

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

MINUTES OF MEETING
JANUARY 21, 2009

At 9:00 a.m. Chairman Wright 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: Richard Wright, Eric Anderson, David King, Kris Weber, Wayne Rayfield, Grant Destache, and Gary Thompson.

Staff Present: John Robertus, Michael McCann, Lori Costa, David Barker, Julie Chan, Robert Morris, Chiara Clemente, Eric Becker, Brian Kelly, James Smith, David Gibson, Frank Melbourn, Chris Means, Melissa Valdovinos, Robert Pierce, Sean McClain, Olufisayo Osibodu, Mike Porter, Deborah Woodward, Alan Monji, Amy Mecklenborg, Cathryn Henning, Michelle Mata, Pedrum Farahnak, Elizabeth Durantes, Wayne Chiu, Amy Grove, Jeremy Haas, and Helen Yu. Others Present on behalf of the Regional Board: State Water Resources Control Board – Catherine Hagan and Fran Spivy-Weber. Kennedy Court Reporters: Kimberly Anton.

Public Attendance: Alexis Strauss, Robyn Stuber, John Kemmerer – U.S. EPA; Mayor Jerry Sanders, Alan Langworthy, Jim Barrett, Tim Stebbins – City of San Diego; Vicki Long – EMARCD; Tim Bertch, Michael Welch, James McDonald, Doug Korthof – self; Adrienne Cibor, Christa Zacharias – Nautilus Environmental; Robert Dean – San Diego Yacht Club; Joey Racano – Ocean Outfall Group; Bruce Reznik – SD Coastkeeper; Ed Kimura – Sierra Club; Kelly Doyle – Rick Engineering Company; Wendie James, Dawn Guendert – Carollo Engineers; Scott Andrews – Save Everyone's Access; Mayor Cheryl Cox, Linda Wagner – City of Chula Vista; Eric Germain – Ratepayers; Daniel Brogadin – County of San Diego; Tom Howard – City of Poway; Jim Peugh – San Diego Audubon Society; Paul Dayton – Scripps Institution of Oceanography; Marco Gonzalez – Coast Law Group; Angelika Villagrana – San Diego Regional Chamber of Commerce; Scott Huth – City of Coronado; Mark Roback – Metropolitan Wastewater Joint Powers Authority.

Item 2 – Public Forum

Vicki Long, Elsinore Murrieta Anza Resource Conservation District, reported that the District was looking for opportunities to work with the Board and staff on educational programs, mitigation projects, and other needs in the northern watershed.

Robert Dean, San Diego Yacht Club, provided the Board a brief update on the progress being made by the Shelter Island Yacht Basin TMDL Committee.

Joey Racano, Ocean Outfall Group, expressed his concern with the impact on plankton from once-through cooling of coastal power plants.

Item 3 – Minutes of Board Meetings of December 10, 2008

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. Anderson noted that a correction needed to be made to Item 4 where he announced that there was a meeting with the agriculture community in Escondido, not that he attended the meeting:

Mr. Anderson moved approval of the December 10, 2008 minutes with the amendment. The motion was seconded by Mr. Rayfield 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.

State Board Liaison, Fran Spivy-Weber, welcomed the new Board Members and briefly spoke about the recycled water policy.

Chairman Wright announced that Item 4 would be continued later in the meeting.

Consent Item:

Item 5 – Modification of Waste Discharge Requirements: Warner Development Company, Warner Springs Ranch, San Diego Country (tentative Addendum No. 1 to Order No. 93-013) (*Olufisayo Osibodu*)

A motion was made by Mr. Thompson to approve Addendum No. 1 to Order No. 93-013. The motion was seconded by Chairman Wright and approved by unanimous vote.

Remainder of the Agenda (Non-Consent Items):

Item 6 – PUBLIC HEARING: NPDES Permit Reissuance: City of San Diego Point Loma Ocean Outfall Discharge to Pacific Ocean. Discussion of Tentative NPDES Permit No. CA0107409 and waste discharge requirements for the City of San Diego E. W. Blom Point Loma Metropolitan Wastewater Treatment Plant discharge to the Pacific Ocean through the Point Loma Ocean Outfall, based on a variance from federal secondary treatment standards at Title 40 of the Code of Federal Regulations Part 133 (40 CFR 30), as provided for improved discharges under Clean Water Act section 301(h) and 40

CFR 125, Subpart G. The USEPA and the Regional Board will jointly conduct this public hearing to receive comments related to the tentative NPDES permit. The Regional Board will not adopt the NPDES permit at this hearing, but will formally act on the permit at a subsequent Board meeting. The public comment period for this item will remain open until 5:00 p.m. on January 28, 2009 and all written comments submitted by the deadline will be considered by the Board before taking action on the tentative permit. (Tentative Order No. R9-2009-0001) (*Melissa Valdovinos*)

Chairman Wright and Ms. Alexis Strauss, U.S. EPA Hearing Officer, read the hearing procedures.

Other speakers included:

Jerry Sanders – Mayor of San Diego

Cheryl Cox - Mayor of Chula Vista

Mark Roback – Chairman, Metropolitan Wastewater Joint Powers Authority

Regional Board staff member Melissa Valdovinos and Robyn Stuber, U.S. EPA, gave the presentation.

Mr. Rayfield asked a question about kelp beds.

Additional speakers:

Jim Barrett – City of San Diego

Tom Howard – City of Poway

Scott Huth – City of Coronado

Paul Dayton – Scripps Institution of Oceanography

Angelica Villagrana – San Diego Regional Chamber of Commerce

Timothy Bertch – citizen

Eric Germain – citizen

Ed Kimura – Sierra Club

Bruce Reznik – San Diego Coastkeeper

Marco Gonzalez – Coast Law Group

Scott Andrews – Save Everyone's Access

Joey Racano – Ocean Outfall Group

James McDonald – citizen

Doug Korthof – citizen

Board Members made comments and asked questions.

Ms. Strauss thanked everyone for their comments and reminded them that the written comment period would remain open until 5:00 p.m. on January 28, 2009.

Chairman Wright closed the Public Hearing.

Item 4 – Continued

Mr. Robertus reported that the Tijuana River Valley Recovery Team would be meeting on January 30th at 10:00 a.m. He also reported on a briefing that he gave to elected officials on January 14th regarding the actions of the Recovery Team.

Mr. Robertus then reported that he and other staff members attended the SCCWRP Symposium on January 20th.

Chairman Wright asked Mr. Robertus to report on a January 8th meeting he attended with other Regional Board Executive Officer's regarding setting priorities in relation to the General Fund budget cuts.

Board Members discussed supplemental environmental projects with Mr. Robertus and Ms. Hagan.

Chairman Wright announced that the Water Quality Coordinating Committee meeting was scheduled for February 23 & 24, 2009 in Chino, CA.

Mr. Rayfield referenced the Southern California Regional Brine-Concentrate Management Study item in the Executive Officer's Report and asked if staff was involved in the meetings/activities. Mr. Robertus replied yes and gave some details.

Mr. Weber commented on the 10,000 gallon jet fuel JP-5 emergency release from the aircraft carrier USS Abraham Lincoln to the Pacific Ocean that occurred on December 4, 2008 and asked Mr. Robertus if he knew why the Navy didn't recover the spill.

Mr. King commented on the Underground Storage Tank cleanup funds, economic flexibility, cost benefit analysis, and financial impacts on the regulated community.

The meeting was recessed for Closed Session and lunch at 12:25 p.m.

Item 7 – *Closed Session* - Discussion of Ongoing Litigation [Authorized under Government Code Section 11126, subd. (e)]. The Regional Board may meet in closed session to discuss ongoing litigation for the following cases:

Litigation Filed against the Regional Water Board

- a. *Surfrider Foundation v. California Regional Water Quality Control Board -- San Diego Region and California State Water Resources Control Board; (Cabrillo Power I, LLC, Real Party-in-Interest), Petition for Writ of Mandate. San Diego County Superior Court, Case No. 37 2007-00069621-CU-PT-CTL (filed July 2007). (Brian Kelley)*

- b. *Surfrider Foundation v. California Regional Water Quality Control Board -- San Diego Region, (Poseidon Resources, Real Party-in-Interest)*, Petition for Writ of Mandate. San Diego County Superior Court, Case No. 37-2008-00091983-CU-WM-CTL (filed September 2008). (*Michelle Mata*)
- c. *People of the State of California Ex Rel. the Regional Water Quality Control Board, San Diego Region v. Carlos Marin, an individual in his capacity as Commissioner of the International Boundary and Water Commission, United States Section, et al.*, Complaint for Violations of the Clean Water Act and Related State Law Claims. United States District Court, Southern District of California, Case No. 01-CV-027BTM(JFS) (filed February 2001). (*John Robertus*)
- d. *William G. Dickerson and Heidi Dickerson, Husband and Wife; Larry Gunning and Penelope L. Gunning, Husband and Wife; and Perry & Papenhausen, Inc., a California Corporation v. San Diego Regional Water Quality Control Board, a Public Entity*, Petition for Writ of Mandate. San Diego County Superior Court, Case No. 37-2007-00075846-CU-WM-CTL (filed September 2007). (*Frank Melbourn*)
- e. *In re Test Claim on California Regional Water Quality Control Board, San Diego Region, Order No. R9-2007-001, (NPDES No. CAS0108758) 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 adopted on January 24, 2007*. Test Claim filed by San Diego County, et al., with Commission on State Mandates, No. 07-TC-09 (filed June 2008). (*Catherine George Hagan*)

The Closed Session was held and items b, c, and d were discussed. No action was taken by the Board.

Closed Session - Consideration of Initiation of Litigation or Discussion of Significant Exposure to 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 or to discuss significant exposure to litigation [Authorized under Government Code Section 11126(e)] (*John Robertus*)

The Closed Session was not held.

Closed Session - Deliberation on a Decision to be Reached Based on Evidence Introduced in a Hearing.

The Regional Board may meet in closed session to consider evidence received in an adjudicatory hearing and to deliberate on a decision to be reached based upon that evidence [Authorized under Government Code Section 11126(c)(3)]

The Closed Session was not held.

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 Session was not held,

Item 8 – Arrangements for Next Meeting and Adjournment

Wednesday, February 11, 2009 - 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 1:40 p.m.

These minutes were prepared by:



Lori Costa
Executive Assistant

Signed by:



John H. Robertus
Executive Officer