

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

MINUTES OF MEETING  
October 9, 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 Rancho California Water District, 42135 Winchester Road, Temecula, California.

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

Staff Present: John Robertus, Michael McCann, Lori Costa, Bob Morris, Mark Alpert, Brian Kelley, Chiara Clemente, Dave Gibson and Megan Fisher.

Others Present on behalf of the Regional Board: State Water Resources Control Board – John Richards and Pete Silva. Park Avenue Deposition Service: Grace Verhoeven. Public Attendance: Gerhardt Van Drie, AAA Mixer Co; Michael Welch, self; Mike Klinefelter, self; Janis Gomes, US EPA; Ed Kimura, Sierra Club; Tom Stillings, Bob Wheeler, Mike West, EMARCD; Jerry Alegria, Ron Parks, City of Temecula; Jayne Joy, David Moryez, Tony Pack, EMWD; Bill Steele, US Bureau of Reclamation; Capt. JL Ash, Larry Carlson, Andrew Entingh, USMC Camp Pendleton; Eugene Robinson, self; Bob James, Joe Jackson, Fallbrook PUD; Matt Brookshire, CDM; Linda Garcia, Steve Stump, Bob Collacolt, Riverside Co. Flood Control; Kathy Gifford, Riverside Co. Exec. Ofc; Jim Jen, SMR; Cynthia Mallett, Jamie Horn, Mission RCD; Wayne Spencer, MCWD; George Gil, Rainbow MWD; Bob Moehlyn, City of Muerieta; John Hennigar, Bob Lemons, Rancho CA Water Dist; Ken Theisen, RWQCB 8.

**Item 2** – Public Forum

Gerhardt Van Drie, owner of AAA Mixer Co, talked about wastewater treatment and requested to set up his equipment at the next Board meeting to give a demonstration on how the power of buoyancy and gravity could be used for mixing liquids and slurries. Chairman Minan asked Mr. Van Drie to give a demonstration to staff and then staff would report to the Board with a recommendation as to the desirability of a formal presentation to the Board.

Chairman Minan noted that some agenda items would be taken out of order to allow the action items to be heard before Board Member Ghio had to leave.

Consent Calendar:

**Item 5** – Administrative Assessment of Civil Liability containing a Mandatory Minimum Penalty against Manchester Resorts (San Diego Hyatt Hotel Expansion) for violation of Order No. 2000-90, NPDES Permit No. CAG919001, for Temporary Groundwater Extraction and Similar Waste Discharges to San Diego Bay. The Regional Board will consider comments received during the public review period and decide on an order accepting payment of the proposed liability and waiver of hearing. (Tentative Order No. R9-2002-0293) (*Sherrie Komeylyan*)

**Item 6** – Administrative Assessment of Civil Liability containing a Mandatory Minimum Penalty against The City of Coronado (Glorietta Bay Pump Station Construction Dewatering) for violation of Order No. 2000-90, NPDES Permit No. CAG919001, for Temporary Groundwater Extraction and Similar Waste Discharges to San Diego Bay. The Regional Board will consider comments received during the public review period and decide on an order accepting payment of the proposed liability and waiver of hearing. (Tentative Order No. R9-2002-0310) (*Sherrie Komeylyan*)

**Item 7** – Administrative Assessment of Civil Liability against Paolone Brothers Investments for failure to pay annual storm water fees. The Regional Board will consider comments received during the public review period and decide on an order accepting payment of the proposed liability and waiver of hearing. (Tentative Order No. R9-2002-0314) (*Vicente Rodriguez*)

Chairman Minan said he was concerned that staff costs were not recovered in the ACL against Paolone Brothers Investments.

Mr. Stephany moved approval of Items 5, 6 and 7. The motion was seconded by Mr. Wright and approved by unanimous vote.

*Board Member Butcher arrived at 9:15 a.m.*

**Item 10** – Status Report: Santa Margarita River Watershed - Report on Regional Board Activities and Program Priorities in the Watershed (*Megan Fisher*)

Staff member Megan Fisher gave the presentation. Staff member David Gibson talked about biological assessment.

Board Members asked questions of Ms. Fisher and Mr. Gibson.

Other speakers included:

Ron Parks, City of Temecula – Public Works

Larry Carlson, Camp Pendleton – Water Resources

Bob Wheeler, Elsinore-Murrieta-Anza Resource Conservation District

Tom Stillings, Elsinore-Murrieta-Anza Resource Conservation District

Steve Stump, Riverside County Flood Control

Katherine Gifford, Riverside County Executive Office

Mr. Richards, State Board Staff Counsel, commented on 401 Water Quality Certifications.

Board Members asked questions of Mr. Robertus.

**Item 8** – NPDES Permit Reissuance: Rancho California Water District, Santa Rosa Reclamation Facility Discharge to the Santa Margarita River, Riverside County (tentative Order No. R9-2002-0104, NPDES No. CA0108821) (*Chiara Clemente*)

Mr. Robertus introduced the item. Staff member Chiara Clemente gave the presentation.

Board Members asked questions of Ms. Clemente.

Other speakers included:

Bob Lemons, Rancho California Water District

*Board Member Ghio left the meeting at 11:25 a.m.*

William Steele, U.S. Bureau of Reclamation

Robert James, Fallbrook Public Utility District

Larry Carlson, Camp Pendleton

Tony Pack, Eastern Municipal Water District

Ed Kimura, Sierra Club

Ken Theisen, Santa Ana Regional Water Quality Control Board

Janis Gomes, U.S. EPA Region 9

*The meeting recessed for lunch and Executive Session at 12:30 p.m.*

**Item 12** - 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 meeting reconvened at 1:20 p.m.*

During the Executive Session the Schutte and Koerting and IBWC lawsuits were discussed.

**Item 8** –Continued

John Hennigar, Rancho California Water District, made closing remarks.

Ms. Clemente made closing remarks.

Mr. Robertus recommended adoption of Order No. R9-2002-0104.

After Board Member discussion, Mr. Stephany made a motion to continue Item 8 until after Item 9 was heard to allow the two items to be voted on at the same time. The motion was seconded by Ms. Butcher and approved by unanimous vote.

**Item 9** –PUBLIC HEARING: Cease and Desist Order for Rancho California Water District, Santa Rosa Reclamation Facility Discharge to the Santa Margarita River, to Establish Interim Effluent Limitations and Time Schedule to Comply with NPDES Permit, Order No. R9-2002-0104 (tentative Order No. R9-2002-0212) (*Chiara Clemente*)

Chairman Minan opened the Public Hearing at 2:00 p.m.

Mr. Robertus introduced the item. Staff member Chiara Clemente gave a brief presentation.

*Board Member Black left the meeting at 2:05 p.m.*

Other speakers included:

Robert James, Fallbrook Public Utility District  
Ed Kimura, Sierra Club

Ms. Clemente recommended adoption of Order No. R9-2002-0212. Mr. Robertus recommended a four-year cap on additional time.

Chairman Minan closed the Public Hearing at 2:10 p.m. and reopened Item 8.

Mr. Stephany moved approval of Order No. R9-2002-0104. The motion was seconded by Mr. Wright and approved with abstention by Mr. Anderson.

Mr. Stephany moved approval of Order No. R9-2002-0212 with the addition of one year to the time schedule. Mr. Wright seconded the motion. The motion was not approved by unanimous vote, therefor it did not carry.

Ms. Butcher moved approval of Order No. R9-2002-0212 as recommended by staff. Mr. Anderson seconded the motion. The motion was not approved by unanimous vote, therefor it did not carry.

Mr. Stephany moved approval of Order No. R9-2002-0212 with the addition of six months to the time schedule. The motion was seconded by Mr. Wright and approved by unanimous vote.

**Item 3** – Minutes of Board Meeting of September 11, 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. Wright moved approval of the September 11, 2002 minutes. The motion was seconded by Ms. Butcher and approved with abstention by Mr. Stephany.

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

Mr. Robertus noted that Board Member Ghio would be attending the Wetlands Recovery Project Symposium on October 17, 2002.

Mr. Stephany talked about environmental protection indicators and said the State Board was going to evaluate the effectiveness of our regulations from the standpoint of "are they doing any good?" He felt that was the best way to go and said if what we are doing makes a difference, then continue but if it doesn't, don't do it.

Chairman Minan referred to his memo that appointed Board Member Wright to the Border Liaison position. He also reminded the Board of the November 7 and 8 WQCC meeting. Chairman Minan then spoke briefly about Executive Order D-62-02, disposal of decommissioned materials into Class III landfills and a letter from Christine Dimer-Iger regarding our direction in storm water permitting.

**Item 11** – San Diego River Conservancy Representative Selection: Discussion and possible selection of the San Diego Regional Water Quality Control Board non-voting representative to the recently established San Diego River Conservancy. *(John Robertus)*

Chairman Minan introduced the item. He said that the legislation was given to him for evaluation prior to its adoption and he recommended that the Regional Board representative be a voting member. He was distressed to see that it was designated as a nonvoting member.

Chairman Minan made a motion to select the Chair/Vice Chair or their designee, which could be another Board Member or the Executive Officer or his designee, as the representative. The motion was seconded by Mr. Stephany and approved by unanimous vote.

**Item 13** - *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 14** - *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 15** - *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 16** - Arrangements for Next Meeting and Adjournment

Wednesday, November 13, 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 2:50 p.m.

These minutes were prepared by:

Signature of Executive Officer:

\_\_\_\_\_  
Lori Costa  
Executive Assistant

\_\_\_\_\_  
John H. Robertus