

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

MINUTES OF MEETING
APRIL 25, 2007

At 9:00 a.m. Chairwoman Ritschel 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: Susan Ritschel, Richard Wright, Eric Anderson, David King, and Elizabeth Pearson Schneider.

Staff Present: John Robertus, Arthur Coe, Michael McCann, David Barker, Lori Costa, Julie Chan, David Gibson, Chiara Clemente, Jimmy Smith, John Anderson, Craig Carlisle, Phil Hammer, Ben Tobler, Christina Arias, Wayne Chiu, Cynthia Gorham-Test, Lynn Berlad, Lesley Dobalian, Frank Melbourn, Alan Monji, Lisa Honma, and Charles Cheng. Others Present on behalf of the Regional Board: State Water Resources Control Board – John Richards & Frances Spivy-Weber. Jan White & Associates Reporting: Elaine Carlson.

Public Attendance: Cindy Lin – U.S. EPA; Diane Harkey, Lisa Zawaski – City of Dana Point; Rob Chichester – U.S. Navy; Chris Crompton, Jennifer Weiland, Jamie Habben – County of Orange; Will Holoman – City of Laguna Beach; Chris Zirkle, Tim Graham, Ruth Kolb, Jennifer Nichols Kearns, Deborah Castillo, Beverly Morisako, Michael Thompson, Hani Anthony, Joy Neuman – City of San Diego; Ivan Karnezis – Caltrans; Jo Ann Weber, Sara Agahi, Chris Hanger, Kelly Barker – County of San Diego; Ed Kimura – Sierra Club; Nancy Palmer – City of Laguna Niguel; Gabriel Solmer, Bruce Reznik, Caitlyn Obolsky, Karen Franz – San Diego Coastkeeper; John Stump – Chollas Creek; Teresa McKinley – City of San Clemente; Kelly Doyle – Rick Engineering Company; Cora Long – City of Lemon Grove; Rolf Schome – AMEC; Robin Miller – City of Poway; Mo Lahsaie – City of Oceanside; Val Mellano – Farm & Home; Rosanna Lacarra – City of Del Mar; Karen Holman – Port of San Diego; Terry Rodgers – SD Union Tribune; Jay Shrake – MACTEC; Daniel Apt, Gian Villareal – RBF/Caltrans; Larissa Aumand, Dave Renfrew – Weston Solutions; Stephen Dertadian – self; Hugo Bermudez – General Dynamics NASSCO.

Item 2 – Public Forum

There were no requests to speak during the public forum.

Item 3 – Minutes of Board Meeting of April 11, 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.

Mr. Anderson moved approval of the April 11, 2007 minutes. The motion was seconded by Mr. Wright 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.

Chairwoman Ritschel welcomed Frances Spivy-Weber as the newest State Board Member and liaison to the San Diego Regional Board. Ms. Spivy-Weber introduced herself and gave a brief history of her background.

Mr. Anderson reported that he attended the State Board hearing on isolated wetlands in Los Angeles.

Mr. Robertus reported on the Strategic Planning meetings/workshops being held throughout the state and invited the public to attend the San Diego Regional Board's public outreach session on the Strategic Plan update on May 9, 2007.

Consent Item

Item 5 – Update of Waste Discharge Requirements: Oak Tree Ranch, Inc., Oak Tree Ranch Private Residential Community Wastewater Treatment and Disposal Facility near Ramona, San Diego County (tentative Order R9-2007-0046) (*Michelle Mata*)

Item 5 was postponed.

Item 6 – PUBLIC HEARING: Total Maximum Daily Loads (TMDLs) for Indicator Bacteria, Project I - Beaches and Creeks in the San Diego Region. The Regional Board will hear testimony and comments on the proposed bacteria TMDLs. The Regional Board will deliberate on and consider adoption of an amendment incorporating the TMDLs into the Basin Plan at a subsequent meeting. (Tentative Resolution No. R9-2007-0044) (*Christina Arias*)

Mr. Robertus introduced the item and staff member Christina Arias gave the presentation.

Board Members asked questions of staff.

Other speakers included:
Cindy Lin – U.S. EPA

Mayor Diane Harkey – City of Dana Point
Rob Chichester – U.S. Navy
Chris Crompton – County of Orange
Lisa Zawaski – City of Dana Point
Will Holoman – City of Laguna Beach
Chris Zirkle – City of San Diego
Ivan Karnezis – Caltrans
Jo Ann Weber – County of San Diego
Ed Kimura – Sierra Club
Nancy Palmer – City of Laguna Niguel
Gabriel Solmer – San Diego Coastkeeper
John Stump – Chollas Creek
Bruce Reznik – San Diego Coastkeeper

Ms. Arias responded to comments made by the speakers and made closing comments.

Board Members asked questions of staff.

Mr. Robertus also made closing comments and recommended closing the public comment period.

Mr. Wright made a motion to close the public hearing. There was no second so the motion failed.

Chairwoman Ritschel made a motion to keep the hearing open, direct staff to respond to comments already received, and bring the item back for additional comment and consideration of adoption at a subsequent meeting. The motion was seconded by Mr. King and approved with opposition by Mr. Wright.

Board Members made comments and made recommendations to staff.

Item 7 – PUBLIC HEARING: Total Maximum Daily Loads (TMDLs) for dissolved Copper, Lead, and Zinc in Chollas Creek, Tributary to San Diego Bay. The San Diego Water Board will hear testimony and comments on the proposed metals TMDLs. The San Diego Water Board may deliberate on and may consider adoption of an amendment incorporating the TMDLs in the Basin Plan, at this meeting. (Tentative Resolution No. R9-2007-0043) (*Benjamin Tobler*)

The public hearing was opened and Cindy Lin, U.S. EPA, spoke.

The meeting was recessed for lunch and Executive Session at 1:05 p.m.

Item 8 – Executive Session - Discussion of Ongoing Litigation

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

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 held and the IBWC case was discussed.

The meeting reconvened at 2:05 p.m.

Item 7 – Continued

Mr. Robertus introduced the item and staff member Ben Tobler gave the presentation.

Other speakers included:

Bruce Reznik – San Diego Coastkeeper

John Stump – Chollas Creek

Caitlyn Obolsky – San Diego Coastkeeper

Gabriel Solmer – San Diego Coastkeeper

Ivan Karnezis – Caltrans

Chris Zirkle – City of San Diego

Mr. Tobler responded to comments made by the speakers and made closing comments.

Board Members asked questions of staff.

Mr. Wright made a motion to close the public hearing and instructed staff to prepare written responses to comments received by May 29. Additional comments would be

responded to orally at the June 13 meeting. The motion was seconded by Ms. Pearson Schneider and approved by unanimous vote.

Item 9 – *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 10 – *Executive Session* - Discussion of Pending Litigation

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

Item 11 – *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 9-11, were not held.

Item 17 – Arrangements for Next Meeting and Adjournment

Wednesday, May 9, 2007 - 9:00 a.m.
Water Quality Control Board
Regional Water Quality Control Board
9174 Sky Park Court
San Diego, California

With there being no further business, the meeting was adjourned at 3:11 p.m.

These minutes were prepared by:



Lori Costa
Executive Assistant

Executive Officer:


John H. Robertus