

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

MINUTES OF MEETING
APRIL 12, 2006

Chairman Minan called the regular meeting of the California Regional Water Quality Control Board, San Diego Region, to order at 9:00 a.m. in the City of Laguna Beach, Council Chambers, 505 Forest Avenue, Laguna Beach, California.

Item 1 – Roll Call and Introductions: Board Members Present: John Minan, Eric Anderson, Richard Wright, Susan Ritschel, Daniel Johnson, Janet Keller, Jennifer Kraus and Julianne Nygaard.

Staff Present: John Robertus, Michael McCann, Lori Costa, Brian Kelley, Julie Chan, Jimmy Smith, Jeremy Haas, Tony Felix, Victor Vasquez and Linda Pardy.

Others Present on behalf of the Regional Board: State Water Resources Control Board – John Richards. Jan White & Associates Reporting: Melanie Kirkman. Public Attendance: Richard Runge – South Coast Water District; R.E. Dietmeier, Verna Rollinger, self; Rick Wilson – Surfrider; Jeff Parks, Joe Jackson, Nicole Granquist – Fallbrook Public Utility District; Catherine Cope, Jason Morris – Dana Point Shipyard; Larry McKenney – County of Orange; Barry Pulver, Tracy Cline – County of San Diego; Moy Yahya – City of Aliso Viejo; Nancy Palmer – City of Laguna Niguel; Brad Fowler, Lisa Zawabi – City of Dana Point; Gerre Bedeu – SMWD; Tom Rosales – SOCWA; Penny Elia – Sierra Club; Brandi Outwin – City of San Clemente; Michael Beanan – South Laguna Civic Association; John Rudolph – Nautilus Environmental; Mary Jane Foley – MJF Consulting; Rich Schlesinger – City of Mission Viejo; Michael Hazzard – Citizen Watershed Monitors and Larry Dees – Moulton Niguel Water District.

Item 2 – Public Forum

Rick Wilson, Laguna Beach Surfrider Foundation, advocated the reduction of urban, dry weather flows to ocean waters.

Board Member Kraus arrived at 9:05 a.m.

Brad Fowler, City of Dana Point, reported on projects by the City of Dana Point. He requested Regional Board staff's review and action on their proposal to dispose brine from their treatment plant at Salt Creek.

Richard Dietmeier, resident of Dana Point, supported the reuse of non-storm water, dry weather flows and asked the Regional Board's consideration for the disposal of brine from treatment systems used to reclaim non-storm water flows.

Penny Elia, reported that a developer had proposed the elevation of a flood prone area along Aliso Creek to apparently solve a flooding problem so that further development could proceed. Ms. Elia asked what impacts to Aliso Creek might result.

Michael Beanan, South Laguna Civic Association, reported his concerns about the quantity of non-storm water, dry weather flows in the creeks and drainages to ocean waters.

Item 3 – Minutes of Board Meeting of February 8, 2006

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. Wright moved approval of the February 8, 2006 minutes. The motion was seconded by Ms. Keller and approved with abstention by Ms. Ritschel and Ms. Nygaard.

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.

Chairman Minan reported on two Chair conference calls where legislative updates and conflict of interest for Board Members issues were discussed. He also reported that he spoke at an American Bar Association meeting on storm water on March 30 and on construction storm water practice at Chapman University on April 2. He also attended the 4th District Court of Appeal hearing on industrial storm water on May 10.

Chairman Minan reported on procedural issues concerning the Bay Sediment Cleanup matter. Among other things, Chairman Minan advised the Board that he had received a letter dated March 31, 2006, from Mr. David Mulliken requesting Chairman Minan forward to the Board Mr. Mulliken's earlier letter to the Board expressing various concerns and dated February 17, 2006. Chairman Minan advised Mr. Mulliken in writing that the February 17th letter would be released to the Board when the matter was sent to the Board for its action, and that the piecemeal release of information prior to that time worked against maintaining an orderly process in preparing for the hearing on the Bay Sediment CAO. Thus, Mr. Mulliken's request for an immediate release was denied by Chairman Minan.

Mr. Robertus briefly spoke about the SB 68 San Diego Bay Advisory Committee Report, Request for Clean Up Guidelines for Lead Impacted Soil, and Nutrient Numeric Endpoints for California items in his report. He also reported on a meeting he attended with Assemblymember Lori Saldana, the cross Border wastewater working group, the

April 26, 2006 San Diego municipal storm water permit workshop, digital records and the WQCC being held in Sacramento on April 24 and 25.

Consent Items

Item 5 – NPDES Permit Revisions: Southern California Edison, San Onofre Nuclear Generating Station, proposes to increase its permanent dewatering and yard drain discharges through the ocean outfalls of Units 2 and 3. The proposed discharges require permit revisions. The appropriate permit revisions are proposed in the following permit addenda: (*Brian Kelley*)

- a. Unit 2, tentative Addendum No. 1 to Order No. R9-2005-0005, NPDES Permit No. CA0108073
- b. Unit 3, tentative Addendum No. 1 to Order No. R9-2005-0006, NPDES Permit No. CA0108181

Item 6 – Rescission of Waste Discharge Requirements: Tentative Order No. R9-2006-0007 is an Order rescinding the following waste discharge requirements: (*Whitney Ghoram*)

- a. Order No. 88-67, Waste Discharge Requirements for Pre-Mixed Concrete Company, Carlsbad Plant, San Diego County,
- b. Order No. 94-32, Waste Discharge Requirements for H.G. Fenton Material/Pre-Mixed Concrete Company, Mission Valley Plant, San Diego County,
- c. Order No. 94-33, Waste Discharge Requirements for H.G. Fenton Material Company, Pala Plant, San Diego County,
- d. Order No. 94-62, Waste Discharge Requirements for Calmat Company, Pala Plant, San Diego County,
- e. Order No. 94-71, Waste Discharge Requirements for Florence Kirkpatrick, Alpine Springs R.V. Resort, San Diego County,
- f. Order No. 94-130, Waste Discharge Requirements for John and Joanne DeRaadt Dairy, San Diego County, and
- g. Order No. 96-60, Waste Discharge Requirements for the San Diego Unified Port District, National City Marina, San Diego County.

Mr. Anderson made a motion to approve Consent Items 5 and 6. The motion was seconded by Mr. Johnson and approved by unanimous vote.

Remainder of the Agenda (Non-Consent Items):

Item 7 – NPDES Permit Renewal: Waste Discharge Requirements for the Fallbrook Public Utility District, Wastewater Treatment Plant No. 1, Discharge to the Pacific Ocean Via the Oceanside Ocean Outfall (tentative Order No. R9-2006-0002, NPDES No. CA0108031) (*Victor Vasquez*)

Mr. Robertus introduced the item and staff member Victor Vasquez gave the presentation.

Board Members asked questions of Mr. Vasquez.

Additional speakers included:

Joe Jackson, Fallbrook Public Utility District

Nicole Granquist, Fallbrook Public Utility District

Ms. Granquist requested a change to the language in the tentative order concerning compliance with six-month median effluent limitation. After discussion with staff and Mr. Richards, it was agreed that no change would be made.

Ms. Kraus made a motion to approve Order No. R9-2006-0002 with errata. The motion was seconded by Mr. Johnson and approved by unanimous vote.

Item 8 – NPDES Permit Reissuances: Stormwater discharges from the following three boat building and repairing facilities: (*Tony Felix*)

- a. Dana Point Shipyard, Dana Point Harbor, Orange County (tentative Order No. R9-2006-0019, NPDES Permit No. CA0109312);
- b. Driscoll Mission Bay, Mission Bay, City of San Diego (tentative Order No. R9-2006-0020, NPDES Permit No. CA0109291); and,
- c. Oceanside Marine Centre, Oceanside Harbor, City of Oceanside (tentative Order No. R9-2006-0021, NPDES Permit No. CA0109304).

Mr. Robertus introduced the item and staff member Tony Felix gave the presentation.

Board Members ask questions of Mr. Felix.

Mr. Wright made a motion to approve Order Nos. R9-2006-0019, R9-2006-0020, and R9-2006-0021. The motion was seconded by Ms. Keller and approved by unanimous vote.

Item 9 – PUBLIC HEARING: Amendment to the *Water Quality Control Plan for the San Diego Basin (9)*. The Regional Board will hear public testimony and receive comments on a Basin Plan amendment to edit and reformat text, and update graphics (Basin Plan Issue No. 1); and a revision to the *Water Quality Control Plan for the San Diego Basin (9)* to reinstate text on “controllable water quality factors.” After the close of the hearing, the Regional Board will deliberate on and consider adoption of the amendment and revision. (Tentative Resolution No. R9-2006-0029) (*Linda Pardy*)

Mr. Robertus introduced the item and staff member Linda Pardy gave the presentation.

Ms. Ritschel made a motion to adopt Resolution No. R9-2006-0029 with errata. The motion was seconded by Ms. Nygaard and approved by unanimous vote.

Item 10 – Status Report: Presentations by Orange County Copermittees and public organizations. (*Jeremy Haas*)

Larry McKenney, Orange County, gave the presentation.

Board Members asked questions of Mr. McKenney, Mr. Richards and Mr. Robertus.

Additional speaker:
Michael Beanan, South Laguna Civic Association

Item 11 – 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. (*Frank Melbourn*)

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. (*Paul Richter*)

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

The Executive Session was not held.

Item 12 – *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 13 – *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 14 – *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 15 - Arrangements for Next Meeting and Adjournment

Wednesday, May 10, 2006 - 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 12:20 p.m.

These minutes were prepared by:

Executive Officer:

Lori Costa
Executive Assistant

John H. Robertus