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

**Item 1 – Roll Call and Introductions:** Board Members Present: Jennifer Kraus, Richard Wright, Eric Anderson, Susan Ritschel, and David King.


Vice Chairman Kraus welcomed David King to the Board.

**Item 2 – Public Forum**

Nadine Scott, Oceanside resident, expressed concern for the condition of Loma Alta Creek, the proposed development of the Robertson Concrete facility in Oceanside, and requested modification of standard language used by the Regional Board in 401 Certifications.

Stephen Bilson, ReWater Systems, expressed opposition to the current requirements by the San Diego County Department of Environmental Health for oversight of the installation and operation of graywater treatment and disposal systems. Mr. Bilson
requested that the Regional Board allow municipalities, and not just the County, to oversee and inspect these systems.

Keith Lewinger, Fallbrook Utility District, asked that Item 6 be pulled from the Consent Calendar.

**Item 3 – Minutes of Board Meeting of November 8, 2006**

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. Wright moved approval of the November 8, 2006 minutes. The motion was seconded by Ms. Ritschel and approved with abstention by Mr. King.

**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.

Vice Chairwoman Kraus reported that she participated in the Board Chairs conference call with State Board Chairwoman, Tam Doduc on January 8. She noted that the State Board was working on updating their Strategic Plan and they were also working on getting the Construction Storm Water Permit out.

Board Member Wright requested a copy of the proceedings from the CASQA Regulatory Status Conference in San Diego on January 12. Mr. Wright also proposed more notification be given to the Board Members on future meetings and conferences.

Executive Officer Robertus reported that he attended a SANDAG Board meeting on January 12. A few issues on the agenda were habitat preservation, storm water management, and beach sand replenishment.


Vice Chairwoman Kraus read the resolutions for Janet Keller and John Minan. Mr. Minan was present to receive the Resolution of Appreciation and thanked the Regional Board staff for their professionalism, dedication, and service to him while he was on the Board. He also thanked the public for their participation on matters before the Board.

Board Members, Tam Doduc, and John Robertus expressed their thanks to Mr. Minan for his leadership, expertise, and dedication during the seven years he was on the Board.
Item 4 – Continued

Ms. Tam Doduc, State Board Chairwoman, thanked the Members for their service on the Board. Ms. Doduc also talked about the WQCC, the recycled water policy, and the draft General Statewide Construction Storm Water Permit.

Consent Calendar: Items 6 through 10

Chairwoman Kraus announced that Item 6 was pulled from the Consent Calendar.

Mr. King recused himself from voting on Item 8 as Palmilla, LLC was a client of his.


Item 10 – Revision of Waste Discharge Requirements: Port of San Diego, Campbell Shipyard Bay Sediment Cap, Closure and Maintenance, San Diego Bay (tentative Addendum No. 2 to Order No. R9-2004-0295) (Dat Quach)

Ms. Ritschel made a motion to approve Consent Items 7, 9, and 10. The motion was seconded by Mr. Wright and approved by unanimous vote.


A. Approval of Glenwood Development Co.’s payment of $15,000 to the State Board’s Cleanup and Abatement Account in settlement of all outstanding liability associated with the alleged violation of CAO Directive No. 3; and

B. Amendment of the CAO to extend the deadline for completion of CAO Directive No. 3 to July 31, 2008. (Tentative Addendum No. 1 to CAO No. R9-2005-0259.) (Frank Melbourn)

Ms. Ritschel made a motion to approve Consent Item 8. The motion was seconded by Mr. Wright and approved by unanimous vote.
Remainder of the Agenda (Non-Consent Items):

**Item 6** – Waste Discharge Requirements: Sewage Collections Agencies in the San Diego Region. The Regional Board will consider adoption of an Order that will augment State Water Board Order No. R9-2006-003-DWQ and supersede current Regional Board Order No. 1996-004 reaffirming the Regional Board’s prohibition of sanitary sewer overflows. (Tentative Order No. R9-2007-0005, previously tentative Order No. R9-2006-0121) (Joann Cofrancesco)

After discussion between Board Members, staff, and Fallbrook Public Utility District, the item was postponed to the February 14 Board Meeting.

**Item 11** – Municipal Storm Water Permit, 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). A public hearing for this item was held June 21, 2006: Oral comments will be accepted on modifications to the Tentative Order that have been made following the public hearing. Time allotted for oral comments may be limited at the discretion of the Regional Board. (Tentative Order No. R9-2007-0001, previously tentative Order No. R9-2006-0011) (Phil Hammer)

Mr. King disclosed that he represented the City of San Marcos on a variety of matters, none that were related to storm water or water pollution, and had been a member of the City Attorney’s Association of San Diego County, but he and State Board Counsel felt it would not preclude him from participation in the item.

Mr. Robertus introduced the item and staff member Phil Hammer gave the presentation.

Other speakers included:
- Ronne Froman, City of San Diego
- Joe Kellejian, Deputy Mayor, Solana Beach
- Fred McLean, Mayor Pro Temp, Imperial Beach
- Jon VanRyhn, County of San Diego
- Chris Zirkle, City of San Diego
- James Lough, City Attorney’s Group
- Chandra Wallar, County of San Diego
- Donna Frye, Council Member, City of San Diego
- Doug Liden, US EPA
- Scott Alevy, San Diego Regional Chamber of Commerce
- Jerry Livingston, Building Industry Association
- Wayne Rosenbaum, Foley & Lardner
- Paul Tryon, Building Industry Association
- Matthew Adams, Building Industry Association
- Jason Uhley, Riverside County Flood Control District
- David Beckman, National Resources Defense Council
The meeting was recessed for lunch at 12:30 and reconvened at 1:15 p.m.

Item 11 – Continued

Michael Pattinson, Barratt American
Ray Tahir, Coalition for Practical Regulation
Scott Brusseau, Newport National Corporation
Jim Peugh, San Diego Audubon Society
Dennis Bolling, Rick Engineering
Tom Scott, San Diego Housing Federation
Patrick Shipley, California Restaurant Association
Patti Krebs, Industrial Environmental Association
Dan Fauchier, EOCA
Mark Grey, Construction Industry Coalition on Water Quality
John Stump, Chollas Creek Restoration Enhancement Conservancy
Steve Mueller, Mueller Lewis Concrete
Bob Cummings, private citizen
Jim Esposito, Reynolds Communities
Brad Barnum, Associated General Contractors
David Shepherd, KB Home

Mr. Hammer addressed public comments/concerns by the County of San Diego.

Board Members asked questions of Mr. Hammer.

Mr. Van Ryhn answered questions asked by the Board.

After a 25 minute break, Mr. Hammer recommended adding foot note 3 to page 17 of the tentative Order. The foot note was read for the record.

Board Members asked more questions of Mr. Hammer.

David Beckman, NRDC, said they objected to the proposed language in foot note 3.

To address Mr. Anderson’s concern, Mr. Hammer suggested adding a foot note to Page 25, section D.1.d(12)(g), after the word nurseries to read, “except with regard to treated nursery runoff or clean storm water runoff.”

The public comment period was closed and the Board began deliberation.

Mr. Robertus recommended approving Order No. R9-2007-0001.
Mr. Anderson made a motion to approve Order No. R9-2007-0001. The motion was seconded by Mr. Wright.

The following amendments were made to the Order:

Motion by Mr. Wright to modify the first sentence of section D.1.d(1)(b) [page 17]. The motion was seconded by Mr. Anderson and approved by unanimous vote.

Motion by Mr. Wright to modify the definition of “Redevelopment” contained in Attachment C [page C-7]. The motion was seconded by Ms. Ritschel and approved by unanimous vote.

Motion by Ms. Ritschel to modify section D.1.d(8)(c) [page 23] to read 365 days. The motion was seconded by Mr. Anderson and approved with opposition by Mr. Wright.

Motion by Mr. Wright to modify section D.1.d(8)(c) [page 23] to read 270 days. The motion was not seconded.

Motion by Ms. Ritschel to clarify the meaning of the terms “deemed acceptable” in section D.1.d(1)(b) [page 17]. The motion was seconded by Mr. Wright and approved by unanimous vote.

Motion by Mr. Wright to modify the language in section D.1.d(8) [page 23]. The motion was seconded by Ms. Ritschel and approved by unanimous vote.

Motion by Mr. King to strike the words “no later than” on the last line of page 9 of the tentative Receiving Waters and Urban Runoff Monitoring and Reporting Program. The motion was seconded by Ms. Ritschel and approved by unanimous vote.

Motion by Mr. King to remove the language “2.b(1)” from the first sentence and add it to the second sentence, at the bottom of page 18, paragraph 3, of the tentative Receiving Waters and Urban Runoff Monitoring and Reporting Program. The motion was seconded by Ms. Ritschel and approved by unanimous vote.

Motion by Mr. King to change the May 1, 2007 date to May 1, 2008 on page 13, section D, first sentence, of the tentative Receiving Waters and Urban Runoff Monitoring and Reporting Program. The motion was seconded by Mr. Anderson and approved with opposition by Mr. Wright.

Motion by Mr. Wright to add a foot note to page 25, section D.1.d(12)(g), after the word nurseries to read, “except with regard to treated nursery runoff or clean storm water runoff.” The motion was seconded by Ms. Ritschel and approved with abstention by Mr. King.
Motion by Mr. King to add foot note 3 to page 17, paragraph D and paragraph D.1.g. The motion was seconded by Ms. Ritschel and approved with opposition by Mr. Wright and Mr. Anderson.

Vice Chairwoman Kraus called for a vote on the motion made by Mr. Anderson and seconded by Mr. Wright to approve the Order. Order No. R9-2007-0001 with the above amendments was approved by unanimous vote.

**Item 12 – 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.


*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.

**Item 13 – Executive Session** - Consideration of Initiation of Litigation (John Robertus)
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.

**Item 14 – Executive Session** - Discussion of Pending Litigation
The Regional Board may meet in closed session to discuss pending litigation:

**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 Sessions, Items 12-15, were not held.

**Item 16 - Arrangements for Next Meeting and Adjournment**
Wednesday, February 14, 2007 - 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 5:34 p.m.

These minutes were prepared by:  
Executive Officer:

_________________________  ___________________
Lori Costa       John H. Robertus
Executive Assistant