

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION
2375 Northside Drive, Suite 100
San Diego, California

MINUTES OF MEETING
FEBRUARY 12, 2014

At 9:00 a.m., Chairman Morales called to order the meeting of the California Regional Water Quality Control Board, San Diego Region (SDRWQCB) at the Regional Water Quality Control Board, 2375 Northside Drive, San Diego, California.

Item 1 – Roll Call and Introductions

Board Members present: Henry Abarbanel, Eric Anderson, Sharon Kalemkiarian, Tomás Morales, Gary Strawn, and Stefanie Warren.

Staff Present: James Smith, Chris Blank, Jeremy Haas, Melissa Valdovinos, Julie Chan, Lori Costa, David Barker, Cynthia Gorham, Michelle Mata, John Anderson, Craig Carlisle, Christina Arias, Fisayo Osibodu, Deborah Jayne, Chiara Clemente, Eric Becker, Chad Loflen, Barry Pulver, Jody Ebsen, Mike Porter, Alex Cali, Wayne Chiu, Amy Grove, Alan Monji, Lisa Honma, Roger Mitchell, Debbie Woodward, Kelly Dorsey, Ben Neill, Bruce Posthumus, Sheila Christine McQuaid-Moran, Carey Nagoda, Beatrice Griffey, Brian McDaniel, Sean McClain, John Odermatt, Sue Pease, Charles Cheng, Tom Alo,

Others present on behalf of the San Diego Water Board: State Water Resources Control Board – Catherine Hagan. California Court Reporting – Johnell Gallivan.

Public Attendance: Chris Haynes, Navy; Katie Payne, Nautilus Environmental; John Shaffer, EEC; Clell E. Swanson; Gary Merrill, Genentech, Inc.; Paloma Aguirre, WILDCOAST; Beth Breitenbach, Haley & Aldrich; Clarissa Falcon, BioMed Realty; Paul Hartman, LWA; Jason Uhley, RCFC & WCD; Joann Weber, County of San Diego; Peter Martin, City of San Diego Public Utilities; Mike Welch; Wayne Rosenbaum, Opper & Varco, LLC; Kathy Smith, United Unitarian Justice Ministry; Jason Giffen, Port of San Diego; Toby Roy, San Diego County Water Authority.

Item 2 – Public Forum

- Wayne Rosenbaum – Penasquitos Watershed
- Chris Haynes – Invitation to Cleanup at N.B.C.
- Kathy Smith – Unitarian Justice Committee, integration of Drinking Water program of DPH with SWB.

Item 3 – Minutes of Board Meeting: December 11, 2013.

Mr. Strawn moved to adopt the minutes, and Mr. Anderson seconded the motion. The minutes were approved by unanimous vote.

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.

- Mr. Smith presented the idea of cancelling the March Board meeting in favor of a public workshop for the IBWC permit reissuance, which is set to come before the Board later this year.
- Dr. Abarbanel had some questions about the fracking item in the Executive Officer’s report, which Ms. Chan answered.
- Ms. Warren thanked the staff for the work on the UCSD presentation in late January.
- Mr. Anderson thanked staff for their efforts to keep Board members engaged in public outreach and other aspects of their regulatory work.
- Mr. Strawn spoke about his work with the homeless project on the San Diego River.
- Mr. Morales recognized and thanked Carol Tamaki, Deborah Jayne, and Julie Chan for 25 years of service to the State.

Consent Calendar: Item 5 is considered a non-controversial issue. (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 5 – NPDES Permit Reissuance: Waste Discharge Requirements for Genentech, Inc. Discharge to the Pacific Ocean via the Oceanside Ocean Outfall (Tentative Order No. R9-2014-0004, NPDES Permit No. CA0109193). (*Michelle Mata*)

A motion to adopt the Consent Calendar was made by Mr. Strawn and seconded by Dr. Abarbanel. The Consent Calendar was adopted by unanimous vote.

Remainder of the Agenda (Non-Consent Items):

Item 6 – Workshop: Regional Board Workshop on Annual Priorities. (*David Gibson*)

- Mr. Smith introduced the item and provided an overview of what the discussion would entail.
- Ms. Chan explained the work of the groundwater protection branch and provided an overview of the branch’s goals for the coming year.
- Mr. Barker introduced the surface water branch, explained its mission, and spoke about the goals of the branch for the year.
- Mr. Haas spoke about the healthy waters branch, introducing the staff, explaining its work, and addressed the goals of the branch for the year.

Board members asked questions about the branches, and staff answered those questions.

Mr. Morales called a recess at 11:12 a.m. and reconvened the meeting at 11:35 a.m.

The following people addressed the Board regarding priorities for the year:

- Jason Uhley, Chief of Watershed Protection for Riverside County;
- Jason Giffen, Director of Environmental & Land Use Management for the Port of San Diego;
- Toby Roy, Water Resources Manager for San Diego County Water Authority.

Board members and staff discussed the role of the Board and the goals and priorities for the year.

Mr. Morales called a recess at 1:04 p.m. and reconvened the meeting at 1:16 p.m.

Item 7 – Election of Regional Board Chair and Vice Chair for 2014. (*David Gibson*)

Mr. Strawn nominated Dr. Abarbanel as Chair, and Dr. Abarbanel was elected Chair by unanimous vote.

Mr. Anderson nominated Mr. Strawn for Vice Chair, and Mr. Strawn was elected by unanimous vote.

Item 8 – **CLOSED SESSION**

The Board may meet in closed session to consider personnel matters [Authority: Government Code Section 11126(a)]; to deliberate on a decision to be reached based upon evidence introduced in a hearing [Authority: Government Code Section 11126(c)(3)]; or to discuss matters in litigation, including discussion of initiated litigation, significant exposure to litigation, or decisions to initiate litigation [Authority: Government Code Section 11126(3)]. Litigation items that may be discussed are listed below by the type of item:

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)*

- b. *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). (Catherine George Hagan)
- c. *In re: Citizens Development Corporation, Debtor and Debtor in Possession*, Case No. 10-15142-LT11. United States Bankruptcy Court, Southern District of California. (San Diego Water Board Claim in Bankruptcy) (filed June 2011). (Catherine George Hagan)
- d. *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)
- e. *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).* (Catherine George Hagan)
- f. *City of San Diego v. California Regional Water Quality Control Board, San Diego Division, SFPP, L.P., A Delaware Limited Partnership, and Kinder Morgan Energy Partners, L.P., A Delaware Limited Partnership, Real Parties-in-Interest*. Petition for Writ of Administrative Mandamus. San Diego County Superior Court, Case No. 37-2013-00047614-CU-WM-CTL (filed May 2013). (Ben Neill)

Petitions for Review Pending Before State Water Resources Control Board¹

- g. *Petitions of the National Fireworks Association and Fireworks & Stage FX America Inc., Coastal Environmental Rights Foundation, and San Diego Coastkeeper (General National Pollutant Discharge Elimination System (NPDES) Permit Order No. R9-2011-0022 (NPDES No. CAG999002) for Residual Firework Pollutant Waste Discharges to Waters of the United States in the San Diego Region from the Public Display of Fireworks), SWRCB/OCC Files A-2164(a)-(c), filed June and July 2011.* (Michelle Mata)

¹ 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 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.

- h. Petition of Citizens Development Corporation (Water Code Section 13267 Investigative Order No. R9-2011-0033 dated September 14, 2011, Requiring Submission of Technical Reports Pertaining to Investigation of Lake San Marcos Nutrient Impairment, San Diego County), SWRCB/OCC File A-2185, filed October 2011. (*Laurie Walsh*)
- i. Petition of City of San Diego (Time Schedule Order No. R9-2011-0052 dated September 14, 2011, for the Kinder Morgan Energy Partners, Mission Valley Terminal Remediation Dewatering Discharge to Murphy Canyon Creek, San Diego County), SWRCB/OCC File A-2186, filed October 2011. (*Ben Neill*)
- j. Petition of Jack Eitzen (Administrative Assessment of Civil Liability Order Nos. R9-2011-0048 and R9-2011-0049 against Jack Eitzen for 38175 and 38155 Via Vista Grande, Murrieta, Riverside County), issued October 12, 2011), SWRCB/OCC File A-2193, filed November 2011. (*Rebecca Stewart*)
- k. Petitions for Review of San Diego Bay Shipyard Sediment Cleanup and Abatement Order No. R9-2012-0024 for National Steel and Shipbuilding Company (NASSCO), BAE Systems, San Diego Ship Repair (BAE Systems), Campbell Industries, City of San Diego, San Diego Gas & Electric (SDG&E) and San Diego Unified Port District (Port District) issued March 14, 2012. Petitions for Review and Requests for Stay filed by NASSCO, BAE Systems and City of San Diego. Petitions for Review w/o requests for stay filed by SDG&E, Star & Crescent Boat Company and Port District. SWRCB/OCC File A-2205(a) – (e), filed April 2012. (*Frank Melbourne*)
- l. Petition of NASSCO for Review of Resolution No. R9-2012-0025 (Certifying Final Environmental Impact Report for San Diego Bay Shipyard Sediment Cleanup and Abatement Order No. R9-2012-0024), adopted March 14, 2012, SWRCB/OCC File A-2205(a), filed April 2012. (*Frank Melbourne*)
- m. Petition of South Laguna Civic Association for Review of Order No. R9-2012-0013, NPDES No. CA0107611, NPDES Permit Reissuance: South Orange County Waste Authority, Discharges to the Pacific Ocean via Aliso Creek Ocean Outfall, adopted April 11, 2012, SWRCB/OCC File A-2211, filed May 2012. (*Joann Lim*)
- n. Petition of City of San Diego for Review of Resolution No. R9-2012-0045, re Authorizing Executive Officer to Increase Daily Average Discharge Flow Rate Limitation under Order No. R9-2008-0002 [NPDES No. CAG919002] for the Kinder Morgan Energy Partner's Mission Valley Terminal Remediation Dewatering Discharge to Murphy Canyon Creek, June 13, 2012, SWRCB/OCC File A-2222, filed July 2012. (*Ben Neill*)
- o. Petitions for Review of Regional Municipal Separate Storm Sewer System Order No. R9-2013-0001 (NPDES No. CAS0109266), adopted May 8, 2013, filed by (1) San Diego County Regional Airport Authority (stay requested),

(2) City of Lake Forest (abeyance request), (3) City of Aliso Viejo (abeyance request), (4) City of Laguna Hills (abeyance request), (5) City of Rancho Santa Margarita (abeyance request), (6) City of Chula Vista, (7) City of National City, (8) Riverside County Flood Control and Water Conservation District, the County of Riverside, and the Cities of Murrieta, Temecula, and Wildomar (abeyance request), (9) City of Dana Point (abeyance request), (10) City of Mission Viejo (abeyance request), (11) City of San Clemente (abeyance request), (12) County of Orange and Orange County Flood Control District (abeyance request), (13) San Diego Unified Port District, (14) City of San Diego (abeyance request), (15) County of San Diego, and (16) City of Laguna Niguel. (*Wayne Chiu*)


- p. Petition of Foothill/Eastern Transportation Corridor Agency for Review of Action and Failure to Act, in Connection with Waste Discharge Requirements (Tentative Order No. R9-2013-0007) for the Tesoro Extension Project, Orange County, June 19, 2013, SWRCB/OCC File A-2259, filed July 2013. (*Darren Bradford*)
- q. Petition of San Diego United Port District, Waste Discharge Requirements Order No. R9-2013-0093 for San Diego Shipyard Sediment Remediation Project, San Diego Bay, San Diego County, July 10, 2013, SWRCB/OCC File A-2263, filed August 2013 (stay requested). (*Kelly Dorsey*)
- r. Petition of Donan Environmental Services, Inc., Cleanup and Abatement Order No. R9-2013-0022 at the Site of the Former Santa Ysabel Chevron Station, 30350 Highway 78, Santa Ysabel, San Diego County, September 18, 2013, SWRCB/OCC File A-2277, filed October 2013. (*Sean McClain*)

The closed session was not held.


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

These minutes were prepared by:

Signed by:



Chris Blank
Executive Assistant



James Smith
Assistant Executive Officer