

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

MINUTES OF MEETING
NOVEMBER 12, 2014

At 9:00 a.m., Chairman Abarbanel called to order the meeting of the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) at the Regional Water Quality Control Board, 2375 Northside Drive, San Diego, California.

Item 1 – Roll Call and Introductions

Board Members present: Henry Abarbanel, Eric Anderson, Sharon Kalemkarian, Tomás Morales, and Gary Strawn. Stefanie Warren was unable to attend.

Staff Present: David Gibson, James Smith, Chris Blank, David Barker, Jeremy Haas, Barry Pulver, Alex Cali, Lori Costa, Eric Becker, Lisa Honma, Rachel O'Donovan, Julie Chan, John Odermatt, Sheila Christine McQuaid-Moran, Amy Grove, Fisayo Osibodu, Karla Ruiz, Chiara Clemente, Chad Loflen, Debbie Woodward, Cleo Munoz, Kimberly McMurray-Cathcart, Kelly Dorsey, Joann Lim, Darren Bradford, Michelle Mata, Lucas Lima, Bruce Posthumus, Brandi Outwin-Beals.

Others present on behalf of the San Diego Water Board: State Water Resources Control Board –Catherine Hagan, Nathan Jacobsen. California Court Reporting – Mary Anne Young.

Public Attendance: John Crow, U.S. Navy-NAVFAC SW; Tim Stebbins, City of San Diego; C.E. "Bud" Swanson; Nestor Silva, Department of Agriculture, County of San Diego; Frances Kinney, Ocean Connectors.

Item 2 – Public Forum

There were no items for the Public Forum.

Item 3 – Minutes of Board Meeting: October 8, 2014

Mr. Anderson moved to accept the minutes, and Mr. Strawn seconded the motion. The minutes were approved by unanimous vote. Ms. Kalemkarian abstained, as she did not attend the October 8 meeting.

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.

Ms. Fran Spivy-Weber, the State Board liaison, was unable to attend the meeting.

Mr. Gibson answered Board member questions regarding the Executive Officer's Report, and he introduced Frances Kinney, Executive Director of Ocean Connectors, who gave a presentation regarding her organization and answered Board member questions. Following Ms. Kinney's presentation, Mr. Gibson provided a summary of staff activities of interest to the Board for the coming month.

Chairman Abarbanel presented staff member Lori Costa with an award for 25 years of service.

Item 5 – Future Agenda Items: Board Members may discuss items for possible inclusion on future agendas. No action will be taken. *(David Gibson)*

Mr. Strawn requested a workshop with nonprofits, municipalities, and other stakeholders to address mitigation of the concentrated nutrients in the rivers caused by the drought. He also requested either an information item or a workshop to discuss the trash along the rivers.

Ms. Kalemkarian and Dr. Abarbanel also suggested items to address the cleanup of trash in and along the rivers to coincide with the workshop suggested by Mr. Strawn.

Item 6 – Approval of 2015 Meeting Schedule. *(David Gibson)*

Dr. Abarbanel moved to accept the 2015 meeting schedule, and Ms. Kalemkarian seconded the motion. The meeting schedule was approved by unanimous vote.

Consent Calendar: Items 7 and 8 are considered non-controversial issues. (NOTE: If there is public interest 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 7 – NPDES Permit Revision: An amending order to modify the receiving water monitoring requirements in Order No. R9-2013-0006, NPDES Permit No. CA0109045, *Waste Discharge Requirements for the City of San Diego South Bay Water Reclamation Plant, Discharge to the Pacific Ocean via the South Bay Ocean Outfall* (Tentative Order No. R9-2014-0071). *(Joann Lim)*

Item 8 – NPDES Permit Revision: An amending order to modify Order no. R9-2014-0009, NPDES Permit No. CA01089828, *Waste Discharge Requirements for the United States Section of the International Wastewater Treatment Plant, Discharge to the Pacific Ocean via the South Bay Ocean Outfall* (Tentative Order No. R9-2014-0094). *(Joann Lim)*

Mr. Morales moved to adopt the Consent Calendar, and Mr. Strawn seconded the motion. A vote was taken, and the Consent Calendar was approved by unanimous vote.

Remainder of the Agenda (Non-Consent Items):

Item 9 – POSTPONED Tentative Resolution: Resolution Approving the Revised Proposed Mitigation Site and Draft Final Restoration Plan for the Otay River Estuary Restoration Project to Mitigate for Entrainment and Impingement Impacts from the Carlsbad Desalination Project, Poseidon Resources Corporation. (*Lisa Honma*)

Item 10 – CANCELED WDR Rescission: Rescission of Order No. R9-2009-0147, Waste Discharge Requirements for Rite Time Pharmaceuticals Inc., Anza Commercial Center Onsite Treatment System, Riverside County (Tentative Order No. R9-2014-0001). (*Alex Cali*)

Item 11 – 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. *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. *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)*
- h. *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)*
- i. *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)*
- j. *Petitions for Review of San Diego Bay Shipyard Sediment Cleanup and Abatement Order No. R9-2012-0024 for National Steel and Shipbuilding Company (NASSCO), 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, and City of San Diego. Petitions for Review w/o requests for stay filed by SDG&E, Star & Crescent Boat Company and Port District.*

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 generally not listed in the agenda. The titles of these matters are available at the San Diego Water Board. Please contact Catherine George Hagan at catherine.hagan@waterboards.ca.gov or 619-521-3012 for more information.

SWRCB/OCC File A-2205(a), (c), (d), and (e), filed April 2012. (*Frank Melbourn*)

- k. 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-2205(a), filed April 2012. (*Frank Melbourn*)
- l. 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*)
- m. Petition of City of San Diego for Review of Resolution No. R9-2012-0045, re Authorizing Executive Officer to Increase Daily Average Discharge Flow Rate Limitation under Order No. R9-2008-0002 [NPDES No. CAG919002] for the Kinder Morgan Energy Partner's Mission Valley Terminal Remediation Dewatering Discharge to Murphy Canyon Creek, June 13, 2012, SWRCB/OCC File A-2222, filed July 2012. (*Ben Neill*)
- n. 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, and (16) City of Laguna Niguel. SWRCB/OCC File A-2254(a)-(p), filed June 2013. (*Wayne Chiu*)
- o. Petition of San Diego United Port District, Waste Discharge Requirements Order No. R9-2013-0093 for San Diego Shipyard Sediment Remediation Project, San Diego Bay, San Diego County, July 10, 2013, SWRCB/OCC File A-2263, filed August 2013 (stay requested). (*Alan Monji*)
- p. Petition of Donan Environmental Services, Inc., Cleanup and Abatement Order No. R9-2013-0022 at the Site of the Former Santa Ysabel Chevron Station, 30350 Highway 78, Santa Ysabel, San Diego County, September 18, 2013, SWRCB/OCC File A-2277, filed October 2013. (*Sean McClain*)

This Closed Session was not held.

Item 12 – *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)].

This Closed Session was not held.

Item 13 – *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 14 – *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.

There being no further business, the meeting was adjourned at 10:08 a.m.

These minutes were prepared by:

Signed by:

Chris Blank
Executive Assistant

David Gibson
Executive Officer