

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

MINUTES OF MEETING
MAY 14, 2008

At 9:00 a.m. Chairman Wright 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: Richard Wright, Kris Weber, Wayne Rayfield, David King, and Eric Anderson.

Staff Present: John Robertus, Michael McCann, David Barker, Lori Costa, Mark Alpert, Julie Chan, John Odermatt, Craig Carlisle, Deborah Jayne, John Anderson, David Gibson, James Smith, Chiara Clemente, Frank Melbourn, Laurie Walsh, Jeremy Haas, Jody Ebsen, Cynthia Gorham-Test, Dat Quach, Amy Grove, Robert Pierce, Lilian Busse, Alan Monji, Ben Tobler, Amy Mecklenborg, Christina Arias, Cheryl Prowell, Wayne Chiu, Chris Means, and Amy Cooper. Others Present on behalf of the Regional Board: State Water Resources Control Board – Catherine George. Kennedy Court Reporters: Brenda Schroeder.

Public Attendance: Gabriel Solmer, Livia Borak – San Diego Coastkeeper; Todd Snyder, Chris Henger – County of San Diego; Nancy Palmer – City of Laguna Niguel; Ben McCue – Wildcoast; Amanda Carr, Kacen Clapper, Jian Peng, MaryAnne Skorpanich – County of Orange; Barb Irwin – Dynegy; Cindy Lin – U.S. EPA; Laura Larsen – RBF/Caltrans; Don Montoro, John Locke – U.S. Navy; Jereme Altendorf – U.S. Coast Guard; Jennifer Seaton – Transportation Corridor Agencies.

Item 2 – Public Forum

There were no requests to speak during the public forum.

Item 3 – Minutes of Board Meeting of April 9, 2008

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.

Mr. Rayfield moved approval of the April 9, 2008 minutes. The motion was seconded by Mr. Anderson and approved by unanimous vote.

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.

Mr. Anderson reported that he and other Board Members attended a water education workshop conducted by the Water Education Foundation on April 21 & 22 in San Diego. The workshop for Board Members was sponsored by the Water Boards' Training Academy.

Mr. Weber reported that he attended the Orange County Coastal Coalition meeting on April 24 in Newport Beach.

Chairman Wright reported that he attended the California Non-Point Source Pollution conference on May 5, the Wetlands Recovery Project Board of Governors meeting on May 6, and the Wetlands Symposium on May 7 & 8. He also participated in the Chair's conference call on May 5th.

Mr. Anderson asked a question about the collection of Mandatory Minimum Penalties.

Mr. King gave a status report on the San Diego Bay Shipyard Sediment Cleanup project.

Mr. Robertus showed a Clean Beaches Initiative DVD featuring Chairman Wright as the opening speaker and Elizabeth Pearson Schneider commenting on water quality at the region's beaches. Mr. Robertus said he would provide each Board Member with a copy of the DVD.

Board Members discussed item A-4, "Municipal Separate Storm Sewer System Permit Consistency" with Mr. Robertus.

Mr. Anderson asked for a briefing by the Mexican officials regarding border issues. He said he would like to hear from them. Mr. Rayfield felt that they should delay meeting with the Mexican officials until some decisions had been reached by the U.S. Federal government for IBWC to provide sewage treatment facilities for sewage from Mexico. Chairman Wright said they should hold off on engaging with the Mexican officials.

Mr. Robertus reported that there would be a special Board Meeting held on June 25.

Item 5 – NPDES Permit Reissuance: Waste Discharge Requirements for BAE Systems San Diego Ship Repair Inc. (formerly called Southwest Marine), San Diego County. This is a shipyard adjacent to San Diego Bay. (Tentative Order No. R9-2008-0048, NPDES Permit No. CA0109151) (*Vicente Rodriguez*)

This item was postponed.

Item 6 – NPDES Permit Reissuance: Waste Discharge Requirements for Continental Maritime of San Diego, Inc., San Diego County. This is a shipyard adjacent to San Diego Bay. (Tentative Order No. R9-2008-0049, NPDES Permit No. CA0109142) (*Vicente Rodriguez*)

This item was postponed.

Item 7 – NPDES Permit Reissuance: Waste Discharge Requirements for National Steel & Shipbuilding Company (NASSCO), San Diego County. This is a shipyard adjacent to San Diego Bay. (Tentative Order No. R9-2008-0050, NPDES Permit No. CA0109134) (*Vicente Rodriguez*)

This item was postponed.

Item 8 – PUBLIC HEARING: Amendment to the Water Quality Control Plan for the San Diego Basin to incorporate Implementation Provisions for Indicator Bacteria Water Quality Objectives to Account for Loading from Natural Uncontrollable Sources Within the Context of a Total Maximum Daily Load. The San Diego Water Board will hear testimony and comments on the proposed Basin Plan amendment. The San Diego Water Board may deliberate on and consider adoption of the Basin Plan amendment at the close of this public hearing. (Tentative Resolution No. R9-2008-0028) (*Amy Mecklenborg*)

Mr. Robertus introduced the item and staff member Amy Mecklenborg gave the presentation.

Other speakers included:

Cindy Lin – U.S. EPA
MaryAnne Skorpanich – County of Orange
Amanda Carr – County of Orange
Nancy Palmer – City of Laguna Niguel
Gabriel Solmer – San Diego Coastkeeper
Livia Borak – San Diego Coastkeeper

Senior staff member Deborah Jayne asked for a short recess to allow staff to meet and discuss the requested changes.

Chairman Wright said they would continue with Item 8 after staff returned from a brief recess.

Item 9 – State Grant Projects: Report on two completed grant projects funded through Proposition 13:

- a. Restoration of Riparian / Wetlands Habitat in the Carlsbad Hydrologic Unit, San Elijo Lagoon Conservancy

b. Famosa Slough Wetland Restoration/Fill Removal, Friends of Famosa Slough

Representatives for each project will provide a summary of the projects, accomplishments, and future work. *(David Gibson)*

Senior staff member David Gibson introduced the item. Mr. Doug Gibson from the San Elijo Lagoon Conservancy and Mr. Jim Peugh from Friends of Famosa Slough gave presentations.

Item 10 – Status Report: U.S. Coast Guard and U.S. Navy Report on Fuel/Oil Spills in San Diego Bay *(John Robertus)*

Mr. Robertus introduced the item. Mr. Jereme Altendorf from the U.S. Coast Guard and Mr. Don Montoro from the U.S. Navy gave presentations.

Item 8 - Continued

Senior staff member Julie Chan addressed the three requested changes to the amendment/technical report. Ms. Chan referred to Basin Plan Chapter 4, Implementation, and recommended deleting the words, “or uncontrollable” in the second paragraph.

Chairman Wright closed the Public Hearing.

Mr. Robertus recommended adopting Resolution No. R9-2008-0028 with the revised errata.

Mr. Rayfield made a motion to adopt Resolution No. R9-2008-0028 with the revised errata. The motion was seconded by Mr. King and approved by unanimous vote.

The meeting was recessed for Closed Session and lunch.

Item 11 – *Closed Session* - Discussion of Ongoing Litigation [Authorized under Government Code Section 11126, subd. (e)]. The Regional Board may meet in closed session to discuss ongoing litigation for the following cases:

Litigation Filed against the Regional Water Board

- a. *Schutte & Koerting, Inc. and Ametek, Inc. v. California State Water Resources Control Board and Regional Water Quality Control Board, San Diego Region, Verified Petition for Writ of Mandate. San Diego County Superior Court, Case No. GIC 822750 (filed December 2003). (John Anderson)*
- b. *Bajagua, LLC v. California State Water Resources Control Board, California Water Quality Control Board, San Diego Region, et al., Petition for Writ of*

Mandate. San Diego County Superior Court, Case No. 37-2007-00067722-CU-WM-CTL (filed June 2007). (*John Robertus*)

- c. *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*)
- d. *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*)

Litigation filed by the Regional Water Board against other parties

- e. *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). (*John Robertus*)

The Closed Session was held and a, b, and e were discussed. There were no reportable actions taken.

Item 12 – *Closed Session* - Consideration of Initiation of Litigation or Discussion of Significant Exposure to 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 or to discuss significant exposure to litigation [Authorized under Government Code Section 11126(e)] (*John Robertus*)

The Closed Session was not held.

Item 13 – *Closed Session* - Deliberation on a Decision to be Reached Based on Evidence Introduced in a Hearing.

The Regional 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 14 – *Closed Session* - Personnel

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

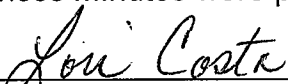
The Closed Session was not held,

Item 15 – Arrangements for Next Meeting and Adjournment

Wednesday, June 11, 2008 - 9:00 a.m.
Water Quality Control Board
Regional Board Meeting Room
9174 Sky Park Court
San Diego, California

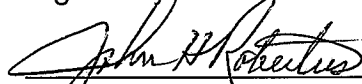
With there being no further business, the meeting was adjourned at 12:58 p.m.

These minutes were prepared by:



Lofi Costa
Executive Assistant

Signed by:



John H. Robertus
Executive Officer