

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

MINUTES OF MEETING  
FEBRUARY 14, 2007

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

**Item 1** – Roll Call and Introductions: Board Members Present: Jennifer Kraus, Eric Anderson, Susan Ritschel, David King, and Daniel Johnson.

Staff Present: John Robertus, Arthur Coe, Michael McCann, David Barker, Lori Costa, David Gibson, John Anderson, John Odermatt, Bob Morris, Julie Chan, Mark Alpert, Charles Cheng, Lilian Busse, Jeremy Haas, Brian McDaniel, Victor Vasquez, Robert Pierce, Tom Alo, Joann Cofrancesco, and Wayne Chiu. Others Present on behalf of the Regional Board: State Water Resources Control Board – Philip Wyels. Jan White & Associates Reporting: MaryAnne Young.

Public Attendance: Leo Schempp – Leucadia Wastewater District; Keith Martinez – Elsinore Valley MWD; John Pastore – SCAP; Joe Jackson – Fallbrook PUD; Jim Colston – CASA; Gabriel Solmer, Caitlyn Obolsky, Marco Gonzalez – San Diego Coastkeeper; Stephen Bilson – ReWater Systems; Barry Pulver, Jason Perera, David Fritz, Ron Coss, Rod Lorang, Summer Waters – County of San Diego; Tim Weinman – City of Chula Vista; Alvin Shoemaker, Eric Elson – San Diego State University; Dave Seymour – SMWD; Brandon Devine, Laura Larsen, Gian Villarreal – RBF; Richard Runge – SCWD; Sarina Sriboonlue – Malcolm Picnie, Inc.; Michael Raynes, Steve Grassilli – Self; Jayne Strommer – City of Vista; Don Wasko – City of Carlsbad; Jayne Joy – Eastern MWD; Amy Montalbano – Camp Pendleton; Patty Krebs – Industrial Environmental Assoc; Ruth Kolb – City of San Diego; Robert Griswold – City of El Cajon; Michelle Woo – AMEC Earth & Environmental.

Vice Chairwoman Kraus announced the Elizabeth Pearson Schneider was appointed to the Municipal Government position on the Board. Ms. Schneider was not able to attend the meeting.

**Item 2** – Public Forum

Steve Grassilli, Ramona resident, expressed concern about runoff of sediments going in to a stream on his property from a neighbor that graded his property. Vice Chairwoman Kraus asked staff to discuss the situation with Mr. Grassilli.

**Item 3** – Minutes of Board Meeting of January 24, 2007

*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 Regional Board office for assistance.*

Ms. Ritschel moved approval of the January 24, 2007 minutes. The motion was seconded by Mr. Anderson and approved with abstention by Mr. Johnson.

**Item 4** – Chairman's, Board Members', State 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.

Board Member Johnson reported that he attended a National Brownfield Association meeting on January 25 in San Diego. Staff member John Anderson also attended.

Vice Chairwoman Kraus presented staff member Jeremy Haas with a Certificate of Recognition for his ongoing commitment to customer service awarded by CalEPA.

Mr. Robertus briefly spoke about a few items in his report which included the Leaking UST Case: Rancho Car Wash, Leaking UST Case: Aztec Gas Station (Part B), and the Fostering Sustainable Behavior Workshop (Part A).

Vice Chairwoman Kraus asked questions about the Sanitary Sewer Overflows item. Mr. Robertus responded.

Board Member Ritschel requested that staff participate in informal coordination meetings with the MS4 copermitttees on storm water issues. Mr. Robertus responded.

***Consent Calendar: Items 5 through 7***

Vice Chairwoman Kraus announced that Item 5 was removed from the Consent Calendar at the request of Board Member Johnson.

**Item 6** – Amendment of Waste Discharge Requirements: General Waste Discharge Requirements for Post-Closure Maintenance of Inactive Hazardous and Nonhazardous Landfills within the San Diego Region (tentative Addendum No. 5 to Order No. 97-11) (*Amy Grove*)

**Item 7** – Authorization for Executive Officer to sign a No Further Action (NFA) letter for the 41 Area Waste Stabilization Pond - Site 9, Marine Corps Base Camp Pendleton (MCBCP) (*Beatrice Griffey*)

Mr. Johnson made a motion to approve Consent Items 6 and 7. The motion was seconded by Ms. Ritschel and approved by unanimous vote.

**Item 5** – New NPDES Permit: San Diego State University, Research Foundation Coastal Waters Laboratory, Discharge to San Diego Bay (tentative Order No. R9-2007-0006, NPDES No. CA0109231) (*Victor Vasquez*)

Mr. Johnson asked questions of staff member Victor Vasquez and Eric Elson, San Diego State University Research Foundation.

Ms. Johnson made a motion to approve Consent Item 5. The motion was seconded by Mr. Anderson and approved by unanimous vote.

***Remainder of the Agenda (Non-Consent Items):***

**Item 8** – Waste Discharge Requirements: Sewage Collections Agencies in the San Diego Region. The Regional Board will consider adoption of an Order that will augment State Water Board Order No. R9-2006-003-DWQ and supersede current Regional Board Order No. 1996-004 reaffirming the Regional Board's prohibition of sanitary sewer overflows. (Tentative Order No. R9-2007-0005, *previously tentative Order No. R9-2006-0121*) (*Joann Cofrancesco*)

Senior staff member Bob Morris gave the presentation.

Other speakers included:

Jim Colston – Orange County Sanitation District  
Joe Jackson – Fallbrook Public Utility District  
John Pastore – Southern CA Alliance of Public Treatment Works  
Keith Martinez – Elsinore Valley Municipal Water District  
Marco Gonzalez – San Diego Coastkeeper  
Leo Schempp – Leucadia Wastewater District

Board Members asked questions of Mr. Morris and Mr. Robertus.

Mr. Morris read Errata Sheet No. 2 for the record.

Mr. Robertus recommended that the Board approve the Order.

Mr. Johnson made a motion to approve Order No. R9-2007-0005 with the erratas recommended by Mr. Morris. The motion was seconded by Ms. Ritschel and approved by unanimous vote.

**Item 9** – Status Report: TMDL Program Workplan. The Regional Board will hear a report from staff on the status of ongoing TMDL projects and the schedule for pending TMDL projects. (*Julie Chan*)

Senior staff members Craig Carlisle and Julie Chan gave the presentation.

Board Members asked questions of Mr. Carlisle and Ms. Chan.

Other speakers included:

Gabriel Solmer – San Diego Coastkeeper

Marco Gonzalez – representing San Diego Coastkeeper

Vice Chairwoman Kraus referred to the implementation plan and asked staff if there were going to be any status reports on the progress of implementation. Ms. Chan said they could give updates in future EO Reports.

*The meeting was recessed for lunch at 12:00 and reconvened at 12:45 p.m.*

**Item 10** – Status Report: Reissuance of the Regional Board's Waiver Policy. The Regional Board will hear a report from staff on the schedule for reissuance of the Waiver Policy adopted in 2002. (*Wayne Chiu*)

Staff member Wayne Chiu gave the presentation.

Board Members asked questions of Mr. Chiu.

**Item 11** – Status Report: Regulation of discharges from graywater systems. The Regional Board will hear a report from staff on the current regulation of discharges from graywater treatment systems and pending changes to that regulatory scheme. (*Art Coe*)

Mr. Robertus introduced the item and Assistant Executive Officer Coe gave the presentation.

Other speakers included:

Stephen Bilson – ReWater Systems

Ron Coss – County of San Diego, Department of Environmental Health

Rod Lorang – San Diego County Counsel

Ms. Ritschel asked Mr. Bilson if he was aware of other cities statewide that were the primary administering body for graywater systems. Mr. Bilson said yes, all over. Ms. Ritschel asked staff or Mr. Bilson to provide the Board with information as to what other cities were doing.

**Item 12** – *Executive Session* - Discussion of Ongoing Litigation

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

*WILLIAM P. JOHNSON, an individual; and VAIL LAKE USA, LLC, a California limited liability company v. REGIONAL WATER QUALITY CONTROL BOARD – SAN DIEGO, a State of California board and DOES 1-50. Superior Court of the State of California for the County of San Diego, Case No. GIC815227; Petition for Writ of Mandate and Complaint for Damages in regards to Administrative Civil*

Liability Order No. R9-2002-0027 for violations of the statewide Construction Storm Water Permit, Order No. 99-08-DWQ.

*Divers' Environmental Conservation Organization v. State Water Resources Control Board*, San Diego Superior Court, Case No. GIC819689. Petition for Writ of Mandate challenging waste discharge requirements for U.S. Navy, Naval Station San Diego based on absence of numeric effluent limits for toxic pollutants in discharges of storm water.

*Schutte & Koerting, Inc. and Ametek, Inc. v. California State Water Resources Control Board and Regional Water Quality Control Board, San Diego Region*. San Diego Superior Court, Case No. GIC 822750. Verified Petition for Writ of Mandate for Breach of Contract.

*Schutte & Koerting, Inc. and Ametek, Inc. v. California State Water Resources Control Board and Regional Water Quality Control Board, San Diego Region*. San Diego Superior Court, Case No. GIC 824706. Verified Petition for Writ of Mandate for Breach of Contract.

*People of the State of California Ex Rel. the Regional Water Quality Control Board, San Diego Region v. Robert Ortega, an individual in his capacity as Acting Commissioner of the International Boundary and Water Commission, United States Section, et al.*. United States District Court, Southern District of California, Case No. 01-CV-027BTM(JFS); violation of effluent limits in waste discharge requirements for the International Wastewater Treatment Plant contained in Order No. 96-50 (NPDES No. CA0108928) and of Cease and Desist Order No. 96-52; Referral Order No. 99-61

*San Diego Unified School District, a public school district, Plaintiff v. County of San Diego, a public entity, San Diego Regional Water Quality Control Board, a public entity and DOES 1 through 25, inclusive, Defendants*. Superior Court of the State of California for the County of San Diego, Case No. GIC840390; First Amended Complaint for: 1) Breach of Contract-Lease Agreement, 2) Breach of Contract-Sharing Agreement, 3) Quantum Meruit; 4) Express Indemnity; 5) Implied Indemnity and Contribution; 6) Equitable Indemnity Contribution; 7) Nuisance; 8) Trespass; 9) Inverse Condemnation; 10) Preliminary and Permanent Injunction; 11) Declaration of Relief Against the County of San Diego; and 12) Declaration of Relief Against the Regional Water Board and County.

**Item 13** – *Executive Session* - Consideration of Initiation of Litigation (*John Robertus*)

The Regional Board may meet in closed session to consider initiating criminal prosecution against persons who are alleged to have violated the Porter-Cologne Water Quality Control or the federal Clean Water Act.

**Item 14** – *Executive Session* - Discussion of Pending Litigation

The Regional Board may meet in closed session to discuss pending litigation:

**Item 15** – *Executive Session - Personnel*

The Regional Board may meet in closed session to consider personnel matters involving exempt employees [Authorized under Government Code Section 11126(a)]

The Executive Sessions, Items 12-15, were not held.

**Item 16** – Election of Chair and Vice Chair. Porter-Cologne Water Quality Control Act, Chapter 4, Article 2, paragraph 13220(b), Each regional board shall select one of its members as chairman at the first regular meeting held each year. Following the election of the Chair, the Board will elect a Vice Chair.

- a. Election of Chair
- b. Election of Vice Chair

Ms. Ritschel made a motion to nominate Ms. Kraus as Chair. The motion was seconded by Mr. Johnson and approved by unanimous vote.

Mr. Anderson nominated Mr. Wright as Vice Chair. The motion was not seconded.

Mr. Johnson nominated Ms. Ritschel as Vice Chair. The motion was seconded by Mr. King and approved by unanimous vote.


Mr. Wyels said the new Chair has the authority to accept the responsibilities that were accepted by the previous Chair, or to delegate them.

**Item 17** – Arrangements for Next Meeting and Adjournment

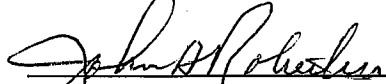
Wednesday, April 11, 2007 - 9:00 a.m.  
City of Mission Viejo  
Council Chambers  
200 Civic Center  
Mission Viejo, California

With there being no further business, the meeting was adjourned at 2:30 p.m.

These minutes were prepared by:

  
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Lori Costa  
Executive Assistant

Executive Officer:

  
\_\_\_\_\_  
John H. Robertus