

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

MINUTES OF MEETING  
April 9, 2003

The regular meeting of the California Regional Water Quality Control Board, San Diego Region, was called to order by Chairman Minan at 9:05 a.m. at the City of Laguna Beach, City Council Chambers, 505 Forest Ave., Laguna Beach, California.

**Item 1** – Roll Call: Board Members Present: Chairman John Minan, Gary Stephany, Richard Wright, Vickie Butcher, Eric Anderson and Janet Keller.

Staff Present: John Robertus, Arthur Coe, Michael McCann, Lori Costa, Bob Morris, Stacey Baczkowski, John Odermatt, Jeremy Haas, Phil Hammer, Brian McDaniel and Chris Means.

Others Present on behalf of the Regional Board: State Water Resources Control Board – John Richards. Park Avenue Deposition Service: Grace Verhoeven. Public Attendance: Larry McKenney, Chris Crompton, Vicki Wilson, Chip Monaco, Supervisor Tom Wilson, County of Orange; Tom Rosules, South Orange County Waste Water Authority; Nancy Palmer, Tim Casey, Mike Whipple, Ken Montgomery, City of Laguna Niguel; Mayor Pro-Tem Bob Ring, Lauren Barr, City of Laguna Woods; Councilman Wayne Rayfield, City of Dana Point; Barbara Drummond, Pam Tappan, Dana Point Wetlands Action Group; Markus Lenger, Rick Kust, Hydrologix Systems LLC; Tom Slattery, Shannon Huhn, Pat Felt, self; Roger von Butow, Clean Water Now! Coalition; Michael Hazzard, Clean Aliso Creek Association; Councilman Wayne Baglin, Craig Justice, City of Laguna Beach; Don Steuer, Jon Van Rhyn, County of San Diego; Chandra Wallas, San Diego County; Ziad Mazboudi, Mayor John Gelff, City of San Juan Capistrano; Mayor Richard Dixon, Ted Simon, City of Lake Forest; Briggs Christian Morris-Smith; Richard Opper, attorney; Richard Schlesinger, City of Mission Viejo; Robert Fraser, Potrero de la Cienega; Penny Elia, Sierra Club; Robert Moore, Linda Homscheid, South Coast Water District; Patricia Beard, Chula Vista RDA; Tim Mulder, ENV America; Mary Hashem, Land Bank; Ingrid Hellebrand, Orange County Sanitation, Al Huang, Laura Hunter, Environmental Health Coalition; John Fox, Emerald Bay Service District; and Danny King, City of Solana Beach.

**Item 2** – Public Forum

Penny Elia, Sierra Club, talked about some water quality issues in Laguna Beach which included power washing by The Montage Resort.

Shannon Huhn talked about a specific watercourse in Laguna Beach being considered for development.

Staff and Board Members briefly discussed the 401 Certification process. Chairman Minan asked Bob Morris to report back to the Board on the matter Ms. Huhn spoke about.

Pam Tappan, Dana Point Wetlands Protection Action Group, talked about the only remaining wetlands in Capistrano Beach that are knowingly being destroyed by Pioneer Builders and asked the Board to issue an Administrative Civil Liability.

Barbara Drummond, resident of Dana Point, spoke about the Capistrano Beach Wetlands.

Chairman Minan asked staff to initiate an enforcement action and bring the matter back to the Board to deal with the above wetlands issues.

Mr. Stephany said the Board should meet to discuss the CEQA process in order to be able to give staff direction.

Rick Kust and Markus Lenger, representing Hydrologix Systems, asked for the Board's guidance as to how to proceed on testing Hydrologix's technology to reduce FOG discharge.

Michael Hazzard, Clean Aliso Creek Association, talked about the lack of record keeping at the Aliso Creek meetings and asked that the current Cleanup and Abatement Order be raised to a Cease and Desist Order over the entire Aliso Creek watershed.

Briggs Christian Morris-Smith talked about the large number of sewage spills in the City of Laguna Beach.

Chairman Minan announced that due to elected officials having to leave the meeting early he was going to open Item 11 to allow them to speak and would then return to Item 2. Item 11 would then be continued later in the meeting.

**Item 11** - Informational briefing by Orange County MS4 Permittees on the status of their storm water program. (Robert Morris)

Speakers included:

Supervisor Tom Wilson, Orange County  
Mayor Mike Whipple, City of Laguna Niguel  
Mayor Pro-Tem Bob Ring, City of Laguna Woods  
Mayor John Gelff, City of San Juan Capistrano  
Mayor Richard Dixon, City of Lake Forest  
Councilman Wayne Baglin, City of Laguna Beach  
Councilman Wayne Rayfield, City of Dana Point

Board Members made comments.

**Item 2** – Public Forum (con't.)

Robert Fraser, San Mateo Canyon wilderness, requested that someone test the San Juan and San Mateo creeks to find their source of pollution.

Roger von Butow, Clean Water Now! Coalition, talked about Cleanup Day, the storm water permit litigation and requested an investigation of the City of Laguna Beach.

Councilman Wayne Baglin, City of Laguna Beach, said he also questions the CEQA process in the City of Laguna Beach. Mr. Baglin also talked about the City's sewage spills.

**Item 3** – Minutes of Board Meeting of March 12, 2003

*This record of the minutes of the meeting on this date is not intended for 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.*

Mr. Wright moved approval of the March 12, 2003 minutes. The motion was seconded by Ms. Butcher and approved by unanimous vote.

**Item 4** – Chairman’s, Board Member’s, State Board Liaison’s and Executive Officer’s Reports.

Executive Officer Robertus briefly talked about the Clean Beaches Initiative Grant Program, the April 18<sup>th</sup> workshop for the marina permit and requested that one or two Board Members attend, the May 20<sup>th</sup> South Coast Water District conference, a meeting in May with City Managers regarding NOVs and a meeting he attended with MCAS Miramar, U.S. EPA and the City of San Diego.

Mr. Stephany said he was concerned about the large number of sewage spills in the City of Laguna Beach and questioned why they hadn’t been fined.

Chairman Minan talked about EHC’s request for Regional Board involvement in the pursuit of annual fees for federal facilities and said he would like status reports on the matter in future EO reports. Chairman Minan also talked about regionalization of the Strategic Plan.

Ms. Butcher announced that she attended the Metropolitan Water District’s aqueduct inspection tour and said it was exceptional and educational.

Mr. Stephany announced that he attended the bacteria TMDL workshop in March and said staff did an exceptional job but was disappointed in the low number of public comments.

Consent Items 5 and 6:

**Item 5** - NPDES Permit Revision: John Van Tol, T.D. Dairy, San Diego County (tentative Addendum, No. 1 to Order No. 2001-0028, NPDES Permit No. CA0109339) (Whitney Ghoram)

**Item 6** - Authorization for the Executive Officer to Sign a Site Remediation Agreement Under the Polanco Act (California Health and Safety Code Sections 33459 et seq.) for Cleanup and Abatement of Groundwater Pollution from the Former Omar Rendering Facility (Brian McDaniel)

Mr. Wright moved approval of Items 5 and 6. The motion was seconded by Mr. Stephany and approved by unanimous vote.

**Item 7** - NPDES Permit: Waste Discharge Requirements for U.S. Navy, Naval Base Coronado, San Diego County: an NPDES permit regulating industrial storm water and point source discharges of wastes to San Diego Bay and the Ocean from various activities including ship repair, pier boom cleaning, and manhole dewatering (tentative Order No. R9-2003-0008, NPDES Permit No. CA0109185) (Paul Richter)

Item 7 was postponed to the May 14, 2003 Board Meeting.

**Item 8** - Status Report: County of San Diego's Implementation of the San Diego MS4 Stormwater Permit as the Principal Co-Permittee (Phil Hammer)

Chairman Minan introduced the item.

Jon Van Rhyne, County of San Diego, gave the status report for the County.

Don Steuer, County of San Diego, answered questions asked by the Board.

*The meeting recessed for lunch at Noon and reconvened at 1:30 p.m.*

**Item 11** - Informational briefing by Orange County MS4 Permittees on the status of their storm water program. (Robert Morris)

Speakers included:

Vicki Wilson, County of Orange, gave the presentation for the County

Tim Casey, City Managers' Water Quality Committee

Ziad Mazboudi, San Juan Capistrano

Roger von Butow, Clean Water Now! Association

**Item 9** - Status Report on the progress of the MS4 Permittees in the Aliso Creek Watershed to identify and eliminate sources of elevated levels of bacteria in Aliso Creek as specified by the Regional Board 13225 Directive as modified on May 9, 2001. (Robert Morris)

Senior staff member Robert Morris gave the presentation. Staff member Jeremy Haas gave results of the monitoring data.

Other speakers included:

Larry McKenney, County of Orange, gave the presentation for the County

Chris Crompton, County of Orange

Ted Simon, City of Lake Forest  
Nancy Palmer, City of Laguna Niguel  
Richard Schlesinger, City of Mission Viejo  
Lauren Barr, City of Laguna Woods  
Roger von Butow, Clean Water Now! Coalition  
Robert Fraser, Round Potrero  
Michael Hazzard, Clean Aliso Creek Association

Chairman Minan asked that Mr. Robertus report back to the Board with his suggestions on the comments of the above speakers.

**Item 10** - Status Report on the progress of the County of Orange and the City of Laguna Niguel to comply with Cleanup and Abatement Order No. 99-211 for discharges of high fecal bacteria from storm drain outfall "J03P02" (Jeremy Haas)

Staff member Jeremy Haas gave the Board an update on the Cleanup and Abatement Order.

Other speakers included:

Ken Montgomery, City of Laguna Niguel  
Michael Hazzard, Clean Aliso Creek Association  
Roger von Butow, Clean Water Now! Association

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

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

*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; and the related “Surfrider” case:

*Surfrider Foundation, San Diego Chapter v. Robert Ortega, et al.*, Case No. 99-CV-2441-BTM(JFS)

*Building Industry Association of San Diego County, et al. vs. State Water*

*Resources Control Board, et al.*; San Diego County Superior Court; Case No. GIC 7890263.

*Rakhra Groups, Inc., v. San Diego Regional Water Quality Control Board*  
Superior Court of California, San Diego County; Case No. GIC 776251 and Case No. GIC 786516

The Executive Session was not held.

**Item 13** – *Executive Session* - Consideration of Initiation of Litigation

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.

The Executive Session was not held.

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

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

The Executive Session was not held.

**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 Session was not held.

**Item 16** - Arrangements for Next Meeting and Adjournment

Wednesday, May 14, 2003 - 9:00 a.m.  
Water Quality Control Board  
Regional Board Meeting Room  
9174 Sky Park Court  
San Diego, California

There being no further business, the meeting was adjourned at 3:45 p.m.

These minutes were prepared by:

Signature of Executive Officer:

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Lori Costa  
Executive Assistant

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John H. Robertus