

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

MINUTES OF MEETING  
August 14, 2002

The regular meeting of the California Regional Water Quality Control Board, San Diego Region, was called to order by Chairman Minan at 9:00 a.m. at the Regional Water Quality Control Board, 9174 Sky Park Court, San Diego, California.

**Item 1** – Roll Call: Board Members Present: Chairman John Minan, Gary Stephany, Janet Keller, Terese Ghio, Richard Wright, Eric Anderson and Vickie Butcher.

Staff Present: John Robertus, Arthur Coe, Michael McCann, Lori Costa, David Barker, Deborah Jayne, Mark Alpert, John Phillips, Brian Kelley, Julie Chan, Stacey Baczkowski, Craig Carlisle, Mo Lahsaie, Paul Richter, Sabine Knedlik, Jimmy Smith, David Hanson, Chehreh Komeylyan, David Gibson, Christina Arias, Brennan Ott, Tom Alo, Alan Monji, Christopher Means, Don Perrin, Laurie Walsh, Lisa Brown, Michael Porter, Stacey Hull.

Others Present on behalf of the Regional Board: State Water Resources Control Board – John Richards, Pete Silva. Park Avenue Deposition Service: Grace Verhoeven. Public Attendance: Larry Hope, Ron Littenell, State Lands Comm.; Bruce Reznik, SD BayKeeper; Ina Benoit, Sr Thaddove Suk, Kkottongnae Retreat Camp; Ed Kimura, Robert Simmons, Sierra Club; Captain Donald Boland, Brian Gordon, Saudi Gagnon, Theresa Trost, Rob Campbell, Tom Malley, Steven Hipfel, Chuck Katz, Rob Chichester, Luis Perez, US Navy; F.C. Newton, Battelle; Dennis Quillen, City of Poway; Larry Dees, Moulton Niguel Water; Bobbie Stephenson, Recon; Rikki Alberson, RMA Consulting; Dave Schlesinger, Bajagua Project; Sandor Halvax, Southwest Marine ; Jim Peugh, San Diego Audubon; David Gomez, TVGWP; John Brandt, Jim Hogan, Law Crandall; Bob Collins, Dwayne Abbey, City of San Diego Water; Don Thomson, Sweetwater Authority; Charles Dacus, UCMWD; Jim Tomasulio, Tristan Hayman, Kevin Sullivan, Helix WD; Jerome Janus, VWD; Bryan Troupe, San Diego County Water; Nohelia Ramos, EHC; Rick Ryan, Adobe Falls; Matt Rodriguez, City of Imperial Beach; Paul Davy, County of San Diego; Nora Jans, County of Orange; Patti Krebs, IEA; Nick Inzunza, Tiajuana Valley Water Dist.; Mark Bousema, S&S Farms; Joyce Clark,

MWD; Ruth Kolb, Rachel Young, City of San Diego; Joe Hess, Sharon Vidal, IDEC; Bret Radsliff, SSC San Diego; Ron Rogers, Councilman Imperial Beach; Juan Cesena, Ninyo & Moore; Gary Sirota, Art Letter, self; Robert Moyer, EPA; Ted Popowchak, CH2M Hill; Scott Huth, City of Coronado; Marco Gonzalez, Surfrider Foundation.

**Item 2** – Public Forum

Bruce Reznik, San Diego BayKeeper, asked the Board to direct staff to have workshops and hearings on the Duke Energy Power Plant permit renewal.

Jim Peugh, San Diego Audubon Society, talked about the Adobe Falls Supplemental Environmental Project.

Rick Ryan talked about his concerns with the Adobe Falls SEP including channelization.

Board Members and Executive Officer Robertus discussed the Adobe Falls SEP and the Duke Energy Power Plant.

**Item 3** – Minutes of Board Meeting of June 12, 2002

*This record of the minutes of the meeting on this date is not intended for 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. Stephany moved approval of the June 12, 2002 minutes. The motion was seconded by Ms. Butcher and approved with abstention by Mr. Wright and Ms. Ghio.

**Item 4** – Chairman's, Board Member's, State Board Liaison's and Executive Officer's Reports.

Chairman Minan congratulated Mr. Wright, Ms. Butcher and Mr. Anderson on the confirmation of their appointment by the Senate. He also mentioned that he and Ms. Keller were seeking reappointment.

Mr. Stephany spoke briefly about the State's budget and the San Diego Bay Sediment Workshop he chaired in June.

Ms. Butcher talked highly about the Helix Water District tour that she and Mr. Robertus were given on July 26, 2002.

Mr. Anderson said Regional Board staff and the agricultural community gave an excellent presentation on agriculture runoff that was well attended by the farming community.

Chairman Minan said Mr. Wright would be assuming the responsibilities as the Border Liaison in the near future.

Ms. Ghio said she was the Chair for the California Radioactive Materials Forum and wanted more information about radioactivity sampling at landfills.

Ms. Butcher requested a copy of the finalized San Diego Municipal Storm Water Permit compliance evaluation report.

Mr. Stephany said he wanted to be sure that the concerns raised by Russell Fairy, Moss Landing Marine Laboratories, about the shipyard's study were responded to properly.

Mr. Robertus talked about Notification's B and F on the agenda notice.

Items 5 - 12 – Consent Calendar

**Item 5** – Waste Discharge Requirements/ 401 Water Quality Certification: Pardee Construction Company, Pacific Highlands Ranch Phases 3 and 4, San Diego County. (Tentative Order No. R9-2002-0179) (*Mo. Lahsaie*)

**Item 6** - Modification of Waste Discharge Requirements: Mr. Larry A. Read, Oak Knoll Campground, San Diego County (change in owner) (tentative Addendum No. 1 to Order No. 94-39) (*Christopher Means*)

**Item 7** - Modification of Waste Discharge Requirements: Mr. John Ray, Barrett Lake Mobile Home Park, San Diego County (change in owner) (tentative Addendum No. 1 to Order No. 94-142) (*Kristin Schwall*)

**Item 8** - Modification of Waste Discharge Requirements: Kkottongnae Retreat Camp, Riverside County (change in owner and name) (tentative Addendum No. 1 to Order No. 93-43) (*Eric Becker*)

**Item 9** - Waste Discharge Requirements Rescission:

A. Superior Ready Mix Concrete, Inc., Vista Plant, San Diego County, Order No. 88-38;

B. ISP Alginates-Kelco Agricultural Project, San Diego County, Order No. 88-84. (Tentative Order No. R9-2002-0171). (*Whitney Ghoram, Dat Quach*)

**Item 10** - Modification of Waste Discharge Requirements: Tigers Tail Enterprises LLC, Sunrise Hwy. RV Park, San Diego County (change in owner) (tentative Addendum No. 1 to Order No. 94-29) (*Dat Quach*)

**Item 11** - Modification of Waste Discharge Requirements: Viejas Band of Mission Indians, Alpine RV Resort, San Diego County (change in owner) (tentative Addendum No. 1 to Order No. 94-71) (*Dat Quach*)

**Item 12** - Modification of Waste Discharge Requirements: Heavenly Oaks Residential Community LLC, San Diego County (change in owner and name) (tentative Addendum No. 1 to Order No. 95-89) (*Dat Quach*)

Mr. Wright moved approval of Consent Calendar Items 5 - 12. The motion was seconded by Mr. Stephany and approved by unanimous vote.

**Item 13** - NPDES Permit: Waste Discharge Requirements for S & S Farms Swine Raising Facility, San Diego County; Testimony regarding this tentative Order was heard during the June 12, 2002 Regional Board meeting. The oral and written comment period is closed and no further testimony will be accepted. (Tentative Order No. R9-2002-0067, NPDES Permit No.CA0109371) (*John Phillips*)

Mr. Robertus introduced the item and senior staff member John Phillips gave a brief presentation.

Mr. Wright, Ms. Ghio and Ms. Keller were not present at the June 12 public hearing but said they reviewed the transcript and were prepared to vote on the item.

Mr. Anderson moved approval of Order No. R9-2002-0067. The motion was seconded by Mr. Wright and approved by unanimous vote.

**Item 14** - NPDES Permit, U.S. Navy Point Loma Complex: An NPDES permit regulating industrial stormwater and point sources discharges of wastes to San Diego Bay from various activities, including ship repair, pier and pier boom

cleaning and aquatic animal training. (Tentative Order No. R9-2002-0002, NPDES Permit No. CA0109363) (*Paul Richter*)

Mr. Robertus introduced the item and staff member Paul Richter gave the presentation.

Board Members asked questions of staff.

Other speakers included:

Captain Donald Boland, U.S. Navy

Rob Chichester, U.S. Navy

Skip Newton, Battelle Memorial Institute

Nohelia Ramos, Environmental Health Coalition

Ed Kimura, Sierra Club

Bruce Reznik, San Diego BayKeeper

Captain Boland made closing remarks.

Mr. Richter recommended adoption of the permit and made closing remarks. He said staff would allow the Navy to continue working with their sediment monitoring program required for TMDL's and that would satisfy the monitoring requirements in the tentative permit so they would no longer be needed in the permit.

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

Ms. Ghio suggested temporarily removing the toxicity standard from the permit and direct staff to work with the Navy to develop a toxicity standard.

Mr. Wright was concerned about setting a precedent by removing the toxicity standard and said it should be left in. Mr. Stephany agreed with Mr. Wright.

Chairman Minan suggested leaving the toxicity standard in the permit but allow the Navy to develop a monitoring program that could replace the standard at the end of the four years.

Ms. Ghio said the Thermal Plan should be referenced in the permit and the Navy's language should be put in on the waiver.

Board Members discussed the monitoring requirements with Mr. Chichester and Mr. Richter.

Mr. Robertus recommended continuing the item, which would allow staff to make the suggested changes to the permit, and bringing the permit back to the Board for approval in September.

Chairman Minan noted that the public comment period was closed.

Ms. Ghio left the meeting at 12:30 p.m.

Chairman Minan made a motion to accept Mr. Robertus' recommendation. The motion was approved by unanimous vote.

The meeting was recessed for lunch at 12:40 p.m.

**Item 19** - *Executive Session* - Discussion of Ongoing Litigation

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

*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; and the related "Surfrider" case:

*Surfrider Foundation, San Diego Chapter v. Robert Ortega, et al.*, Case No. 99-CV-2441-BTM(JFS)

*Building Industry Association of San Diego County, et al. vs. State Water Resources Control Board, et al.*; San Diego County Superior Court; Case No. GIC 7890263.

*Schutte and Koerting Inc. and Ametek Inc. (Ketema) (Petitioners) v. the California Regional Water Quality Control Board, San Diego Region (Respondent)*, Case No. GIC 772197.

The Executive Session was held during the lunch break. The IBWC and BIA cases were discussed.

The meeting was reconvened at 1:30 p.m.

**Item 15** - NPDES Permit: General Waste Discharge Requirements for Discharges of Hydrostatic Test Water and Potable Water to Surface Waters and Storm Drains or other Conveyance Systems, San Diego Region. (Tentative Order No. R9-2002-0020, NPDES Permit No. CAG679001) (*Sabine Knedlik*)

Mr. Robertus introduced the item and staff member Sabine Knedlik gave the presentation.

Additional speaker:  
Bryan Troupe, San Diego County Water Authority,

Board Members asked questions of Ms. Knedlik.

Mr. Robertus' recommendation was to adopt the Order.

Mr. Stephany recommended adding a notification requirement to the permit to notify the Health Department, vector control district, before discharging water to a dry area.

Mr. Stephany moved approval of Order No. R9-2002-0020 with the recommended amendment. The motion was seconded by Mr. Wright and approved by unanimous vote.

**Item 16** - Amendment to the Water Quality Control Plan for the San Diego Region (9) to Incorporate Total Maximum Daily Load (TMDL) for Diazinon in the Chollas Creek Watershed, San Diego County. (Tentative Order No. R9-2002-0123) (*Jimmy Smith*)

Mr. Wright said due to a problem with the cassette tape provided him, he was not able to listen to the previous meeting and would not be able to vote on the item.

Mr. Robertus introduced the item and staff member Jimmy Smith gave the presentation.

Mr. Anderson talked about his concerns with the Order.

Mr. Stephany moved approval of Order No. R9-2002-0123. The motion was seconded by Ms. Butcher and approved with opposition by Mr. Anderson and abstention by Mr. Wright.

**Item 17** - Strategic Plan – Vision For The Future – November 2001, State Water Resources Control Board and Regional Water Quality Control Boards. Overview of the Strategic Plan by State Board Member Peter Silva. (*John Robertus*)

State Board Member Peter Silva gave the presentation.

Robert Simmons, Sierra Club, talked about water recycling. He felt the State Board had done a poor job in promoting and fostering water reclamation throughout the State.

**Item 18** - Informational Workshop: Report on a proposed Consent Decree establishing a deadline to select and initiate implementation of a strategy to provide secondary treatment at US International Boundary and Water Commission's International Wastewater Treatment Plant (IWTP), San Diego County as a settlement for litigation of the following case: 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); violations of effluent limits in waste discharge requirements for the IWTP contained in Order No. 96-50 (NPDES No. CA0108928) and of Cease and Desist Order No. 96-52 (*David Hanson*)

Chairman Minan explained that the purpose of the workshop was to publicly introduce the Consent Decree and to give the public a chance to ask questions.

Mr. Robertus introduced the item and staff member David Hanson gave the presentation.

Other speakers included:

Dave Schlesinger, Bajagua

David Gomez, Tiajuana Valley County Water District (left written comments)

Marco Gonzalez, Surfrider Foundation

Robert Simmons, Sierra Club

Art Letter, citizen of San Diego



Chairman Minan again noted that there would be a public hearing on the proposed Consent Decree at the September 11, 2002 Board Meeting.

**Item 20** - *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 21** - *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 22** - *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 23** - Arrangements for Next Meeting and Adjournment

Wednesday, September 11, 2002 - 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 3:12 p.m.

These minutes were prepared by:

Signature of Executive Officer:

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Lori Costa  
Executive Assistant

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John H. Robertus