

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

MINUTES OF MEETING
MARCH 11, 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, David King, Eric Anderson, Kris Weber, Wayne Rayfield, Grant Destache, Gary Thompson, George Loveland, and Marc Luker.

Staff Present: John Robertus, Michael McCann, Lori Costa, Robert Morris, John Odermatt, Eric Becker, Brian Kelley, Chiara Clemente, James Smith, Jeremy Haas, Frank Melbourn, Robert Pierce, Cathryn Henning, Alan Monji, Ben Neill, Chad Loflen, Fisayo Osibodu, Ben Tobler, Jody Ebsen, Wayne Chiu, Pete Peuron, Rebecca Stewart, Joann Cofrancesco, Chris Means, and Tony Felix.
Others Present on behalf of the Regional Board: State Water Resources Control Board – Catherine Hagan. Kennedy Court Reporters: Normi Simmons.

Public Attendance: Luis Ledesma, Kevin Gordell, Gene Love- U.S. Marine Corps Base Camp Pendleton; Alice Benson- Ramona Municipal Water District; Penny Elia- Sierra Club; Charlotte Masarik- self; Jayne Joy- Eastern Municipal Water District; Jose Vergan- Metropolitan Water District; Mary Grace Pawson- WaterReuse; Michael De La Rosa- SD County Supervisor Greg Cox's Office; Michael Welch- self; Eric Larson- San Diego County Farm Bureau; Dan Junegrass- Jamul CPG; Mark Weston, Carlos Lugo- Helix Water District; Thomas Deeds- City of San Diego; Glenn Leeks, Lauren Moreno, Cid Tesoro, Warren Bacon, Nestor Silva, Richard Diaz- County of San Diego; Dan McCandless, Melissa King, Jessica Wall, Livia Borak- San Diego Coastkeeper; Pam James-Adams- City of Carlsbad; Robert Dean- San Diego Yacht Club; Tom Rosales- South Orange County Wastewater Authority; Andre Monette- Best Best & Krieger; Mike Beanan- South Laguna Civic Association; Dan Diehr, Maria Manseal, Toby Roy- San Diego County Water Authority; Neal Brown, Al Lau- Padre Dam Municipal Water District; Jim Peugh- San Diego Audubon Society; Sean Sterchi, Brian Bernados- California Department of Public Health; John Coates- City of Santee; Verna Rollinger- Laguna Beach City Council; Cindalee Penney-Hall- Laguna Beach resident; Charlotte Masarik, Village Laguna.

Item 2 – Public Forum

Verna Rollinger, Laguna Beach City Council, spoke about her concern with the Aliso and Wood Canyons Wilderness Park that was being threatened by the proposed SUPER Project. Ms. Rollinger asked for a status report at the next Regional Board meeting.

Michael Beanan, South Laguna Civic Association, said he was also concerned with the proposed SUPER Project. He then addressed the status of Orange County MS4 Permit and asked that the permit be on the next meeting agenda for adoption.

Cindalee Penny-Hall, Laguna Beach resident, spoke about her concern with the pollutants and toxins that Aliso Creek was picking up on its way to the ocean. She asked for a status report on the proposed SUPER Project at the next Regional Board meeting.

Charlotte Masarik, Village Laguna, spoke about the proposed SUPER Project for Aliso Creek and requested the Board place an item on the next meeting agenda so it could be discussed.

Penny Elia, Sierra Club, said they opposed the proposed SUPER Project and talked about the problems with it.

Senior staff member James Smith gave a brief status report on the Project and the Orange County MS4 Permit.

Board Members asked for a status report at the next Regional Board meeting.

Item 3 – Minutes of Board Meetings of February 11, 2009

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. Luker moved approval of the February 11, 2009 minutes. 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.

Chairman Wright reported that he received a copy of a report titled "Urban Stormwater Management in the United States" produced by the National Research Council. The report is available at <http://nationalacademics.org/wstb> or 888-624-8373.

Mr. Robertus reported that Commissioner Bill Ruth of the International Boundary and Water Commission would be in San Diego on March 26th and asked the Board if they were interested in meeting with him. Mr. Destache, Mr. Loveland, Mr. Thompson, and Mr. Anderson said they were interested.

Chairman Wright referred to Item 10 (Otay Water District North District Recycled Water System Development Project) and asked if the Sweetwater Authority was involved in the discussions. Senior staff member Bob Morris replied, "Yes."

Chairman Wright announced that Charlie Hoppin was the new State Board Chair and Fran Spivy-Weber was Vice Chair.

Consent Calendar:

Item 5 – Modification of Waste Discharge Requirements: Kamp Anza RV Resort, Riverside County, Change in Ownership (Tentative Addendum No. 1 to Order No. 98-084) (*Cathryn Henning*)

Item 6 – NPDES Permit Rescission: Waste Discharge Requirements for S & S Farms Swine Raising Facility, San Diego County, Order No. R9-2002-0067, NPDES No. CA0109371. (Tentative Order No. R9-2009-0036) (*Michelle Mata*)

Item 7 – New Waste Discharge Requirements: Master Reclamation Permit with WDRs for the SRTTP U.S. Marine Corps Base Camp Pendleton (Tentative Order No. R9-2009-0021) (*Robert Pierce*)

A motion was made by Mr. Rayfield to approve the Consent Calendar. The motion was seconded by Mr. Loveland and approved by unanimous vote.

Chairman Wright announced that Item 13 was postponed.

Remainder of the Agenda (Non-Consent Items):

Item 8 – Public Workshop: Regulation of Recycled Water Discharges in the San Diego Region (*Robert Pierce and Bob Morris*)

Mr. Robertus introduced the item, and senior staff member Bob Morris gave the presentation.

Board Members asked questions of Mr. Morris.

Other speakers included:

Tom Rosales – South Orange County Wastewater Authority

Jayne Joy – Eastern Municipal Water District

Toby Roy – San Diego County Water Authority

Board Members asked questions of Ms. Roy.

Mark Weston – Helix Water District

Andre Monette – Best Best & Krieger

Neal Brown – Padre Dam Municipal Water District

Glenn Leeks – County of San Diego, Department of Environmental Health

Board Members made comments and asked questions of the public and staff.

The Board directed staff to work with the sub agencies in one or two meetings then come back to Board with their recommendations on how the Board might address the issue to the mutual benefit of all those involved.

Mr. Robertus said he might be able to hold a workshop within 30 days.

The meeting was recessed for Closed Session and lunch at 12:30 p.m.

Item 14 – *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. *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*)

b. *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*)

c. *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 Melbourne*)

d. *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)*

e. *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)*

The Closed Session was held and Items c and e were discussed. No action was taken by the Board.

Item 9 – Update of Waste Discharge Requirements: Ramona Municipal Water District, San Vicente Wastewater Treatment Plant, San Diego County, Issuance of Master Reclamation Permit (Tentative Order No. R9-2009-0005) *(Cathryn Henning)*

After speaking with Ms. Hagan, Mr. Thompson disclosed that one of the speakers was employed by the same company as he but said it would not preclude him from acting on the item as she was not speaking on behalf of the company.

Staff member Cathryn Henning gave the presentation.

Other speakers included:
Mary Grace Pawson - WaterReuse

Mr. King asked a question of Ms. Henning.

Mr. Robertus recommended that the Board approve the Order.

A motion was made by Mr. Thompson to approve Order No. R9-2009-0005. The motion was seconded by Mr. Destache and approved by unanimous vote.

Item 10 – Resolution to request funding from the State Water Pollution Cleanup and Abatement Account administration by the State Water Resources Control Board for Phase One of the Tijuana River Valley Trash/Sediment Transport and Deposition Study. (Tentative Resolution No. R9-2009-0035) (*Benjamin Tobler*)

Staff member Benjamin Tobler introduced the item. Mr. Cid Tesoro, County of San Diego, gave the presentation.

Other speakers included:

Michael De La Rosa – Supervisor Greg Cox's Office

Daniel McCandless – San Diego Coastkeeper

Board Members asked questions and made comments.

A motion was made by Mr. Rayfield to adopt Resolution No. R9-2009-0035. The motion was seconded by Mr. King and approved by unanimous vote.

Item 11 – Workshop: Informational workshop on the Regional Board's enforcement function, emphasizing implementation of the State Water Board's Water Quality Enforcement Policy and consideration of supplemental environmental projects. Public comments are encouraged. The Regional Board will not be taking action on this item. (*Jeremy Haas*)

Staff members Jeremy Haas, Frank Melbourn, and Rebecca Stewart gave the presentation.

Board Members asked questions of staff.

Other speakers included:

Livia Borak – San Diego Coastkeeper

Board Members discussed supplemental environmental projects.

Board Member Luker left at 3:15 p.m.

Item 12 – Status Report: Conditional Waiver for Agriculture and Nursery Operations-The Regional Board staff will provide an overview of the Agriculture and Nursery Operations Waiver that was adopted on October 10, 2007 as part of Order No. R9-2007-0104. The overview will include a discussion of the requirements and implications of the waiver, Regional Board implementation efforts to date, and projections of efforts to come. Public comments are encouraged. The Regional Board will not be taking action on this item. (*Peter Peuron*)

Staff member Peter Peuron gave the presentation.

Board Member Thompson left at 3:35 p.m.

Other speakers included:

Eric Larson – San Diego County Farm Bureau

Board Members asked questions of staff and made comments.

Item 13 – Information Item: The Board will discuss issues associated with the use of hearing panels to hear administrative civil liability matters pursuant to Water Code section 13228.14 (*John Robertus*)

Item 13 was postponed.

Item 15 – *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.

Item 16 – *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.

Item 17 – *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 18 – Arrangements for Next Meeting and Adjournment

Wednesday, April 8, 2009 - 9:00 a.m.

Water Quality Control Board

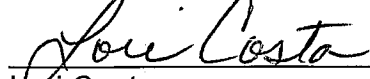
Regional Board Meeting Room

9174 Sky Park Court

San Diego, California

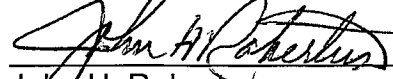
With there being no further business, the meeting was adjourned at 4:00 p.m.

These minutes were prepared by:



Lori Costa
Executive Assistant

Signed by:



John H. Robertus
Executive Officer