

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

MINUTES OF MEETING
JUNE 25, 2008

At 10:00 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.

Chairman Wright announced that due to a lack of a quorum, all action items were postponed.

Item 1 – Roll Call and Introductions: Board Members Present: Richard Wright, Kris Weber, Wayne Rayfield, and Elizabeth Pearson Schneider.

Staff Present: John Robertus, Michael McCann, David Barker, Lori Costa, Deborah Jayne, Julie Chan, John Odermatt, Ben Tobler, Cynthia Gorham-Test, Cheryl Prowell, Amy Grove, Deborah Woodward, Wayne Chiu, Charles Cheng, Chad Loflen, Sean McClain, Jody Ebsen, and Bob Rossi. Others Present on behalf of the Regional Board: State Water Resources Control Board – Catherine George, Laura Peters, and Bart Christensen.

Public Attendance: Oscar Romo, Jeff Crooks, Sarah Emerson – Tijuana River National Estuarine Research Reserve; Paloma Aguirre – Tijuana River Citizens Council; Ben McCue – Wildcoast; Jim Peugh – San Diego Audubon Society; Sheri McPherson, Jon VanRhyn, Todd Snyder – County of San Diego; Tony Heinrichs, Sumer Hasenin – City of San Diego; Judy Keir, Mayda Winter, Michael Handal – City of Imperial Beach; Gretel Roberts, Joan Brackin – Weston Solutions; Aram Nadjarian – CalEPA; John Boland – Tijuana River Valley; Steve Smullen – U.S. IBWC; Jim Simmons – self; Katherine Field – Office of Senator Dianne Feinstein; Tyler Dickerson, Sponsor Ford – Green Vision Partners; Doug Liden, Cindy Lin – U.S. EPA; Marilyn Thoms, Mark Stadler – County of Orange; Kathy Weldon – Encintas.

Mr. Robertus invited Mr. Aram Nadjarian, CalEPA, to speak before the Board. He spoke about a new initiative and group that was assembled called the California/Mexico Border Relations Council. He said its main purpose was to provide a yearly update and coordinating activities on what takes place between California and Mexico.

Item 2 – Public Forum

Ben McCue, Wildcoast, reported on their cleanup event of the Tijuana River Valley held on June 7. He said over 200 volunteers hauled away approximately four tons of trash and two tons of tires.

Tyler Dickenson, Green Vision Partners, introduced his land and water remediation company. He said they have a brush based system that allows you to keep trash and debris out of the storm drains and waterways.

Marilyn Thoms, County of Orange, thanked everyone for supporting their Prop 50 grant application. She announced that their first project, Heisler Park in Laguna Beach, was complete and would be rededicated on July 1.

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

This item was postponed.

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. Robertus reported that he attended the San Diego County Water Authority's salinity planning conference on June 18. He also reported that he, Chairman Wright, and four staff members would be attending a County Water Authority tour on July 8th.

Chairman Wright presented a Sustained Superior Accomplishment Award to staff member Bob Rossi, awarded by the State Board, for his outstanding job performance.

Consent Items:

Item 5 – Mitigated Negative Declaration: Resource Environmental Limited Liability Corporation, In-situ Chemical Oxidation Project at 105 And 112 Rancho Santa Fe Road, San Marcos, San Diego County (tentative Resolution No. R9-2008-0069) (*Eric Becker*)

Item 6 – Waste Discharge Requirements: Resource Environmental Limited Liability Corporation, In-situ Chemical Oxidation Project at 105 And 112 Rancho Santa Fe Road, San Marcos, San Diego County (tentative Order No. R9-2008-0071) (*Eric Becker*)

Items 5 and 6 were postponed.

Remainder of the Agenda (Non-Consent Items):

Item 7 – PUBLIC HEARING: Administrative Assessment of Civil Liability against the Cities of Carlsbad and Vista for the alleged violation of Prohibition C.1. of Order No. 2006-0003-DWQ by discharging 7.3 million gallons of untreated sewage from March 31 to April 3, 2007, into Buena Vista Lagoon. The Regional Board will consider whether to

approve, raise, lower, or reject assessment of the \$1,095,000 civil liability recommended in Complaint No. R9-2007-0099. The written comment period on the allegations contained in the Complaint closed on Wednesday, June 4, 2008. (Tentative Order No. R9-2008-0072) (*Frank Melbourn*)

Item 7 was postponed.

Item 8 – 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*)

Item 8 was postponed.

Item 9 – Status Report: San Diego Integrated Regional Water Management Plan--The Regional Water Management Group will present an overview of the San Diego Integrated Regional Water Management Plan (IRWMP), the stakeholder involvement process that helped form the plan, a proposed Proposition 50 funding package, and future directions of the effort. IRWM Planning provides a framework for coordinating water quality, water supply, and natural resource management issues, as well as a pathway to project funding through Propositions 1E and 84. (*Dave Gibson*)

Sheri McPherson, County of San Diego, gave the presentation.

Ms. McPherson and Mr. Mark Stadler, County of Orange, answered questions asked by the Board. Mr. Robertus also made comments.

Item 10 – Workshop for persons and agencies interested in activities to restore the wetlands and to abate pollution in the Tijuana River Valley Watershed. The objective of the Workshop is to offer a public forum to exchange information on the activities of various federal, state, and local government agencies and non-governmental organizations. (*John Robertus*)

Members of the public introduced themselves:

Oscar Romo – Tijuana River National Estuarine Research Reserve

Paloma Aguirre – Tijuana River Citizens Council

Ben McCue – Wildcoast

Jim Peugh – San Diego Audubon Society

Sheri McPherson – County of San Diego

Jon VanRhyn – County of San Diego

Todd Snyder – County of San Diego

Laura Peters – State Board

Bart Christensen – State Board

Tony Heinrichs – City of San Diego

Sumer Hasenin – City of San Diego

Judy Keir – City of Imperial Beach

Aram Nadjarian – CalEPA
Michael Handal – City of San Diego
Mayda Winter – City of Imperial Beach
John Boland – Tijuana River Valley
Steve Smullen – U.S. IBWC
Jeff Crooks – Tijuana River National Estuarine Research Reserve
Sarah Emerson – Tijuana River National Estuarine Research Reserve
Jim Simmons – interested citizen
Katherine Field – Office of Senator Dianne Feinstein
Tyler Dickerson – Green Vision Partners
Spensor Ford – Green Vision Partners
Doug Liden - U.S. EPA
Cindy Lin – U.S. EPA

Mr. Robertus gave the presentation.

Other speakers included:

Aram Nadjarian – CalEPA
Doug Liden – U.S. EPA
Cindy Lin – U.S. EPA
Oscar Romo – Tijuana River National Estuarine Research Reserve
Tony Heinrichs – City of San Diego
Jeff Crooks – Tijuana River National Estuarine Research Reserve
Sarah Emerson – Tijuana River National Estuarine Research Reserve
Jim Peugh – San Diego Audubon Society
Ben McCue – Wildcoast
Paloma Aguirre – Tijuana River Citizens Council
Tyler Dickerson – Green Vision Partners
Jon VanRhyn – County of San Diego
Steve Smullen – U.S. IBWC

Mr. Robertus made closing comments.

Board Members made comments.

Chairman Wright summarized the recommendations made by the public and the Board.

Ms. Schneider suggested that the sign-in sheet be posted on the Regional Board's website so the participants could interact with each other.

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 not held.

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, August 13, 2008 - 9:00 a.m.

Water Quality Control Board

Regional Board Meeting Room

9174 Sky Park Court

San Diego, California

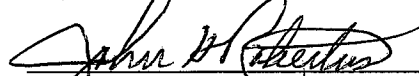
With there being no further business, the meeting was adjourned at 1:08 p.m.

These minutes were prepared by:



Lori Costa
Executive Assistant

Signed by:



John H. Robertus
Executive Officer