

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

MINUTES OF MEETING
APRIL 11, 2007

At 9:00 a.m. Vice Chairwoman Ritschel called to order the meeting of the California Regional Water Quality Control Board, San Diego Region at the Mission Viejo Civic Center, City Hall Council Chambers, 200 Civic Center, Mission Viejo, California.

Item 1 – Roll Call and Introductions: Board Members Present: Susan Ritschel, Richard Wright, Eric Anderson, David King, Daniel Johnson, and Elizabeth Pearson Schneider.

Staff Present: John Robertus, Michael McCann, Lori Costa, James Smith, Jeremy Haas, Tony Felix, Eric Becker, Mariah Mills, Brandi Outwin. Others Present on behalf of the Regional Board: State Water Resources Control Board – John Richards. Jan White & Associates Reporting: Janet White.

Public Attendance: Michael Beanan – South Laguna Civic Association; Vaikko Allen – Contech Stormwater Solutions; Rick Wilson – Surfrider Foundation; Laura Eisenberg – Rancho Mission Viejo; Kris Weber – Hunsaker & Associates; Patrick McNawy – Huitt-Zollars; Dao Lee – EDAW; Lisa Austin – Geosyntec Consultants; Robert Patterson, Angela Saxton – Pulte Homes Corp.; Tony Arnest – Shea Homes; Kevin Canning – Brehm Communities; Mike Recupero – Recupero & Assoc.; Bryan Starr, Mark Corey, Mary Lynn Coffee, Mark Grey, Andrew Henderson – BIA; Roger Grable – Manatt, Phelps & Phillips; Mary Jane Foley – MJF Consulting; Kenneth Rosenfield, Humza Javed – City of Laguna Hills; Nancy Palmer, Tim Casey, Paul Glaab, Jonathon Orduna, Ken Montgomery – City of Laguna Niguel; Rich Schlesinger, Joe Ames – City of Mission Viejo; Ziad Mazboudi – City of San Juan Capistrano; Tom Bonigut – City of San Clemente; Brad Fowler, Mayor Diane Harkey – City of Dana Point; Peter Herzog, Devin Slaven – City of Lake Forest; Pat Shanks, Larry McKenney, Richard Boon, Zorla Finch, James Fortuna, Mark Sevin, Stuart Goong, Ted von Bitner, Susan Given, Joel Maghalin, Jennifer Weiland, Chris Crompton, Grant Sharp, Duc Nguyen, Geoff Hans, Ruby Maldonado – County of Orange; Dennis Lamb – Vallecitos WD; Matt Tebbetts – Kennedy/Jenks Const.; Dick Runge, Richard Gardner – SCWD; Pat Tennant, Robert Heckler – SCE; Dave Seymour – SMWD; Moy Yahya – City of Aliso Viejo; Brennen Flahire – SOCWA; Lauren Barr – City of Laguna Woods; Jim Green, Amber Semrow – Orange County Vector Control; Tina Tuason – Riverside Co. Flood Control; Leo Wesselink – Wesselink Dairy; Nancy Gardiner – Brown and Caldwell.

Item 2 – Public Forum

There were no requests to speak during the public forum.

Item 3 – Election of Officers

Vice Chairwoman Ritschel announced that Chairwoman Kraus had to resign from the Board therefore an election for Chair would be held. Mr. Wright made a motion to nominate Ms. Ritschel to serve as Chair. The motion was seconded by Ms. Pearson Schneider and approved by unanimous vote. Due to the fact that Ms. Ritschel was the Vice Chair, an election for Vice Chair was held. Mr. Anderson made a motion to nominate Mr. Wright to serve as Vice Chair. The motion was seconded by Ms. Pearson Schneider and approved by unanimous vote.

Item 4 – Minutes of Board Meeting of February 14, 2007

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 February 14, 2007 minutes. The motion was seconded by Mr. Wright and approved with abstention by Ms. Pearson Schneider.

Item 5 – 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.

Mr. Johnson reported that he was involved in a technical work group dealing with low level lead impacted soils and how it relates to or possibly impacts Brownfield redevelopment and waste discharge requirements within the San Diego region.

Mr. Robertus spoke to the Board about letters he received from the Wildcoast International Conservation Team and Assembly Member Lori Saldana that requested an update from the U.S. International Boundary and Water Commission and Bajagua LLC on the Bajagua Project at the next Regional Board meeting. After discussion with other Board Members and staff, Mr. Wright asked that an item be put on a future meeting agenda to hear an update.

Mr. Robertus reported on issues dealing with the Cleanup and Abatement Order issued to Town and Country Hotel for discharges of waste into the river during a construction project in their parking lot. He also reported that the four petitions filed against the San Diego Municipal Storm Water Permit were all dismissed by the State Board and said they have 30 days to file a lawsuit. Lastly, he announced that the paperless office project (*electronic filing*) would go into effect in approximately two weeks in the San Diego Regional Board office.

Consent Calendar: Items 6 through 8

Chairwoman Ritschel announced that Item 7 was postponed to a future meeting.

Item 6 – Update of Waste Discharge Requirements: Vallecito Municipal Water District, Meadowlark Facility (tentative Order No. R9-2007-0018) (*Eric Becker*)

Item 8 – Rescission of Waste Discharge Requirements: An order rescinding the following waste discharge requirements (tentative Order No. R9-2007-0022) (*Eric Becker*)

- a. Order No. 92-34 Waste Discharge Requirements for Otay Water District, Hidden Valley Estates Reclamation Plant, Spring Valley
- b. Order No. 94-133, Waste Discharge Requirements for Simon Vander Woude Dairy, San Diego County
- c. Order No. 96-11, Waste Discharge Requirements for the U.S. Marine Corps, Project P-552, San Diego County
- d. Order No. 2000-0206, NPDES No. CA0109321, Waste Discharge Requirements for Jules Wesselink, Wesselink and Son Dairy, Riverside County
- e. Order No. R9-2000-0004, NPDES No. CA0001228, Waste Discharge Requirements for Southern California Edison Company, San Onofre Nuclear Generating Station, Unit 1, San Diego County

Mr. Wright made a motion to approve Consent Items 6 and 8. The motion was seconded by Ms. Anderson and approved by unanimous vote.

Item 7 – Update of Waste Discharge Requirements and Master Reclamation Permit: Otay Water District – Ralph W. Chapman Water Reclamation Facility, San Diego County (tentative Order No. R9-2007-0038) (*Melissa Valdovinos*)

Postponed to a future meeting.

Remainder of the Agenda (Non-Consent Items):

Item 9 – PUBLIC HEARING: Reissuance of the Orange County 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 Orange, the Orange County Flood Control District, and the Incorporated Cities of Aliso Viejo, Dana Point, Laguna Beach, Laguna Hills, Laguna Niguel, Laguna Woods, Lake Forest, Mission Viejo, Rancho Santa Margarita, San Clemente, and San Juan Capistrano. (Tentative Order No. R9-2007-0002, NPDES Permit No. CAS0108740) (*Jeremy Haas*).

Chairwoman Ritschel announced that due to Water Code section 13207 and the fact that she was on the Orange County Planning Board and Ms. Pearson Schneider was on the Laguna Beach City Council, they would not be permitted to participate in the hearing. Chairwoman Ritschel designated the four remaining members, Mr. Anderson,

Mr. King, Mr. Wright, and Mr. Johnson, to serve as a panel of the Board to hear public testimony. Board Member Anderson was selected to act as the Hearing Officer. At a future meeting, with a quorum of the Board, the Order would be brought back for approval. Chairwoman Ritschel turned the hearing over to Mr. Anderson.

Mr. Robertus introduced the item and staff member Jeremy Haas gave the presentation.

Board Member Johnson asked questions of Mr. Haas.

Mr. Anderson administered the oath to those giving testimony that had not previously signed the oath.

Other speakers included:

- Larry McKenney – County of Orange
- Richard Boon – County of Orange
- Pat Shanks - Bingham McCutchen
- Paul Glaab – Mayor Pro Tem, City of Laguna Niguel
- Diane Harkey – Mayor, City of Dana Point
- Peter Herzog – City of Lake Forest
- Tim Casey – City of Laguna Niguel
- Brad Fowler – City of Dana Point
- Tom Bonigut – City of San Clemente
- Ziad Mazboudi – City of San Juan Capistrano
- Rich Schlesinger – City of Mission Viejo
- Nancy Palmer – City of Laguna Niguel
- Kenneth Rosenfield – City of Laguna Hills

The meeting was recessed for lunch at 12:25 and reconvened at 1:10 p.m.

Item 9 - Continued

- Mary Jane Foley – MJF Consulting
- Mary Lynn Coffee – Building Industry Association of Southern California
- Mark Grey – Building Industry Association of Southern California
- Laura Eisenberg – Rancho Mission Viejo
- Richard Wilson – Surfrider Foundation
- Vaikko Allen – Contech Stormwater Solutions
- Michael Beanan – South Laguna Civic Association

Chris Compton – County of Orange, made closing comments.

Ms. Haas made closing comments. Mr. Robertus also made comments and recommended keeping the public comment period open for 10-14 days.

Mr. Wright also recommended keeping the public comment period open.

Mr. Richards made recommendations for the public comment period and staff's response to comments period.

Mr. Robertus recommended keeping the public comment period open for two weeks with a deadline of until April 25. The revised tentative permit, fact sheet and technical report, would be sent out for public review/comment on June 15. The 45-day comment period on the revised permit would end July 31. August 8 would be the projected date for staff to bring the item back to the Board for action.

Mr. King made a motion to accept the recommendations made by Mr. Robertus. The motion was seconded by Mr. Wright and approved by unanimous vote.

Mr. Wright made a motion to close the hearing. The motion was seconded by Mr. King and approved by unanimous vote.

Board Members made recommendations to staff on revisions to the tentative permit.

Item 10 – *Executive Session* - Discussion of Ongoing Litigation

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

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.

Item 11 – *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.

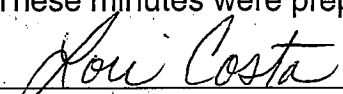
Item 12 – *Executive Session* - Discussion of Pending Litigation
The Regional Board may meet in closed session to discuss pending litigation:

Item 13 – *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)]

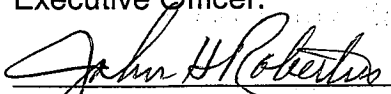
The Executive Sessions, Items 10-13, were not held.

Item 17 – Arrangements for Next Meeting and Adjournment
Wednesday, April 25, 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 3:15 p.m.

These minutes were prepared by:


Lori Costa
Executive Assistant

Executive Officer:


John H. Robertus