

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

MINUTES OF MEETING
JUNE 9, 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 George Loveland.

Staff Present: David Gibson, James Smith, Julie Chan, David Barker, Lori Costa, Brian Kelley, Chiara Clemente, Eric Becker, Jeremy Haas, John Odermatt, Deborah Jayne, Bob Morris, John Anderson, Laurie Walsh, Wayne Chiu, Christina Arias, Robert Pierce, Cheryl Prowell, Lisa Honma, Michelle Mata, Deborah Woodward, Kristin Schwall, Cathryn Henning, Brian McDaniel, Charles Cheng, Alan Monji, Chad Loflen, Tom Alo, Helen Yu, and Frank Melbourne.

Others Present on behalf of the San Diego Water Board: State Water Resources Control Board – Catherine Hagan and Jessica Newman. Kennedy Court Reporters – Sophia Washington.

Public Attendance: Dennis Bowling – Rick Engineering; Sara Agahi, Jack Miller, Mark McPherson, Cid Tesoro, Todd Snyder, Chandra Wallar, Greg Cox – County of San Diego; Julie Procopio, Pedro Orso Delgado – City of Santee; John Robertus – self; Lisa O’Neal – Brown & Winters; Michael Welch – self; James Dodson – VWD; Lori Verbker, Vasana Vipamin, Dennis Spering – Escondido; Jeff O’Connor – HFC; Del Ross – self; Ed Kimura – Sierra Club; Kristin Reyna – Gordon & Rees; Cheryl Filar, John Berehan – City of Escondido; Tory Walker, Steve Maciej – BIA; Shawn Halvax – BAE Systems; Kris McFadden, Jim Nabong, Helen Perry, Sumer Hazenin – City of San Diego; Elaine Lukey, David Hauser – City of Carlsbad; Steve Pastor – RCFB; Malik Tausiuri – City of Poway; Arsalan Dadkhah – D-MAX Engineering; Con Kontaxis – Caltrans; Cora Long – Lemon Grove; Billy Walker – Oceanside; Paul Hartman – City of Vista; Nancy Gardiner – Brown & Caldwell; Erik Steenblock, Crystal Najeva – City of Encinitas; Wayne Rosenbaum – Foley & Lardner; John Lormon – Procopio Corey; Chris Stransky – AMEC; Jill Witkowski, Gabriel Solmer – San Diego Coastkeeper; Livia Borak - Coast Law Group; Erica Ryan – City of San Marcos; Ken Lounsbery – Lake San Marcos Community Assoc; Noah Garrison – Natural Resources Defense Council; Michael Salviati – U.S. Coast Guard; and Don Montero – U.S. Navy.

Item 2 – Public Forum

Jill Witkowski, San Diego Coastkeeper, spoke about their concerns with the City of San Diego's request for a 401 Water Quality Certification for their Master Stormwater Maintenance Program. She said their Environmental Impact Report stated that the program could substantially impact water quality in a negative way.

Senior staff member Chiara Clemente gave a status report on the certification.

Livia Borak, Coast Law Group, spoke about their concerns with power and desal plants.

Chairman King announced that all action items would be heard after Board Member Luker arrived, at which time there would be a quorum of the Board.

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.

Chairman King reported that he attended the Southern California Wetlands Recovery Project Board of Governors meeting on June 3rd.

Per Chairman King's request, senior staff member Brian Kelley gave an update on the regulation of fireworks. He said their intent was to eventually prepare and issue a general permit that would cover all fireworks events in the San Diego region. Until then, those in charge of fireworks events were being asked to implement Best Management Practices to minimize debris.

Board Members and Mr. Gibson discussed prioritization and allocation of resources.

Chairman King announced that Board Member Luker was not going to be able to attend the meeting therefore there wasn't a quorum of the Board to take action on any of the items.

Item 3 – Minutes of Board Meeting: May 12, 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 10 – Informational Item: Groundwater Cleanup Activities at Marine Corps Base Camp Pendleton. Regional Board staff will provide a summary of the cleanup programs, status update on recent progress, and an explanation of current issues impacting groundwater at the only Federal Superfund Site in Region 9. (*Cheryl Prowell*)

Staff member Cheryl Prowell gave the presentation.

Consent Calendar:

Item 5 – Update of Waste Discharge Requirements: City of Escondido, Hale Avenue Resource Recovery Facility (Master Reclamation Permit with Waste Discharge Requirements for the production and purveyance of recycled water) (Tentative Order No. R9-2010-0032) (*Robert Pierce*)

Item 6 – Resolution Requesting Funding from the Cleanup and Abatement Account for Lake San Marcos (Tentative Resolution No. R9-2010-0079) (*Chiara Clemente*)

Item 7 – Resolution Requesting Funding from the Cleanup and Abatement Account for County of San Diego, Beach Water Quality Monitoring (Tentative Resolution No. R9-2010-0091) (*Eric Becker*)

Speakers included:

Supervisor Greg Cox spoke in support of Item 7.

Jack Miller, County of San Diego, also spoke in support of Item 7.

Gabriel Solmer, San Diego Coastkeeper, asked for a minor change to the Resolution regarding the funding source.

Item 8 – NPDES Permit Revision: Order No. R9-2009-0080, NPDES No. CA0109151, Waste Discharge Requirements for BAE Systems San Diego Ship Repair, Inc. Discharge to San Diego Bay (Tentative Order No. R9-2010-0090) (*Brian Kelley*)

After hearing comments on Item 7, the Consent Calendar (Items 5-8) was postponed.

Remainder of the Agenda (Non-Consent Items):

Item 9 - Hydromodification Management Plan adoption consideration. The San Diego Water Board will consider adoption of a Hydromodification Management Plan (HMP) for San Diego County. The HMP was developed as a requirement of Order No. R9-2007-0001, the San Diego County Municipal Storm Water Permit (Tentative Order No. R9-2010-0066) (*Christina Arias*)

Chairman King announced that as a sub-committee of the Board, they could take comments that would become part of the record and would be provided to the full Board before the next meeting.

Speakers included:

Chandra Wallar, County of San Diego

Pedro Orso Delgado, City of Santee

Kris McFadden, City of San Diego

Gabriel Solmer, San Diego Coastkeeper

Board Members made comments and recommendations.

Chairman King encouraged staff to meet with stakeholders.

Item 11 – Informational Item: Agriculture Waiver Status Report (*Pete Peuron*)

Staff member Pete Peuron gave the presentation.

Item 12 – Informational Item: San Diego Bay Sediment Cleanups - Past, Present, and Future (*John Anderson*)

Staff member John Anderson gave the presentation.

Gabriel Solmer, San Diego Coastkeeper, also spoke.

Item 13 – Informational Item: Status Report on U.S. Coast Guard and U.S. Navy Fuel/Oil Spills in San Diego Bay (*David Gibson*)

Mr. Michael Salviati, U.S. Coast Guard and Mr. Don Montero, U.S. Navy gave the presentations.

The meeting was recessed for lunch at 11:45 p.m.

Item 14 - 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)*

- f. *Surfrider Foundation v. California Regional Water Quality Control Board, San Diego Region*, Petition for Writ of Mandate. San Diego County Superior Court, Case No. 37-2010-0009-436-CU-WM-CTL (filed April 2010). (*Brian Kelley*)
- g. *South Orange County Wastewater Authority and South Coast Water District*, Petition for Writ of Mandate. Orange County Superior Court, Case No. 30-2010-00364016-CU-WM-CXC (filed April 2010) (*Joann Cofrancesco*)

Petitions for Review Pending Before State Water Resources Control Board

- h. 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).
- i. 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*)
- 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 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*)
- l. 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*)
- m. 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*)

- n. 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*)
- o. 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*)
- p. 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 15 – *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 16 – *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 17 – *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.

The meeting reconvened at 12:28 p.m.

The sub-committee of the Board made the decision to schedule a Board meeting for July 14, 2010.

Item 18 – Arrangements for Next Meeting and Adjournment

Wednesday, July 14, 2010 - 9:00 a.m.
Water Quality Control Board
Regional Board Meeting Room
9174 Sky Park Court
San Diego, California

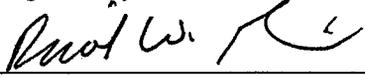
With there being no further business, the meeting was adjourned at 12:30 p.m.

These minutes were prepared by:



Lori Costa
Executive Assistant

Signed by:



David W. Gibson
Executive Officer