

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION
Board Meeting Room
2375 Northside Drive, Suite 108
San Diego, California 92108

MINUTES OF MEETING
DECEMBER 13, 2017

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 Board Meeting Room, 2375 Northside Drive, Suite 108, San Diego, California 92108.

Item 1 - Roll Call and Introductions:

Board Members present: Henry Abarbanel, Eric Anderson, Betty Olson, and Gary Strawn.

Board Members absent: Tomas Morales, Stefanie Warren.¹

Staff present: Dave Gibson, James Smith, Chris Blank, Deborah Jayne, Cynthia Gorham, Erica Ryan, Christina Arias, Lisa Honma, Eric Becker, Alan Monji, Craig Carlisle, Lori Costa, Frank Melbourn, Julie Chan, David Barker, Jeremy Haas, Kelly Dorsey, John Anderson, Sarah Mearon, Chad Loflen, Tony Felix, Joann Lim, Sean McClain, Mike Porter, Chiara Clemente, Alex Cali, John Odermatt, Jody Ebsen, Brian McDaniel, Regan Morey, Alex Walsh, Roger Mitchell, Wayne Chiu, Michelle Santillan, Keith Yaeger, Brandi Outwin-Beals, Vicente Rodriguez, Kimberly McMurray-Cathcart.

Remote Attendance: Rebecca Stewart, Cleo Munoz, Debbie Woodward, Whitney Ghoram, Ben Neill, Laurie Walsh, Christopher Means, Sherrie Komeylyan, Laura Samrad, Lucas Lima, Betty Fetscher, Kristin Schwall, Tom Alo.

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

Public Attendance: Steven M. Haase, *Baldwin & Sons*; Brian Hitchens, *Geosyntec Consultants*; Jitka Parez, *Linden Road, Lakeside*; Michael Welch, *Michael Welch Consulting*; Vicki Kalkirtz, Drew Kleis, Ruth Kolb, Tim Stebbins, Rachel Davenport, *City of San Diego*; Jessica Palmer, Len Sinfield, Jeremy Judd, *U.S. Navy*; Jack Monger, *Industrial Environmental Association (IEA)*; Jim Peugh, *Friends of Famosa Slough*; Roya Yozdaniford, *California Dept. of Transportation (CalTrans)*; Eric Larsen, *San Diego Irrigated Lands Group*; Barry Pulver; Patricia Schuyler, *Dudek*; Chris Stransky, *Amec*; Justin Gamble, *City of Oceanside*; Norman Allenby, Craig Barilotti, *Sunset Cliffs*; Clint Boschen, *TetraTech*; Adrienne Cibar, *Nautilus*; Rose Gutowski, Nick Popaditch *Naval Base San Diego*; Paul Warren; Jeremy Burns; Laura Merriman; Bill Isham; Neil Mohr, *Republic Services*; Dan McKirnan, *Environmental Health Coalition (EHC)*.

¹ Ms. Warren participated in the Closed Session during the lunch recess.

Item 2 - Public Forum

- Jack Monger, IEA, thanked Board staff for their participation in IEA's annual Environmental Conference.
- Neil Mohr, General Manager, Republic Services, provided an update on the Sycamore Landfill project.
- Eric Larsen, Farmers Association, updated the Board on Commercial Ag Program enrollments.
- Craig Barilotti and Norman Allenby, addressed the Board regarding improvements to Sunset Cliffs park.
- Dan McKirnan, EHC, provided further interpretation of the Fish Consumption Study results.
- Ms. Jitka Perez commented on the Linden Road item, and Ms. Ryan and Ms. Hagan responded to Board Member questions.
- Paul Warren addressed the Board regarding concerns with board interaction regarding his property after the Chair granted his request to reopen Public Forum at approximately 11:30 a.m.

Item 3 - Minutes of Board Meeting: September 13, 2017.
October 11, 2017

Postponed until a future meeting.

Item 4 - Chairman's, Board Members', State Water Board Liaison's, and Executive Officer's Reports. These items were for Board discussion only. Public testimony was not allowed, and the Board took no formal action.

Chair Abarbanel provided a report on various discussions and meetings held among himself, Mr. Gibson, their counterparts from the San Francisco Region, and representatives from San Diego County and City regarding next generation monitoring solutions.

Mr. Gibson thanked Barry Pulver for his service, announcing that Mr. Pulver had retired on October 31, 2017, and he announced that Christina Arias had been selected to take over Mr. Pulver's position. In addition, he announced that Fisayo Osibodu had been selected to serve in the Source Control Unit, and he welcomed Regan Morey, Water Resource Control Engineer, to the Storm Water Unit.

Mr. Gibson also provided a summary of a meeting the day before organized by the Department of Justice to discuss a lawsuit regarding cross-boundary flows with the International Boundary and Water Commission and other stakeholders.

He then invited Brian Hitchens from Geosyntec to address the Board regarding TDY's San Diego Bay sediment cleanup operations.

Item 5 - Future Agenda Items: Board members may discuss items for possible inclusion on future agendas (*David Gibson*)

Mr. Strawn requested an informational item regarding the installation of aeration pumps in the San Diego River at Mission Valley.

Item 6 – Approval of the 2018 Meeting Schedule (*David Gibson*)

Dr. Olson requested that staff reschedule the Mission Viejo meeting from September to March. Chair Abarbanel deferred action on this item to the February meeting to allow the public ample time to review the schedule before the Board approves it.

Consent Calendar: Items 7 through 13 are considered non-controversial issues. (NOTE: If there is public interest, concern, or discussion regarding any consent calendar item or a request for a public hearing, then the item(s) will be removed from the Consent Calendar and considered after all other agenda items have been completed.)

Item 7 – Master Recycling Permit Addendum: Santa Rosa Water Reclamation Facility, Riverside County (Tentative Addendum 5 to Order No. 94-92). (*Alex Cali*)

Item 8 – WDR Permit Issuance: Waste Discharge Requirements for Baldwin and Sons, Village Two South Project, San Diego County (Tentative Order No. R9-2017-0179). (*Lisa Honma*)

Item 9 – NPDES Permit Amendment: An Order to amend Order No. R9-2014-0009 as amended by Order No. 2014-0094, NPDES No. CA0108928, Waste Discharge Requirements for the United States Section of the International Boundary and Water Commission, South Bay International Wastewater Treatment Plant, Discharge to the Pacific Ocean via the South Bay Ocean Outfall (Tentative Order No. R9-2017-0024). (*Joann Lim*)

Item 10 – NPDES Permit Amendment: An Order to amend Order No. R9-2013-0006 as amended by 2014-0071, NPDES No. CA0109045, Waste Discharge Requirements for the City of San Diego, South Bay Water Reclamation Plant Discharge to the Pacific Ocean via the South Bay Ocean Outfall (Tentative Order No. R9-2017-0023). (*Joann Lim*)

Item 11 – NPDES Permit Amendment: An Order to amend Order No. R9-2015-0117, NPDES No. CA0109185, Waste Discharge Requirements for the United States Department of the Navy, Naval Base Coronado Complex, San Diego County (Tentative Order No. R9-2017-0011). (*Vicente Rodriguez*)

Item 12 – NPDES Permit Amendment: An Order to amend Order No. R9-2014-0037, NPDES No. CA0109363, Waste Discharge Requirements for the United States Department of the Navy, Naval Base Point Loma Complex, San Diego County (Tentative Order No. R9-2017-0010). (*Vicente Rodriguez*)

Item 13 – NPDES Permit Amendment: An Order to amend Order No. R9-2013-0064, NPDES No. CA0109169, Waste Discharge Requirements for the United States Department of the Navy, Naval Base San Diego Complex, San Diego County (Tentative Order No. R9-2017-0009). (*Vicente Rodriguez*)

Mr. Strawn moved to approve the Consent Calendar, and Mr. Anderson seconded the motion. The Executive Assistant polled the Board, and Board Members Abarbanel, Anderson, Olson, and Strawn voted “aye.” The motion passed.

Chair Abarbanel called a recess at 9:57 a.m., and reconvened the meeting at 10:10 a.m.

Remainder of the Agenda (Non-Consent Items):

Item 14 – Information Item: Water Quality Restoration Plan for Nutrient Reduction in Famosa Slough: Alternative Approach to a Nutrient Total Maximum Daily Load (TMDL).
(Jody Ebsen)

Ms. Ebsen gave the staff presentation and responded to Board Member questions.

The following representatives from the City of San Diego presented on this item and responded to Board Member questions:

- Drew Kleis, Deputy Director, Transportation & Storm Water Division
- Clint Boschen, Environmental Scientist, TetraTech
- Ruth Kolb, Program Manager, Storm Water Division

Jim Peugh from the Friends of Famosa Slough also commented on this item and responded to Board Member questions.

Ms. Ebsen concluded the item and thanked the City and Mr. Peugh for their participation.

Ms. Hagan announced that the Board would discuss Items 15(f), 15(h), and Item 16 in Closed Session.

Chair Abarbanel adjourned for Closed Session at 11:42 a.m. and reconvened the public meeting at 1:30 p.m.

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 concerning matters within its jurisdiction or to discuss significant exposure to litigation [Authorized under Government Code Section 11126(e)]. (David Gibson)

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), pending at Court of Appeal. (Catherine George Hagan)*

- c. *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)*
- d. *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) (Inactive per Test Claimants' request pending outcome of related litigation). (Catherine George Hagan)*
- e. *Test Claim on California Regional Water Quality Control Board, San Diego Region, Order No. R9-2013-0001 (Regional MS4 Permit) filed with Commission on State Mandates by County of San Diego. (San Diego Region Water Permit – County of San Diego, Test Claim No. 14-TC-03 (filed June 2015). (Inactive per Test Claimants' request pending outcome of related litigation). (Catherine George Hagan)*
- f. *San Diego Gas & Electric Company v. San Diego Regional Water Quality Control Board. Petition for Writ of Administrative Mandamus. San Diego County Superior Court Case No. 37-2015-00032608-CU-WM-CTL (filed September 2015) (Challenging Cleanup and Abatement Order No. R9-2012-0024 for San Diego Bay Shipyard Sediment Site). (Catherine George Hagan)*
- g. *San Altos-Lemon Grove, LLC. v. California Regional Water Quality Control Board, San Diego Region, a State of California Agency, David Gibson, Executive Officer, California Regional Water Quality Control Board, San Diego Region. Petition for Writ of Mandate. San Diego County Superior Court Case No. 37-2017-00012461-CU-WM-CTL (filed April 2017) (challenging Administrative Civil Liability Order No. R9-2016-0064). (Catherine George Hagan)*
- h. *People of the State of California, ex. rel. The San Diego Regional Water Quality Control Board v. Paul Lee Warren, et al., Complaint for Declaratory and Injunctive Relief Based on Violations of the California Water Code. San Diego County Superior Court, Case No. 37-2017-00024906-CU-TT-NC (filed July 10, 2017). (Alan Monji)*

Petitions for Review Pending Before the State Water Board²

- i. Petitions of Burrtec Waste Industries and Ecology Auto Parts for Review and Requests for Stay of Addendum No. 1 to Cleanup and Abatement Order No. R9-2013-0122, an Addendum Adding Responsible Parties, adopted July 14, 2017, SWRCB/OCC File A-XXXX,³ filed August 11, 2017. (*Alex Cali*)
- j. Petition of County of Riverside and Riverside County Flood Control and Water Conservation District for Review of Order No. R9-2017-0077 Directing the Owners and Operators of Phase I MS4s Draining Watersheds within the San Diego Region to Submit Reports Pertaining to the Control of Trash in Discharges from Phase I MS4s to Ocean Waters, Inland Surface Waters, Enclosed Bays and Estuaries in the San Diego Region, SWRCB/OCC File A-2554, filed July 3, 2017. (*Christina Arias*)

The Board discussed Items 15(f) and 15(h) during the Closed Session, but did not take any action.

Item 16 – Closed Session—Consideration of Initiation of Litigation. The San Diego Water Board may meet in Closed Session to discuss the City of Imperial Beach, City of Chula Vista, San Diego Unified Port District, City of San Diego, and County of San Diego's 60-day Notices of Intent to Sue the United States International Boundary and Water Commission (USIBWC) and to consider initiating litigation against the USIBWC over matters within the San Diego Water Board's jurisdiction [Authorized under Government Code §11126, subdivision (e)]. (*David Gibson*)

The Board discussed this item during the Closed Session, but did not take any action.

There being no further business, Chair Abarbanel adjourned the meeting at 1:30 p.m.

These minutes were prepared by:

Signed by:

Christina Blank
Executive Assistant

David Gibson
Executive Officer

² 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.

³ The petitions for review of Addendum No. 1 to Order No. R9-2013-0122 have not been assigned a file number yet.