

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

MINUTES OF MEETING  
JUNE 13, 2007

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.

Staff Present: John Robertus, Arthur Coe, Michael McCann, David Barker, Mark Alpert, Julie Chan, Chiara Clemente, John Odermatt, Brian Kelley, Bob Morris, Jimmy Smith, Craig Carlisle, Deborah Jayne, Dave Gibson, John Anderson, Ben Tobler, Frank Melbourn, Bea Griffey, Vicente Rodriguez, Deborah Woodward, Robert Pierce, Helen Yu, Elizabeth Dorantes, Alan Monji, Jesse Torres, Amy Grove, Victor Vasquez, Michelle Mata, Lillian Busse, Chehreh Komeilyan, Jody Ebsen, Mariah Mills, Pete Peuron, Christina Arias, Chris Means, Jeremy Haas, Lynn Berlad, Don Perrin, and Melissa Valdovinos. Others Present on behalf of the Regional Board: State Water Resources Control Board – John Richards, Frances Spivy-Weber, and Yvonne West. Jan White & Associates Reporting: Barbara Manning.

Public Attendance: Jeannette Baker – U. S. Army Corps of Engineers; Eileen Maher, Robert Spane – Port of San Diego; Jean Nichols – JNE & Assoc.; Richard Opper, Michael Sowinski – Opper & Varco; John Swanson – City of Carlsbad; Cindy Lin – U.S. EPA; Rob Chichester – U.S. Navy; Jeremy Jungreis, Dan Lissul – U.S. Marine Corp; Gabriel Solmer, Jacque Gruber, Bruce Reznik – San Diego Coastkeeper; Chris Zirkle, Ruth Kolb – City of San Diego; Loren Chico – SDCS; Bob Jordan – Santa Margarita WD; Michael Welch; Gian Villarreal, Sayra Ramos, Constantine Kontaxis – CalTrans; Cora Long – City of Lemon Grove; and Kevin Carr – Seaworld.

*Mr. King arrived at 9:05 a.m.*

**Item 2** – Public Forum

There were no requests to speak during the public forum.

**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 19<sup>th</sup> State Board meeting, June 26<sup>th</sup> Ocean Plan scoping meeting, June 28<sup>th</sup> 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.

**Item 5** – Recognition: Resolution of Appreciation for Arthur Coe (tentative Resolution No. R9-2007-0079) (*John Robertus*)

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

Chairwoman Ritschel presented the Resolution of Appreciation to Mr. Coe. Cindy Lin, U.S. EPA, read a letter written by Alexis Strauss honoring Art. Rob Chichester, U.S. Navy, and Major Jeremy Jungreis, U.S. Marine Corp, also read letters written in honor of Mr. Coe. Chairwoman Ritschel read a resolution presented by Senator Christine Kehoe. Mr. Robertus read resolutions written by Linda Adams, CalEPA, and Tam Doduc, State Board Chair. Ms. Spivey-Weber read the resolution presented to Mr. Coe by the State Board members.

Board Members also expressed their appreciation. Mr. Coe spoke.

**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** – NPDES Permit Reissuance: Frank J. Konyon Dairy – Near Escondido, San Diego County (NPDES No. CA0109053, tentative Order No. R9-2007-0053) (*Whitney Ghoram*)

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.

**Item 9** – Waste Discharge Requirements: Winchester Wesselink LLC, Wesselink Dairy, Riverside County (tentative Order No. R9-2007-0042) (*Robert Morris*)

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.

**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

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.

**Item 15** – Reissuance of Waste Discharge Requirements and NPDES Permit CAG919001 for discharges from temporary groundwater extraction and similar waste discharges to San Diego Bay, tributaries thereto under tidal influence, and storm drains or other conveyance systems tributary thereto. If adopted, Tentative Order No. R9-2007-0032, would supersede the current WDR Order No. R9-2000-0090. (Tentative Order No. R9-2007-0032) (*Vicente Rodriguez*)

This item was postponed.

**Item 16** – Reissuance of Waste Discharge Requirements and NPDES Permit CAG919002 for discharge from Groundwater Extraction waste to Surface Waters within the San Diego Region Except for San Diego Bay. If adopted, Tentative Order No. R9-2007-0071, would supersede the current WDR Order No. R9-2001-0096. (Tentative Order No. R9-2007-0071) (*Vicente Rodriguez*)

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:

*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 and the IBWC case was discussed.

**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

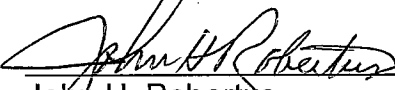
Wednesday, August 8, 2007 - 9:00 a.m.  
Water Quality Control Board  
Regional Water Quality Control Board  
9174 Sky Park Court  
San Diego, California

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

These minutes were prepared by:

  
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Lori Costa  
Executive Assistant

Executive Officer:

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