At 9:00 a.m. Chairwoman Ritschel called to order the 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**: Susan Ritschel, Richard Wright, Eric Anderson, Dan Johnson, and Elizabeth Pearson Schneider.


_Mr. King arrived at 9:05 a.m._

**Item 2** – Public Forum
There were no requests to speak during the public forum.
Minutes of Meeting

June 13, 2007

Item 3 – Minutes of Board Meeting of May 9, 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. Wright moved approval of the May 9, 2007 minutes. The motion was seconded by Ms. Schneider and approved by unanimous vote.

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.

Mr. Anderson attended an agricultural forum put on by the ABA Center for Continuing Legal Education.

Chairwoman Ritschel reported that during the monthly Chair's conference call she participated in, the strategic planning sessions and the WQCC were discussed.

Ms. Spivey-Weber talked about the strategic planning process, June 19th State Board meeting, June 26th Ocean Plan scoping meeting, June 28th Water Quality Enforcement workshop, State Water Plan, and the Integrated Regional Water Management Program.

Chairwoman Ritschel asked Board Member King to serve as the Hearing Officer for the Bay Sediment Cleanup project. Mr. King accepted the assignment.

Mr. Robertus read a Certificate of Appreciation for sustained superior accomplishment awarded to staff member Phil Hammer by the State Board.


Mr. Wright made a motion to adopt Resolution No. R9-2007-0079. The motion was seconded by Mr. Johnson and approved by unanimous vote.


Board Members also expressed their appreciation. Mr. Coe spoke.
Minutes of Meeting June 13, 2007

Consent Calendar: Items 6 through 9 are considered non-controversial issues. (NOTE: If there is public interest, concern 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.)

Chairwoman Ritschel announced that Items 7 and 8 had been postponed.

**Item 6** – Update of Waste Discharge Requirements: Oak Tree Ranch, Inc., Oak Tree Ranch Private Residential Community Wastewater Treatment and Disposal Facility near Ramona, San Diego County (tentative Order R9-2007-0046) (*Michelle Mata*)


Item 7 was postponed.

**Item 8** – NPDES Permit Reissuance: Tom Van Tol T.D. Dairy, Near Ramona, San Diego County (NPDES No. CA0109339, tentative Order No. R9-2007-0066) (*Whitney Ghoram*)

Item 8 was postponed.


Mr. Johnson made a motion to approve Consent Items 6 and 9. The motion was seconded by Ms. Schneider and approved by unanimous vote.

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

Chairwoman Ritschel announced that Items 10, 12, 13, 15, and 16 had been postponed.

**Item 10** – PUBLIC HEARING: Continuation of Administrative Review for Water Quality Investigation Order No. R9-2006-0044 issued to the City of San Marcos for the Bradley Park/Old Linda Vista Landfill, San Diego County. A panel of four Regional Board members heard public testimony regarding the investigation Order as ITEM 8 at the Regional Board Meeting on May 9, 2007. The panel of Regional Board members will make a recommendation to the remaining Regional Board members regarding the staff recommendation to affirm Water Quality Investigation Order R9-2006-0044, as amended. (*Amy Grove*)

Item 10 was postponed.
Minutes of Meeting

June 13, 2007

Item 11 – Total Maximum Daily Loads for dissolved Copper, Lead, and Zinc in Chollas Creek, Tributary to San Diego Bay. The Regional Board will deliberate and consider adopting an amendment incorporating the TMDLs in the Basin Plan (tentative Resolution No. R9-2007-0043) (Benjamin Tobler)

Chairwoman Ritschel announced that Mr. Johnson would not be participating in the item as he was not present during the April 25, 2007 hearing.

Mr. Robertus introduced the item and staff member Ben Tobler gave the presentation.

Other speakers included:
Cindy Lin – U.S. EPA
Gabriel Solmer – San Diego Coastkeeper
Jacque Gruber – San Diego Coastkeeper
Bruce Reznik – San Diego Coastkeeper
Chris Zirkle – City of San Diego
Loren Chico – San Diego City Schools

Board Members asked questions of staff.

Mr. Robertus recommended adoption of the Resolution with errata.

Mr. Wright made a motion to adopt Resolution No. R9-2007-0043 with errata. The motion was seconded by Ms. Schneider. After Board Member discussion, the motion was approved by unanimous vote.

Item 12 – PUBLIC HEARING: San Diego County Water Authority, San Vicente Pipeline Dewatering Project: Administrative Assessment of Civil Liability containing Mandatory Minimum Penalties for reported violations of effluent limitations prescribed in Order No. 2001-96, NPDES No. CAG919002, General Waste Discharge Requirements for Groundwater Extraction and Similar Waste Discharges from Construction, Remediation, and Permanent Groundwater Extraction Projects to Surface Waters Within the San Diego Region Except for San Diego Bay. If the discharger elects to waive their right to a hearing, 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. R9-2007-0088) (Rebecca Stewart)

Item 12 was postponed.

Item 13 – PUBLIC HEARING: Terra Vac, Body Beautiful Car Wash Remediation Dewatering: Administrative Assessment of Civil Liability containing Mandatory Minimum Penalties for reported violations of effluent limitations prescribed in Order No. 2000-90, NPDES No. CAG919001, General Waste Discharge Requirements for Temporary Groundwater Extraction and Similar Waste Discharges to San Diego Bay and Storm Drains or Other Conveyance Systems Tributary Thereto. If the discharger elects to waive their right to a hearing, the Regional Board will consider comments received

4
during the public review period and decide on an order accepting payment of the proposed liability and waiver of hearing. (Tentative Order No. R9-2007-0089) (Rebecca Stewart)

Item 13 was postponed.

**Item 14 – PUBLIC HEARING:** The Regional Board will consider affirming Cleanup and Abatement Orders for the unauthorized discharge of fill to San Diego Bay at 501 and 505 First Street, Coronado, San Diego County: (Frank Melbourn)

A. Addendum No. 2 to Cleanup and Abatement Order No. R9-2006-0101 to Bill and Heidi Dickerson, and Perry and Papenhausen Construction for the unauthorized discharge of fill to San Diego Bay in violation of 401 Water Quality Certification (File No. 05C-041). 501 First Street, Coronado, San Diego County.

B. Addendum No. 2 to Cleanup and Abatement Order No. R9-2006-0102 to Larry and Penny Gunning, and Perry and Papenhausen Construction for the unauthorized discharge of fill to San Diego Bay. 505 First Street, Coronado, San Diego County.

Mr. Mike McCann introduced the item and staff member Frank Melbourn gave the presentation.

Other speakers included:
Yvonne West – State Board Staff Counsel
Richard Opper – Opper & Varco
Mike Sowinski – Opper & Varco
Jean Nichols – JNE & Associates

Mr. Opper made additional comments and answered questions asked by the Board.

Robert Spane – Commissioner, Port of San Diego
Eileen Maher – Port of San Diego
Jeannette Baker – Army Corp of Engineers

Ms. West made closing comments.

Mr. Robertus made comments and recommended affirming the Cleanup and Abatement Orders.

John Swanson – City of Carlsbad, answered questions asked by the Board.

Mr. Wright made a motion to affirm Addendum No. 2 to Cleanup and Abatement Orders R9-2007-0101 and R9-2007-0102. The motion was seconded by Ms. Schneider and approved by unanimous vote.
Minutes of Meeting

June 13, 2007


This item was postponed.


This item was postponed.

*The meeting was recessed for lunch and Closed Session at 1:00 p.m.*

**Item 17** – *Closed 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.

The Executive Session was held and the IBWC case was discussed.
Minutes of Meeting

June 13, 2007

Item 18 — Closed 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 19 — Closed Session - Discussion of Pending Litigation
The Regional Board may meet in closed session to discuss pending litigation:

Item 20 — Closed 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 Closed Sessions, Items 18-20, were not held.

Item 21 — Arrangements for Next Meeting and Adjournment
Wednesday, August 8, 2007 - 9:00 a.m.
Water Quality Control Board
Regional Water Quality Control Board
9174 Sky Park Court
San Diego, California

With there being no further business, the meeting was adjourned at 2:25 p.m.

These minutes were prepared by:

[Signature]
Lori Costa
Executive Assistant

Executive Officer:

[Signature]
John H. Robertus