

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

MINUTES OF MEETING
JUNE 21, 2006

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

Item 1 – Roll Call and Introductions: **Board Members Present:** John Minan, Jennifer Kraus, Eric Anderson, Richard Wright, Susan Ritschel and Daniel Johnson.

Staff Present: John Robertus, Arthur Coe, Michael McCann, Lori Costa, David Gibson, Pete Michael, Craig Carlisle, Jimmy Smith, Phil Hammer, Ben Neill, Eric Becker, Kristin Schwall, Jeremy Haas, Christina Arias, Helen Yu, Deborah Woodward, Victor Vasquez, Michelle Mata and Chris Means.

Others Present on behalf of the Regional Board: State Water Resources Control Board – John Richards. **Jan White & Associates Reporting:** Janet White. **Public Attendance:** Wayne Rosenbaum, Aiko Osugi – Foley & Lardner; Marvin Sachse – Brash Industries; Elaine Lukey, Ron Kemp, Linda Kermott – City of Carlsbad; Cheryl Filan, Lori Pfeilor, Mary Ann Mann – City of Escondido; Roger Morrison, Danis Bechtu, Bob Emery – City of Poway; Paul Manning – McMillin Land Development; Kathy Flannery, David Timber, Michele Stress, JoAnn Weber, Joe DeStefano, Kelly Barker, Sheri McPhersen, Jon Van Rhyn, Chandra Waller, Mary Jo Lanzafame – County of San Diego; Ken St. Clair, Harry Williams, Karen Brindley – City of San Marcos; Dennis Bowling, Jayne Janda-Timba – Rick Engineering Company; Jeremy Fontami – Stormwater Compliance; Scott Koken, Sarah Hellbrunn – SDGE; Chris Zirkle, Drew Kleis, Deborah Castillo, Marnen Gibson, Ronne Froman, Tim Miller, Jim Lough – City of San Diego; Bill Carls, Joe Gannon – Clear Creek Systems; Rodney Lubojasky – The Corky McMillin Co.; Linda Scott, Julie Clemente – URS; Meleck Ashford – Ashford Engineering; Kathy Weldon, Paul Hartman, James Bond – City of Encinitas; Geoffrey Smith – TECC; Malik Tamimi – City of La Mesa; Georgette Gomez – Environmental Health Coalition; Gary Brown, Fred McLean, Todd Snyder – City of Imperial Beach; Khosro Aminpour, Erik Steenblock – City of Chula Vista; Marc Schulte – RBF Consulting; Helen Perry, Shawn Hagerty – City of Santee; Cora Long – City of Lemon Grove; David Renfrew – Weston Solutions; Danny King – City of Solana Beach; Don Moore, Hal McCutchan – Lennar Communities; Mo Lahsaie, Scott Smith, Hawkeye Sheene, Shari Mackin – City of Oceanside; John Quenzer, Din Daneshfar – City of National City; Arsalan Dadkhah – D-Max; Jason Moor – TRL; Ralph Vasquez – SCS; Mikhail Ogawa – City of Vista; John Lemmo – Coalition for Clean Water; Larry McKenney, Richard Boon – County of Orange; Karen Holman – Port of San Diego; Jaime Campos – City of El Cahon; Joyce Clark – MWD; Jim Hogan, Jay Shrake, Bob Collins – MACTEC; Crystal Crawford – City of Del Mar;

David Beckman, Dorte Alis – NRDC; Marco Gonzalez – SD Bay Council; Michelle Black, Livia Borak, Jeremiah Ross – San Diego Coastkeeper; Ed Kimura – Sierra Club; Jim Peugh – San Diego Audubon; Patti Krebs – Industrial Environmental Association; Jerry Livingston – Building Industry Association; Vaikko Allen – Contech Stormwater Solutions; Angelika Villagrana – San Diego Chamber of Commerce; Jerome Jaminet – TRC; David Nyby – Shea Homes; Rob Chichester – CNRSW; Melanie Cohn – ASM Lori Saldana; Janet Kent – Bio Clean Environmental; Rick Kent – PDC; Marianna Hernandez, Claudia Perez – Riverside County Transportation; Del Ross – EMARCD; Anne Bamford – HP; Barry Snyder – AMEC; Kathleen Harrison – NAUFAC; Roger Lahr – Calscience Lab; Marilyn O'Neill – Nautilus Env.; Jayne Strommer – Del Mar.

Chairman Minan announced that Board Member Nygaard submitted her resignation to the Governor's Office and would not be attending the meeting.

Item 2 – Public Forum

There were no speakers for the Public Forum.

Item 3 – PUBLIC HEARING: Reissuance of the San Diego County Municipal Storm Water Permit (Tentative Order No. R9-2006-0011, 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) (NPDES Permit No. CAS0108758) (*Phil Hammer*)

Chairman Minan explained the hearing procedures.

Mr. Wright disclosed that he was part of a team at San Diego State doing website development under a sub-contract with the City of San Diego but felt it would not have an impact on his decision making. Mr. Johnson also disclosed that several of the copermittees were clients of his firm but on unrelated matters therefore he felt it would not pose a conflict of interest for him or influence his judgment.

Staff member Phil Hammer gave the presentation.

Other speakers included:

Mayor Crystal Crawford – City of Del Mar
Mayor Lori Pfeiler – City of Escondido
Councilmember Bob Emery – City of Poway
Ronne Froman – City of San Diego
Drew Kleis – City of San Diego
Mayor James Bond – City of Encinitas
Deputy Mayor Shari Mackin – City of Oceanside
Mayor Pro Tem Fred McLean – City of Imperial Beach
Jon Van Rhyn – County of San Diego
Mary Jo Lanzafamé – County of San Diego

Jim Lough – City of San Diego
Chandra Waller – County of San Diego
Shawn Hagerty – City of Santee
Helen Perry – City of Santee
Karen Holman – Port of San Diego
Mo Lahsaie – City of Oceanside
Chris Zirkle – City of San Diego
Tim Miller – City of San Diego
Georgette Gomez – Environmental Health Coalition
David Beckman – Natural Resources Defense Council
Marco Gonzalez – San Diego Bay Council
Larry McKenney – County of Orange
Geoffrey Smith – Carlsbad Watershed Network
Dennis Bowling – Rick Engineering
Patti Krebs – Industrial Environmental Association
Marvin Sachse – Brash Industries

The meeting was recessed for lunch and Executive Session at 12:20 p.m.

Item 4 – *Executive Session* - Discussion of Ongoing Litigation

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

WILLIAM P. JOHNSON, an individual; and VAIL LAKE USA, LLC, a California limited liability company v. REGIONAL WATER QUALITY CONTROL BOARD – SAN DIEGO, a State of California board and DOES 1-50. Superior Court of the State of California for the County of San Diego, Case No. GIC815227; Petition for Writ of Mandate and Complaint for Damages in regards to Administrative Civil Liability Order No. R9-2002-0027 for violations of the statewide Construction Storm Water Permit, Order No. 99-08-DWQ.

Divers' Environmental Conservation Organization v. State Water Resources Control Board, San Diego Superior Court, Case No. GIC819689. Petition for Writ of Mandate challenging waste discharge requirements for U.S. Navy, Naval Station San Diego based on absence of numeric effluent limits for toxic pollutants in discharges of storm water.

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

San Diego Unified School District, a public school district, Plaintiff v. County of San Diego, a public entity, San Diego Regional Water Quality Control Board, a public entity and DOES 1 through 25, inclusive, Defendants. Superior Court of the State of California for the County of San Diego, Case No. GIC840390; First Amended Complaint for: 1) Breach of Contract-Lease Agreement, 2) Breach of Contract-Sharing Agreement, 3) Quantum Meruit; 4) Express Indemnity; 5) Implied Indemnity and Contribution; 6) Equitable Indemnity Contribution; 7) Nuisance; 8) Trespass; 9) Inverse Condemnation; 10) Preliminary and Permanent Injunction; 11) Declaration of Relief Against the County of San Diego; and 12) Declaration of Relief Against the Regional Water Board and County.

The Executive Session was held.

The meeting reconvened at 1:20 p.m.

Item 3 - Continued

Jerry Livingston – Building Industry Association
Wayne Rosenbaum – Foley & Lardner
Aiko Osugi – Foley & Lardner
Vaikko Allen – Contech Stormwater Solutions
Angelika Villagrana – San Diego Chamber of Commerce
Bill Carls – Clear Creek Systems

Mr. Hammer made closing statements.

Mr. Richards recommended closing the public comment period to allow staff time to respond to comments received to date. At a later date, the public comment period could be re-opened to allow the public to comment on the revised tentative order.

Board Members made comments and asked questions of staff.

Chairman Minan made a motion to close the public comment period, allow staff to respond to comments received before and during the hearing, issue the revised tentative order, then allow the public 60 days to comment on the revised order.

Mr. Johnson suggested leaving the public comment period open for an additional 30 days. It was the consensus of the Board to close the public comment period.

The motion made by Chairman Minan was approved by unanimous vote.

Item 5 - Arrangements for Next Meeting and Adjournment

Wednesday, August 16, 2006 - 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 3:00 p.m.

These minutes were prepared by:

Executive Officer:

Lori Costa
Executive Assistant

John H. Robertus