankruptcy Court, Southern District of California. (San Diego Water Board Claim in Bankruptcy) (filed June 2011). (*Catherine George Hagan*)
- d. *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*)
- e. *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*)
- f. *Coastal Environmental Rights Foundation, a CA non-profit public benefit corporation v. California Regional Water Quality Control Board, San Diego Region. Petition for Writ of Administrative Mandamus. San Diego County Superior Court, Case No. 37-2014-00038672-CU-WM-CTL* (filed November 2014). (*Ben Neill*)

Petitions for Review Pending Before State Water Resources Control Board¹

- g. *Petition of Citizens Development Corporation (Water Code Section 13267 Investigative Order No. R9-2011-0033 dated September 14, 2011, Requiring Submission of Technical Reports Pertaining to Investigation of Lake San Marcos Nutrient Impairment, San Diego County), SWRCB/OCC File A-2185, filed October 2011.* (*Laurie Walsh*)
- h. *Petition of City of San Diego (Time Schedule Order No. R9-2011-0052 dated September 14, 2011, for the Kinder Morgan Energy Partners, Mission Valley Terminal Remediation Dewatering Discharge to Murphy Canyon Creek, San Diego County), SWRCB/OCC File A-2186, filed October 2011.* (*Ben Neill*)
- i. *Petitions for Review of San Diego Bay Shipyard Sediment Cleanup and Abatement Order No. R9-2012-0024 for National Steel and Shipbuilding*

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.

Company (NASSCO), Campbell Industries, City of San Diego, San Diego Gas & Electric (SDG&E) and San Diego Unified Port District (Port District) issued March 14, 2012. Petition for Review and Request for Stay filed by City of San Diego. Petitions for Review w/o requests for stay filed by SDG&E, Star & Crescent Boat Company and Port District. SWRCB/OCC File A-2205(c), (d), and (e), filed April 2012. (*Frank Melbourne*)

- j.* Petition of South Laguna Civic Association for Review of Order No. R9-2012-0013, NPDES No. CA0107611, NPDES Permit Reissuance: South Orange County Waste Authority, Discharges to the Pacific Ocean via Aliso Creek Ocean Outfall, adopted April 11, 2012, SWRCB/OCC File A-2211, filed May 2012. (*Joann Lim*)
- k.* Petitions for Review of Regional Municipal Separate Storm Sewer System Order No. R9-2013-0001 (NPDES No. CAS0109266), adopted May 8, 2013, filed by (1) San Diego County Regional Airport Authority (stay requested), (2) City of Lake Forest (abeyance request), (3) City of Aliso Viejo (abeyance request), (4) City of Laguna Hills (abeyance request), (5) City of Rancho Santa Margarita (abeyance request), (6) City of Chula Vista, (7) City of National City, (8) Riverside County Flood Control and Water Conservation District, the County of Riverside, and the Cities of Murrieta, Temecula, and Wildomar (abeyance request), (9) City of Dana Point (abeyance request), (10) City of Mission Viejo (abeyance request), (11) City of San Clemente (abeyance request), (12) County of Orange and Orange County Flood Control District (abeyance request), (13) San Diego Unified Port District, (14) City of San Diego (abeyance request), (15) County of San Diego, and (16) City of Laguna Niguel. SWRCB/OCC File A-2254(a)-(p), filed June 2013. (*Wayne Chiu*)
- l.* Petition of San Diego Unified Port District, Waste Discharge Requirements Order No. R9-2013-0093 for San Diego Shipyard Sediment Remediation Project, San Diego Bay, San Diego County, July 10, 2013, SWRCB/OCC File A-2263, filed August 2013 (stay requested). (*Alan Monji*)
- m.* Petition of Donan Environmental Services, Inc., Cleanup and Abatement Order No. R9-2013-0022 at the Site of the Former Santa Ysabel Chevron Station, 30350 Highway 78, Santa Ysabel, San Diego County, September 18, 2013, SWRCB/OCC File A-2277, filed October 2013. (*Sean McClain*)
- n.* Petition of Kinder Morgan Energy Partners, L.P., for Review of Denial of Request to Rescind or Modify Time Schedule Order No. R9-2011-0052, November 26, 2014, SWRCB/OCC File A-2354, Filed December 23, 2014 (Stay Requested). (*Ben Neill*)

This Closed Session was not held.

Item 11 – *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 concerning matters within its jurisdiction or to discuss significant exposure to litigation [Authorized under Government Code Section 11126(e)].

This Closed Session was not held.

Item 12 – *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 adjudicative hearing and to deliberate on a decision to be reached based upon that evidence [Authorized under Government Code Section 11126(c)(3)].

This Closed Session was not held.

Item 13 – *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)].

This Closed Session was not held.

There being no further business, the meeting was adjourned at 2:32 p.m..

These minutes were prepared by:

Signed by:

Chris Blank
Executive Assistant

David Gibson
Executive Officer