At 9:00 a.m., Chairman Destache called to order the meeting of the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) at the Regional Water Quality Control Board, 9174 Sky Park Court, San Diego, California.

**Item 1 – Roll Call and Introductions**

**Board Members present:** Grant Destache, Gary Strawn, Henry Abarbanel, Eric Anderson, George Loveland, Tomas Morales, and Gary Strawn.

**Staff Present:** David Gibson, James Smith, Chris Witte, John Odermatt, Fisayo Osibodu, Bob Morris, Chiara Clemente, Rebecca Stewart, Laurie Walsh, Chris Means, Michelle Mata, Alan Monji, Jeremy Haas, Brian Kelley, Carey Nagoda, Frank Melbourn, Craig Carlisle, Sean McClain, Chad Loflen, David Barker, Julie Chan, Wayne Chiu, Charles Cheng, Eric Becker, Sheila Christine McQuaid-Moran, Lori Costa, Jody Ebsen, Amy Grove, John Anderson, Roger Mitchell, Barry Pulver, Deborah Jayne, Cynthia Gorham, Bruce Posthumus, Kelly Dorsey, Joann Lim.

**Others present on behalf of the San Diego Water Board:** State Water Resources Control Board – Frances Spivy-Weber, Catherine Hagan, Jessica Jahr. **Kennedy Court Reporters** – Bonnie Breen.

**Public Attendance:** Nick Doenges, San Diego Coastkeeper; Vasana Vipatapat, City of Escondido; Cynthia Esparza, City of Escondido; Tom Lambert, County of San Diego; Adrianna Kripke, San Diego Gas & Electric; Hasim Navrozali, San Diego Gas & Electric; Michael Mistra, County of Riverside.

**Item 2 – Public Forum**

Nick Doenges, Student Attorney with San Diego Coastkeeper, spoke about ways that the Board could improve its website, including better access to public records, more prominent posting of public notices and deadlines for comments, and posting of facilities-specific information.

**Item 3 – Minutes of Board Meeting: August 8, 2012.**

*The 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 San Diego Water Board office for assistance.*
The adoption of the minutes was postponed until the next meeting.

**Item 4** – Chairman’s, Board Members’, State Water 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.

Fran Spivy-Weber provided an update on State Board matters, the budget, and the upcoming WQCC meeting.

After Mr. Gibson’s report, Chiara Clemente provided an overview of the purpose and function of the Compliance Assurance Unit.

*Mr. Destache recessed the meeting at 10:07 a.m. and reconvened at 10:20 a.m.*

**Item 5** – Information Item: Update on the State Water Board’s Policy for Onsite Wastewater Treatment Systems (*Fisayo Osibodu*).

Julie Chan provided an introduction to Fisayo Osibodu’s presentation.

Tom Lambert of San Diego County presented some remarks.

**Item 6** – NPDES Permit Reissuances: San Diego Gas and Electric Company, Palomar Energy Center, Discharge of Cooling Tower Blowdown and Low Volume Wastes to the Pacific Ocean via the San Elijo Ocean Outfall (Tentative Order No. R9-2012-0015, NPDES No. CA0109215) (*Michelle Mata*).

After Chair Destache’s opening statement, Michelle Mata made her presentation.

Fred Waller of the Palomar Energy Plant answered Board Members’ questions regarding the plant’s storm water management plan.

Adrianna Kripke, Senior Counsel for SDG&E, commented on the proposed order.

Mr. Anderson moved to adopt the Order with Errata, and the motion was seconded by Dr. Abarbanel. The Board adopted the Order by a unanimous vote.

*Mr. Strawn recessed for lunch and Closed Session at 12:00 p.m. and reconvened the meeting at 12:40 p.m.*
Item 7 - Closed Session - Discussion of Ongoing Litigation [Authorized under Government Code Section 11126, subd. (e)]. The San Diego Water Board may meet in closed session to discuss ongoing litigation for the following cases:

Civil Actions (Judicial and Administrative, other than Petitions for Review filed with the State Water Board)


h. **Test Claim on California Regional Water Quality Control Board, San Diego Region, Order No. R9-2010-0016 (NPDES No. CAS0108766)** adopted November 10, 2010, County of Riverside, Riverside County Flood Control and Water Conservation District, and the Cities of Murrieta, Temecula and Wildomar, Co-Claimants, filed with Commission on State Mandates, No. 11-TC-03 (filed November 2011). (Catherine George Hagan)

i. Petitions of the National Fireworks Association and Fireworks & Stage FX America Inc., Coastal Environmental Rights Foundation, and San Diego Coastkeeper (General National Pollutant Discharge Elimination System (NPDES) Permit Order No. R9-2011-0022 (NPDES No. CAG999002) for Residual Firework Pollutant Waste Discharges to Waters of the United States in the San Diego Region from the Public Display of Fireworks), SWRCB/OCC Files A-2164(a)-(c), filed June and July 2011. (Michelle Mata)


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1 Petitions for review of San Diego Water Board actions or inactions filed with the State Water Board being held in abeyance by the State Water Board are not listed in the agenda. The titles of these matters are available at the San Diego Water Board. Please contact Catherine George Hagan at chagan@waterboards.ca.gov or 858-467-2958 for more information.


o. Petition of South Laguna Civic Association for Review of Order No. R9-2012-0013, NPDES No. CA0107611, NPDES Permit Reissuance: South Orange County Waste Authority, Discharges to the Pacific Ocean via Aliso Creek Ocean Outfall, adopted April 11, 2012, SWRCB/OCC File A-XXXX, filed May 2012. (Joann Lim)


This closed session was held, and the Board Members discussed items a and d.

**Item 10 - Closed Session** - Consideration of Initiation of Litigation or Discussion of Significant Exposure to Litigation. The San Diego Water Board may meet in closed session to initiate or consider initiating litigation concerning matters within its jurisdiction or to discuss significant exposure to litigation [Authorized under Government Code Section 11126(e)] (David Gibson).

This Closed Session was not held.

**Item 11 - Closed Session** - Deliberation on a Decision to be Reached Based on Evidence Introduced in a Hearing. The San Diego Water Board may meet in closed session to consider evidence received in an adjudicative hearing and to deliberate on a
decision to be reached based upon that evidence [Authorized under Government Code Section 11126(c)(3)].

This Closed Session was not held.

**Item 12 - Closed Session – Personnel.** The San Diego Water Board may meet in closed session to consider the appointment, employment, evaluation of performance, or dismissal of a public employee or to hear complaints or charges brought against that employee by another person or employee unless the employee requests a public hearing [Authorized under Government Code Section 11126(a)].

This Closed Session was not held.

**Item 13 – Arrangements for Next Meeting and Adjournment:**

Tuesday, November 13, 2012 – 9:00 a.m.
City of San Diego Public Utilities Department Wastewater Branch Auditorium
9192 Topaz Way
San Diego, California

There being no further business, the meeting was adjourned at 12:40 p.m.

These minutes were prepared by:    Signed by:

Chris Witte       David Gibson
Executive Assistant      Executive Officer