

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

MINUTES OF MEETING
MARCH 13, 2013

At 9:00 a.m., Chairman Morales called to order the meeting of the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) at the Costa Mesa City Council Chambers, 77 Fair Drive, Costa Mesa, California

Item 1 – Roll Call and Introductions

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

Staff Present: David Gibson, James Smith, Chris Witte, Julie Chan, David Barker, Jeremy Haas, Kelly Dorsey, Darren Bradford, Barry Pulver, Chris Means, Tony Felix, Chiara Clemente, Eric Rosenbaum.

Others present on behalf of the San Diego Water Board: State Water Resources Control Board – Frances Spivy-Weber, Catherine Hagan, Nathan Jacobsen. California Court Reporters – Sonia Renee Smith.

Public Attendance: Jim Adams, Building and Construction Trades; Mary Adams, Local 652, Santa Ana; Jancee Aellia, resident of San Clemente; Sam Allevato, City of San Juan Capistrano; Beth Apodaca, resident of San Clemente; Hamid Bahadori, American Automobile Association; Mike Balsamo, Orange County Building Industry Association; Lisa Bartlett, City of Dana Point; Pat Bates, 5th District County of Orange; Tony Beall, City of Rancho Santa Margarita; Jim Bieber, resident of San Clemente; Darren Blume, Flatiron Construction Company; Mark Bodenhamer, San Juan Capistrano Chamber of Commerce; Scott Brown, Division Chief, OCFA; Wendy Bucknum, Professional Community Management; Mike Burke, RBF/SC Chamber Board Member; Bill Campbell, Former Supervisor, Villa Park; Denise Casad, Women in Transportation Seminar; Duane Cave, SOCE Coalition; Carolyn Cavecche, OC Tax; Don Chadd, TCWD/SAMLARC HOA; Ross Chun, City of Aliso Viejo; Mike Conte, resident of Rancho Santa Margarita; Darin Chidsey, Southern California Association of Governments; Bill Davis, Southern California Contractors Association; Ray Diaz, Operating Engineers; Adrian Esparza, Local 652; Jim Evert, City of San Clemente; Jack Feller, City of Oceanside; Brad Fowler, Director of Public Works, City of Dana Point; Emily France, The Gas Company; Richard Gardner, resident of Capo Beach; Chuck Gibson, Santa Margarita Water District; Kevin Gilhooley, Southern California Association of Governments; Fernando Guzman, Local 652; Josh Haskins, Economic Coalition; Jose Hernandez, Local 652; Peter Herzog, City of Lake Forest; Rush Hill, City of Newport Beach; Sherry Hodges, resident of Encinitas; Cindy Holmes, resident of San Clemente; Irvine Ranch Water District; Heather Johnson, Dana Point Chamber of Commerce; April Josephson, resident of Santa Margarita; Lucille Kring, City of Orange; Steve LaMotte, Assemblywoman Diane Harkey's Office, San Juan Capistrano; Michael Latham; Dave Leckness, City of Mission Viejo; William Lochrie, resident of Orange; Victor Lopez, Local 652; David Lowe, Director of Design and Construction, Transportation Corridor Agencies; Hector Madrigal, Construction Laborer; Doug Mangione, IBEW; Tom Margo,

Former TCA CEO; Wes May, Engineering Contractors Association; Penny Maynard, resident of Dana Point; Ben Medina, Friendly Fix-IT; Robert Ming, City of Laguna Niguel; Carl Morgan, San Diego North EDC; Debbie Newman, Laguna Niguel Chamber of Commerce; Todd Nicholson, Mission Hospital, for CEO McFarlane; David Nydegger, Oceanside Chamber of Commerce; Dennis O'Connor, Orange County Association of Realtors; Ted Owen, Carlsbad Chamber of Commerce; Jerry Pabbuwee, Sukut Construction; Martin Paine, Senator Mimi Walters' Office, Laguna Hills; Chuck Puckett, City of Tustin; Lisa Ramsey, CalTrans District 12; Tom Rath, Flatiron Construction Company; Rhonda Reardon, City of Mission Viejo; Jeff Ruvalcava, Cement Masons 500; Phil Salerno, Cement Masons; Schott Scheffel, City of Dana Point; Phil Schwartze, Former Mayor of San Juan Capistrano; Mark Schwing, City of Yorba Linda; Sam Simms, Jacob Engineering; Dave Simpson, Orange County Transportation Authority; Suzanne Singh, Rancho Santa Margarita Chamber of Commerce; Mary Anne Skorpanich, Manager, Orange County Watersheds; Kristin Slocum, Mobility 21; Jose Salaria, Former Assemblyman, 69th District; Curt Stanley, SOCE Coalition; Bryan Starr, Orange County Business Council; Dave Stefandides, Orange County Association of Realtors; Michael Walker; Meg Waters, Waters and Company; Mark Wyland, Senator 38th District; Mark Babski, resident of South Orange County; Julianne Bradford, resident of Oceanside; Craig Cadwallader, Surfrider Foundation, South Bay Chapter; Paul Carlton, Sierra Club; Julia Chunn-Heer, Surfrider; Jerry Collamar, resident of San Clemente; Penny Elia, Sierra Club; Denise Erkeneff, resident of Dana Point; Rick Erkeneff, Director, South Coast Water District; Robert Franklin, Huntington Beach Surfrider Chapter; Graham Hamilton, Chairman, Surfrider Los Angeles Chapter; Patricia Holloway, resident of San Clemente; Bill Holmes, Sierra Club; Drew Irby, Board Member Trout Unlimited South Coast Chapter; Ryan Johnson, Staff Accountant, Surfrider Foundation; Dale Kewitz, resident of San Clemente; Mohamedali Mukadam, Accountant, Surfrider Foundation; Robin Pozniakoff, resident of Laguna Beach; Goeff Rizzie, resident of Anaheim; Robert Siebert, resident of Orange; Jack Skinner, resident of Newport Beach; Nancy Skinner, resident of Newport Beach; Teresa Tiff, resident of Dana Point; David Love, TCA; Tom O'Malley, TCA; Greg Walker, TCA; Dale Huelle, HNTB/CDNG; Mary Lynn Coffee, TCA; Barbara Daly, TCA; Bill Bunger, TCA; Barbara Thommas, TCA; Kate Keena, TCA; Emily France; Dale Todd, TCA; Eva Lydiek; Ed Schlegel; Valerie McFall, TCA; Robert Thornton, TCA; Paul Bock (?), TCA.

Item 2 – Public Forum

Diane Nygaard expressed concern about a sewer spill that occurred at the point of Vista Creek two years ago, for which there has been no mitigation for the impacts from the emergency repairs.

Mary Anne Skorpanich asked that the Board re-open the public comment period for the upcoming Storm water permit.

Item 3 – Minutes of Board Meeting: February 13, 2013

Dr. Abarbanel moved that the minutes with errata be approved, and the motion was seconded by Ms. Kalemkarian. The minutes with errata 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.

Fran Spivy-Weber stated that sometime in the next week, the State Board is expecting to receive word from the Governor’s office regarding a new Chair for the State Board, three new appointments by the Governor, and whether or not Mr. Moore has been recommended for confirmation by the Senate Rules Committee. She further stated that there will be a meeting of the Chairs of the nine Regional Boards in Sacramento on March 25, 2013. She also provided updates on the State Board’s activities.

Mr. Gibson provided an update on the Board’s Practical Vision community outreach efforts, the work of the Tijuana River Valley Recovery Team, and the San Diego Bay Strategy.

Dr. Abarbanel provided further information about the Board’s community outreach efforts.

Mr. Morales provided further information on the work of the Tijuana River Valley Recovery Team.

Ms. Kalemkiarian asked that staff provide her with a list of community organizations that have been working on the Chollas Creek issues, so that she could help with the outreach efforts.

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 – WDR Addendum: Addendum 1 to Waste Discharge Requirements for the San Elijo Water Reclamation Facility. (*Fisayo Osibodu*)

Item 6 – Administrative Civil Liability: Settlement Agreement and Stipulation for Order and Administrative Civil Liability Order, City of Oceanside, Haymar Line Sanitary Sewer Overflow. Settlement to resolve, by consent, violations of Order Nos. 2006-0003-DWQ and R9-2007-0005, as set forth in Complaint No. R9-2011-0023. The Settlement proposes liability of \$770,184, of which \$385,092 in liability would be paid to the State Water Resources Control Board’s Cleanup and Abatement Account, \$385,092 in liability would be suspended upon successful completion of two Enhanced Compliance Actions as described in Tentative Order No. R9-2013-0004. (*Barry Pulver*)

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

Remainder of the Agenda (Non-Consent Items):

Item 7 – Information Item: Overview of the University of California Cooperative Extension’s water quality management training program for agricultural and nursery operators. (*Julie Chan*) **ITEM 7 HAS BEEN POSTPONED.**

Mr. Morales called a recess at 9:30 a.m. and reconvened the meeting at 9:40 a.m.

Item 8 – Waste Discharge Requirements: Foothill/Eastern Transportation, Corridor Agency Tesoro (SR 241) Extension, Orange County. (*Darren Bradford*)

Mr. Morales made opening remarks, including announcing that the Board would not take final action on Item 8 at today's meeting. , Mr. Bradford made his presentation.

Mr. Morales administered the oath to all persons intending to testify.

F/ETCA made its presentation.

Mr. Morales called a recess at 11:26 a.m. and reconvened the meeting at 11:35 a.m.

The NGOs made their presentations.

Mr. Morales broke for lunch at 12:45 p.m. and reconvened the meeting at 1:15 p.m.

Elected Officials were invited to speak beginning at 1:15 p.m, followed by the public (interested persons)..

The following people registered opposition to the project:

- Mark Babski, resident of South Orange County
- Julianne Bradford, resident of Oceanside
- Guinevare Breeding
- Craig Cadwallader, Surfrider Foundation, South Bay Chapter
- Paul Carlton, Sierra Club
- Julia Chunn-Heer, Surfrider
- Jerry Collamar, resident of San Clemente
- Bill Deck, Sierra Club
- Penny Elia, Sierra Club
- Denise Erkeneff, resident of Dana Point
- Rick Erkeneff, Director, South Coast Water District
- Robert Franklin, Huntington Beach Surfrider Chapter
- Paul Gracey, Sierra Club
- Graham Hamilton, Chairman, Surfrider Los Angeles Chapter
- Chris Hardwick, Aloha Kai Research Foundation
- Patricia Holloway, resident of San Clemente
- Bill Holmes, Sierra Club
- Drew Irby, Board Member Trout Unlimited South Coast Chapter
- Ryan Johnson, Staff Accountant, Surfrider Foundation
- Dale Kewitz, resident of San Clemente
- Mohamedali Mukadam, Accountant, Surfrider Foundation

- Robin Pozniakoff, resident of Laguna Beach
- Goeff Rizzie, resident of Anaheim
- Robert Siebert, resident of Orange
- Jack Skinner, resident of Newport Beach
- Nancy Skinner, resident of Newport Beach
- Teresa Tiff, resident of Dana Point
- Dan Young, Trout Unlimited

The following people registered support for the project:

- Jim Adams, Building and Construction Trades
- Mary Adams, Local 652, Santa Ana
- Jancee Aellia, resident of San Clemente
- Milly Alfidi
- Sam Allevato, City of San Juan Capistrano
- Beth Apodaca, resident of San Clemente
- Hamid Bahadori, American Automobile Association
- Mike Balsamo, Orange County Building Industry Association
- Lisa Bartlett, City of Dana Point
- Pat Bates, 5th District County of Orange
- Tony Beall, City of Rancho Santa Margarita
- Brent Beasley, Roofers Local #220
- Chris Betancourt, Local #89
- Jim Bieber, resident of San Clemente
- Darren Blume, Flatiron Construction Company
- Mark Bodenhamer, San Juan Capistrano Chamber of Commerce
- Jeff Bott
- Daryl Brandt, Bricklayers Local #4
- Scott Brown, Division Chief, OCFA
- Wendy Bucknum, Professional Community Management
- Mike Burke, RBF/SC Chamber Board Member
- Bill Campbell, Former Supervisor, Villa Park
- Denise Casad, Women in Transportation Seminar
- Duane Cave, SOCE Coalition
- Carolyn Cavecche, OC Tax
- Don Chadd, TCWD/SAMLARC HOA
- Ross Chun, City of Aliso Viejo
- Doug Clark, IUOE #12
- Mike Conte, resident of Rancho Santa Margarita
- Darin Chidsey, Southern California Association of Governments
- Inta _____ Danielos, Local #89
- Bill Davis, Southern California Contractors Association
- Ray Diaz, Operating Engineers
- _____ Enriquez, Local #89
- Gabino Enriquez, Laborers Union
- Adrian Esparza, Local #652

- Celso Etr_kran, Local #89
- Jim Evert, City of San Clemente
- Jack Feller, City of Oceanside
- Samantha Fitzgerald
- Luis Fonseca, Local #652
- Brad Fowler, Director of Public Works, City of Dana Point
- Emily France, The Gas Company
- Richard Gardner, resident of Capo Beach
- Roger Gaubel, SMWD
- John Gauthier, RWAN #220
- Chuck Gibson, Santa Margarita Water District
- Kevin Gilhooley, Southern California Association of Governments
- Jesus Gonzalez, Local #89
- Fernando Guzman, Local 652
- Josh Haskins, Economic Coalition
- Jose Hernandez, Local 652
- Peter Herzog, City of Lake Forest
- Rush Hill, City of Newport Beach
- Sherry Hodges, resident of Encinitas
- Cindy Holmes, resident of San Clemente
- Joaquin Itaro, Local #89
- Heather Johnson, Dana Point Chamber of Commerce
- April Josephson, resident of Santa Margarita
- Lucille Kring, City of Orange
- Steve LaMotte, Assemblywoman Diane Harkey's Office, San Juan Capistrano
- Michael Latham
- Dave Leckness, City of Mission Viejo
- Ernesto Lemus, Local #652
- Brian Lochrie
- William Lochrie, resident of Orange
- Juan Carlos Navarro Lopez, Local #652
- Victor Lopez, Local 652
- Josef Francisco Lozal, Local #89
- David Lowe, Director of Design and Construction, Transportation Corridor Agencies
- Sercio Machado, Local #89
- Hector Madrigal, Construction Laborer
- Pablo Maldonado, Local #652
- Doug Mangione, IBEW
- Tom Margo, Former TCA CEO
- Wes May, Engineering Contractors Association
- Penny Maynard, resident of Dana Point
- Hector Mayorch, Local #89
- Ben Medina, Friendly Fix-IT
- Abraham Mieda, IBEW Local #441
- Robert Ming, City of Laguna Niguel
- Carl Morgan, San Diego North EDC

- Debbie Newman, Laguna Niguel Chamber of Commerce
- Todd Nicholson, Mission Hospital, for CEO McFarlane
- David Nydegger, Oceanside Chamber of Commerce
- Dennis O'Connor, Orange County Association of Realtors
- Ted Owen, Carlsbad Chamber of Commerce
- Jerry Pabbuwee, Sukut Construction
- Martin Paine, Senator Mimi Walters' Office, Laguna Hills
- Mike Pino, IUOE Local #12
- Chuck Puckett, City of Tustin
- Oscar Ramirez, Local #89
- Lisa Ramsey, CalTrans District 12
- Tom Rath, Flatiron Construction Company
- Rhonda Reardon, City of Mission Viejo
- Antonio Reyes, Local #89
- Manuel Rodriguez, Local #89
- Robert Ruiz, IUNA Local #652
- Jeff Ruvalcava, Cement Masons 500
- Phil Salerno, Cement Masons
- Alfonso Sanchez, Local #652
- Scott Scheffel, City of Dana Point
- Phil Schwartze, Former Mayor of San Juan Capistrano
- Mark Schwing, City of Yorba Linda
- Sam Simms, Jacob Engineering
- Dave Simpson, Orange County Transportation Authority
- Suzanne Singh, Rancho Santa Margarita Chamber of Commerce
- Mary Anne Skorpanich, Manager, Orange County Watersheds
- Kristin Slocum, Mobility 21
- Jose Salaria, Former Assemblyman, 69th District
- Curt Stanley, SOCE Coalition
- Bryan Starr, Orange County Business Council
- Dave Stefandides, Orange County Association of Realtors
- Robert Strunk, Local 89
- Joel Thurmacht, IOUE Local #12
- Roberto Varquels, Local #89
- Richard Vasquez, IBEW Local #441
- Michael Walker
- Meg Waters, Waters and Company
- Mark Wyland, Senator 38th District

Mr. Morales called a recess at 2:25 p.m. and reconvened the meeting at 2:35 p.m. and called another recess at 3:47 p.m. and reconvened the meeting at 3:55 p.m. At the conclusion of Item 8, Chair Morales announced that the Board will request written responses to written questions from Board counsel seeking clarification on CEQA issues. Written responses are due March 29 at 5 p.m. The Tentative Order may be scheduled for a future Board meeting in San Diego.

Item 9 – *Closed Session* - Discussion of Ongoing Litigation [Authorized under Government Code Section 11126, subd. (e)]. The San Diego Water Board may meet in closed session to discuss ongoing litigation for the following cases:

Civil Actions (Judicial and Administrative, other than Petitions for Review filed with the State Water Board)

- a. *People of the State of California Ex Rel. the Regional Water Quality Control Board, San Diego Region v. Edward Drusina, 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). (David Gibson)
- b. *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)
- c. *California Regional Water Quality Control Board, San Diego Region v. Bill and Heidi Dickerson, Larry and Penelope Gunning and Perry & Papenhausen, Inc.* Complaint for Damages for Breach of Contract and for Specific Performance. San Diego County Superior Court, Case No. 37-2010-00096011-CU-CO-CTL (filed July 2010). (Jeremy Haas)
- d. *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)
- e. *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)
- f. *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)

- g. *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)*

Petitions for Review Pending Before State Water Resources Control Board¹

- h. 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)
- i. 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)
- j. 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)
- k. 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)
- l. 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 &

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 chagan@waterboards.ca.gov or 858-467-2958 for more information.

Crescent Boat Company and Port District. SWRCB/OCC File A-2205(a) – (e), filed April 2012. (*Frank Melbourne*)

- m. 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-XXXX, filed April 2012. (*Frank Melbourne*)
- n. 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*)
- o. Petition of City of San Diego for Review of Resolution No. R9-2012-0045, re NPDES Permit Notice of Enrollment Amendment for Kinder Morgan Energy Partners, June 13, 2012, SWRCB/OCC File A-XXXX, filed July 2012. (*Ben Neill*)
- p. Petition of Fallbrook Public Utility District for Review of Order No. R9-2012-0004, NPDES Permit and Waste Discharge Requirements for Fallbrook Public Utility District Wastewater Treatment Plant No. 1 for Discharge to the Pacific Ocean via the Oceanside Ocean Outfall, adopted August 8, 2012, SWRCB/OCC File A-2226, filed September 2012. (*Joann Lim*)

This Closed Session was not held.

Item 10 - *Closed Session* - Consideration of Initiation of Litigation or Discussion of Significant Exposure to Litigation. The San Diego Water Board may meet in closed session to initiate or consider initiating litigation concerning matters within its jurisdiction or to discuss significant exposure to litigation [Authorized under Government Code Section 11126(e)]. (*David Gibson*)

This Closed Session was not held.

Item 11 - *Closed Session* - Deliberation on a Decision to be Reached Based on Evidence Introduced in a Hearing. The San Diego Water Board may meet in closed session to consider evidence received in an adjudicative hearing and to deliberate on a decision to be reached based upon that evidence [Authorized under Government Code Section 11126(c)(3)].

This Closed Session was not held.

Item 12 - *Closed Session* – Personnel. The San Diego Water Board may meet in closed session to consider the appointment, employment, evaluation of performance, or dismissal of a public employee or to hear complaints or charges brought against that employee by another person or employee unless the employee requests a public hearing [Authorized under Government Code Section 11126(a)].

This Closed Session was not held.


Item 13 – Arrangements for Next Meeting and Adjournment:

Wednesday, April 10, 2013 – 9:00 a.m.
Water Quality Control Board
Regional Board Meeting Room
9174 Sky Park Court
San Diego, California

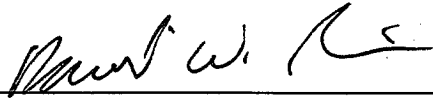
There being no further business, the meeting was adjourned at 5:23 p.m.

These minutes were prepared by:

Signed by:



Chris Witte
Executive Assistant



David Gibson
Executive Officer

Handwritten signature or scribble