

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

MINUTES OF MEETING
NOVEMBER 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 (SDRWQCB) at the Regional Water Quality Control Board, 2375 Northside Drive, San Diego, California.

Item 1 – Roll Call and Introductions

Board Members present: Eric Anderson, Sharon Kalemkiarian, Tomás Morales, Gary Strawn, and Stefanie Warren. Remote Attendance: Henry Abarbanel. Dr. Abarbanel left the meeting at 11:30 a.m.

Staff Present: David Gibson, James Smith, Chris Witte, Julie Chan, David Barker, Roger Mitchell, Sean McClain, Cynthia Gorham, Barry Pulver, Jody Ebsen, Chris Means, Chiara Clemente, Vicente Rodriguez, Jeremy Haas, Ben Neill, Carey Nagoda, Lisa Honma, Kelly Dorsey, Laurie Walsh, John Odermatt, Amy Grove, Christina Arias, Eric Becker, Wayne Chiu, Alex Cali, John Anderson, Bruce Posthumus, Lilian Busse, Alan Monji, Debbie Woodward, Chad Loflen, Darren Bradford, Tom Alo, Mike Porter, Brian McDaniel, Deborah Jayne, Fisayo Osibodu, Joann Lim, Melissa Valdovinos, Dat Quach, Brian Kelley, Frank Melbourn, Sue Pease, Kimberly McMurray-Cathcart, Lori Costa.

Others present on behalf of the San Diego Water Board: State Water Resources Control Board – Fran Spivy-Weber, Catherine Hagan, Nathan Jacobsen. **California Court Reporting** – Bonnie Breen.

Public Attendance: Chris Haynes, U.S. Navy; Brian Gordon, U.S. Navy; Mike Chee, NASSCO; Joann Weber, County of San Diego; Carolyn Sandoval, Enniss Inc.; Mark Bonsavage, Camp Pendleton; Chuck Sneed, Rainbow MWD; Jayne Joy, Eastern MWD; Con Kontaxis, CalTrans; Bruce April, CalTrans; Roya Yazdanifard, CalTrans; Brian Shin, U.S. Marine Corps; Jason Uhley, RCFC & WCA; Paul Hartman, LWA; Justin Schmidt, La Jolla Band of Luisano; Ellen Gross, SDWPD.

Item 2 – Public Forum

- Taylor Cummings from Senator Joel Anderson's office invited the Board members to attend Senator Anderson's Community Leaders' Reception at 5:00 p.m. on November 21, 2013, at Toyota of El Cajon.
- Chris Haynes of the U.S. Navy provided an update on some the Navy's LID projects and their efforts to comply with the new storm water permit.
- Mike Chee from NASSCO provided an update on the remediation of the NASSCO site, which started on September 30, 2013.

Item 3 – Minutes of Board Meeting: August 14, 2013.

Mr. Anderson moved to adopt the minutes, and Mr. Strawn 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.

- Fran Spivy-Weber reported briefly on the WQCC, including discussions about outreach. In addition, she addressed the Governor's upcoming budget, a proposed fee change document, and a recent recycled water conference that she attended
- Gary Strawn reported on the tour of the IBWC's International Wastewater Treatment Plant and the Tijuana River Valley, which Mr. Gibson conducted on November 1 for State Board Chair Felicia Marcus.
- Mr. Gibson provided more information about the tour addressed by Mr. Strawn. He went on to report on the status of the Tijuana River Valley Recovery Team. He also addressed Southern California Coastal Water Research Project (SCCWRP) epidemiological study and an upcoming visit by State Board member Tam Doduc.
- Mr. Anderson thanked SDRWQCB staff for their recent visits to the agricultural operations, which were very helpful in moving the irrigated lands program forward.
- Chair Morales also reported on the WQCC. He then introduced new SDRWQCB staff members and went on to present Catherine Hagan with an award for sustained superior performance.

Item 5 - Approval of 2014 Meeting Schedule (*David Gibson*)

Ms. Kalemkarian moved to approve the proposed meeting schedule, and the motion was seconded by Ms. Warren. The meeting schedule was adopted by unanimous vote.

Consent Calendar: Items 5 and 6 are considered non-controversial issues. (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 6 – NPDES Permit Reissuance: Marine Corps Base, Camp Pendleton, Discharges from Southern Regional Tertiary Plant and Advanced Water Treatment Plant to the Pacific Ocean via the Oceanside Ocean Outfall, San Diego County (Tentative Order No. R9-2013-0112, NPDES Permit No. CA0109347). (*Joann Lim*)

Item 7 – Administrative Civil Liability: Settlement Agreement and Stipulation for Order, Enniss Inc., Lakeside. Settlement to resolve by consent, mandatory penalties for violation of Order No. 97-03-DWQ, *National Pollutant Discharge Elimination System General Permit No. CAS000001, Waste Discharge Requirements for Dischargers of Storm Water Associated with Industrial Activities Excluding Construction Activities*, as set forth in Complaint No. R9-2013-0051. (*Vicente Rodriguez*)

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

Remainder of the Agenda (Non-Consent Items):

Item 8 – Resolution: Tentative Resolution endorsing the San Diego Water Board Practical Vision (Tentative Resolution No. R9-2013-0153). (*David Gibson*)

- David Gibson provided an introduction to the Practical Vision project. Jody Ebsen and Barry Pulver presented opening remarks and provided background information.
- Chiara Clemente summarized Chapter 1, Strategizing for Healthy Waters.
- Cynthia Gorham introduced Chapter 2, Monitoring and Assessment.
- Chris Means outlined Chapter 3, Recovery of Stream, Wetlands, and Riparian Systems.
- Vicente Rodriguez reviewed Chapter 4, Proactive Public Outreach and Communication.
- Sean McClain introduced Chapter 5, A Vision for Achieving a Sustainable Local Water Supply.
- Mr. Gibson made closing remarks and recommended that the Board adopt the Resolution endorsing the Practical Vision.
- JoAnn Weber, the Interim Planning Manager for the County of San Diego made supporting remarks on the Practical Vision.

After Board discussion, Mr. Morales moved to adopt Tentative Resolution No. R9-2013-0153, and the motion was seconded by Mr. Strawn. The Resolution was adopted by unanimous vote.

Mr. Morales called a recess for lunch and the Closed Session at 11:30 a.m.

Item 9 – ***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)

- a. *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

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 619-521-3012 for more information.

- the San Diego Region from the Public Display of Fireworks), SWRCB/OCC Files A-2164(a)-(c), filed June and July 2011. (*Michelle Mata*)
- 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-XXXX, 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 NPDES Permit Notice of Enrollment Amendment for Kinder Morgan Energy Partners, June 13, 2012, SWRCB/OCC File A-XXXX, 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, (16) City of Laguna Niguel, and (17) City of Lemon Grove, SWRCB/OCC File Nos. XXXX(a)-(l), filed June 2013. (*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*)

The closed session was held, and the Board discussed items c and p.

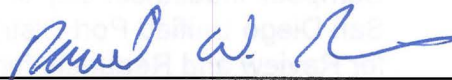
There being no further business, the meeting was adjourned at 12:45 p.m.

These minutes were prepared by:

Signed by:



Chris Blank
Executive Assistant



David Gibson
Executive Officer