

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

MINUTES OF MEETING  
February 8, 2006

Chairman Minan began the service recognition ceremony at 8:45 a.m. The ceremony was held to dedicate a plaque to honor past and present San Diego Regional Water Board members. The plaque contained their names and recognized their service. Chairman Minan thanked those who were involved in the creation of the plaque and the San Diego Environmental Professionals for paying for it.

Jerome Jaminet, San Diego Environmental Professionals, thanked the members for their service on the Board.

Past Board members that spoke:

Linden Burzell, *served 1961-1968*

Harriet Stockwell, *served 1970-1977, 1983-1994*

John Sauvajot, *served 1979-1985*

Gary Stephany, *served 2000-2004*

Terrance Thielen, *served 1985-1992*

Chairman Minan called the regular meeting of the California Regional Water Quality Control Board, San Diego Region, to order at 9:20 a.m. at 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, Daniel Johnson, Alan Barrett and Janet Keller.

**Staff Present:** John Robertus, Arthur Coe, Michael McCann, David Barker, Lori Costa, Brian Kelley, Mark Alpert, Pete Michael, John Odermatt, Julie Chan, Tony Felix, Victor Vasquez, Lisa Brown, Leslie Dobalian, Christina Arias, Melissa Valdovinos, Beatrice Griffey, Cynthia Gorham-Test, Kristin Schwall, Joann Lim and Ben Neill.

Others Present on behalf of the Regional Board: State Water Resources Control Board – John Richards. Jan White & Associates Reporting: Rhonda Reid. Public Attendance: Richard Dietmeier – self; Mike Pallamary – Town & Country Hotel; Khosro Aminpour – City of Chula Vista; Daniel Apt – RBF; Nancy Palmer – City of Laguna Niguel; Ruth Kolb, Chris Zirkle, Tim Miller – City of San Diego; Ed Kimura – Sierra Club; Chuck Pryatel – SCS Engineers; Robert Fish – Rancho Sierra Vista; Robert Russell, John Lormon – Procopio, Corey, Hargreaves & Savitch; Dave Seymour – SMWD; Dick Runge, Mike Dunbar, Joe McDivitt – South Coast Water District; Roger Morrison – City of Poway; Barry Pulver, JoAnn Weber, Kelly Barker, Cecilia Padres – County of San Diego; Betty Schmucker, Kristina Schneider, Darrel V. – Brown & Caldwell; Major Entingh, Mark Bonsauage, Tracy Sehagun – Camp Pendleton; Joe Hess – Genentech Inc.; Pat Hoy – Biogen; John Rudolph – Nautilus Environmental; Cora Long – City of Lemon Grove; John Phillips, Michael Griffiths – City of El Cajon; Terry Rodgers – Union Tribune; Helen Perry – City of Santee; Adele Kasoum, Gabriel Solmer – San Diego CoastKeeper; Hawkeye Sheene, Mo. Lahsaie – City of Oceanside; Cindy Lin – U.S. EPA; Larry McKenney, Amanda Carr – County of Orange; Rosanne Lacarra – City of Del Mar; Kathy Weldon – City of Encinitas.

**Item 2** – Public Forum

Mike Dunbar, South Coast Water District, gave the Board an update on the actions they had taken since their December 2005 sewerage spill.

Jim Peugh, San Diego Audubon Society, talked about his concerns with the downtown community plan update EIR. Mr. Peugh also said that the Town & Country Hotel should be penalized for their serious infraction to the San Diego River.

Major Entingh, U.S. Marine Corps Base Camp Pendleton, expressed their concerns with the compliance deadline in the Cleanup and Abatement Order for the Las Pulgas landfill.

**Item 3** – Minutes of Board Meeting of December 14, 2005

*This record of the minutes of the meeting on this date is not intended as 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. Johnson moved approval of the December 14, 2005 minutes. The motion was seconded by Mr. Anderson and approved with abstention by Ms. Keller.

**Item 4** – Chairman's, Board Members', State 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.

Chairman Minan reported on Senate Bill 729. He also spoke about the April 2006 WQCC meeting, the SD Bay sediment cleanup 2<sup>nd</sup> issued amended order (*procedural issues*) and technical report, and IBWC's non-compliance with the court order.

Mr. Anderson said the Governor's appointees were invited to a meeting with the Finance Director where they were briefed on the Bond issue. He and Mr. Wright attended.

Mr. Robertus talked about a letter he received from Assemblywoman Lori Saldana regarding Border sewage problems then reported on a wetlands conference he attended and spoke at in January. Mr. Robertus also briefly spoke about a few items in his report including the California Integrated Water Quality System, New Disposal Limitations on E-Waste and the Campo Creek Basin Task Force.

#### *Consent Item*

**Item 5** – NPDES Permit Revision: Genentech, Inc. – Ownership change from IDEC Pharmaceuticals Corporation to Genentech, Inc. and facility name change from New IDEC Manufacturing Operation (NIMO) to Genentech NIMO Facility for the discharge to the Pacific Ocean through the Oceanside Ocean Outfall, San Diego County (tentative Addendum No. 1 to Order No. R9-2003-0140, NPDES No. CA0109193) (*Tony Felix*)

Ms. Kraus recused herself from participating. Mr. Johnson disclosed that Genentech was a client of his firm but felt he could make an impartial decision. Mr. Richards agreed with Mr. Johnson.

Addendum No. 1 to Order No. R9-2003-0140 was approved by unanimous vote.

*Remainder of the Agenda (Non-Consent Items):*

Chairman Minan announced that Item 7 was postponed.

**Item 7** – PUBLIC HEARING: Administrative Assessment of Civil Liability against the City of Carlsbad for violations of Order No. 99-08-DWQ, Statewide General Construction Storm Water Permit, at the Municipal Golf Course project at 5800 Hidden Valley Road, Carlsbad, California, WDID No. 9 37C337203. (Tentative Order No. R9-2006-0009) (*Frank Melbourn*)

Postponed to a future meeting.

**Item 6** – PUBLIC HEARING: Total Maximum Daily Loads (TMDLs) for Indicator Bacteria, Project I - Beaches and Creeks in the San Diego Region. The Regional Board will hear testimony and comments on the proposed bacteria TMDLs. The Regional Board will deliberate on and consider adoption of an amendment incorporating the TMDLs into the Basin Plan at a subsequent meeting. (Tentative Resolution No. R9-2006-0001) (*Christina Arias*)

Mr. Robertus introduced the item and staff member Christina Arias started her presentation.

Stephen Carter, Tetra Tech, Inc., gave a presentation on the Role of Modeling in Decision Making.

Board Members asked questions of Mr. Carter, which included transferability, waste load allocations and bacteria loads.

Mr. Arias continued her presentation. Board Members asked questions of Ms. Arias.

Other speakers included:

Cindy Lin, U.S. EPA, Region 9

Gabriel Solmer, San Diego CoastKeeper

Chris Zirkle, City of San Diego

Ruth Kolb, City of San Diego

Timothy Miller, City of San Diego, City Attorney's Office

Nancy Palmer, City of Laguna Niguel

Jo Ann Weber, County of San Diego

Larry McKenney, County of Orange

Ed Kimura, Sierra Club

*The meeting was recessed for lunch and Executive Session at 12:38 p.m.*

**Item 8** – *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. (Frank Melbourn)*

*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. (Paul Richter)*

*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*

The Executive Session was held.

*The meeting reconvened at 1:20 p.m.*

**Item 6** – Continued

Ms. Arias addressed the SAG consensus points. Board Members asked questions of Ms. Arias.

Staff recommended closing the public hearing.

Mr. Wright made a motion to close the public hearing with the exception of information to be submitted by U.S. EPA regarding other TMDLs, nationwide, that have used similar mass loading metrics. The motion was seconded by Mr. Anderson and approved by unanimous vote.

**Item 9** – *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 10** – *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 11** – *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 12** – Election of Chair and Vice Chair. Porter-Cologne Water Quality Control Act, Chapter 4, Article 2, paragraph 13220(b), Each regional board shall select one of its members as chairman at the first regular meeting held each year. Following the election of the Chair, the Board will elect a Vice Chair.

a. Election of Chair

Ms. Keller made a motion to nominate and elect John Minan as Chair. The motion was seconded by Mr. Barrett and approved by unanimous vote.

b. Election of Vice Chair

Mr. Wright made a motion to nominate and elect Jennifer Kraus as Vice Chair. The motion was seconded by Ms. Keller and approved by unanimous vote.

**Item 13** - Arrangements for Next Meeting and Adjournment

Wednesday, March 8, 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 2:50 p.m.

These minutes were prepared by:

Executive Officer:

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Lori Costa  
Executive Assistant

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John H. Robertus