

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION
2375 Northside Drive, Suite 100
San Diego, California

MINUTES OF MEETING
DECEMBER 11, 2014

At 9:05 a.m., Chairman Abarbanel 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, 2375 Northside Drive, San Diego, California.

Item 1 – Roll Call and Introductions

Board Members present: Henry Abarbanel, Eric Anderson, Sharon Kalemkarian, Tomás Morales, Gary Strawn, and Stefanie Warren.

Dr. Abarbanel administered the Oath of Office to reappointed Board Members Tomas Morales and Gary Strawn. New Board member Betty Olson arrived at 10:00 a.m., and the Chair administered the Oath to her following the conclusion of Item 9.

Staff Present: James Smith, Chris Blank, Jeremy Haas, Lori Costa, Jody Ebsen, Debbie Woodward, John Odermatt, Amy Grove, Roger Mitchell, David Barker, Fisayo Osibodu, Barry Pulver, Chad Loflen, Bruce Posthumus, Carey Nagoda, Sophie di Campalto, Brandi Outwin-Beals, Kelly Dorsey, Kristin Schwall, Ben Neill, Rebecca Stewart, Chiara Clemente, Eric Becker, Frank Melbourn, Alan Monji, Alex Cali, Mike Porter, Vicente Rodriguez, Sheila Christine McQuaid-Moran, Tony Felix, Joann Lim, Craig Carlisle, Wayne Chiu, Kimberly McMurray-Cathcart, Dat Quach.

Others present on behalf of the San Diego Water Board: State Water Resources Control Board –Fran Spivy-Weber, Catherine Hagan. California Court Reporting – Sandra Sotelo.

Public Attendance: Len Sinfield, U.S. Navy; Leo Schempp, Stone Brewing Company; Michael Welch; Brad Fowler, City of Dana Point; Jason Dafforn, City of Oceanside; Peter Martin, City of San Diego PUD; Steve Williams, SWRCB-DDW; Scott McClelland, Sweetwater Authority; Luis Perez, Outdoor Outreach; Vincent Culliver, Outdoor Outreach; Mario Luna, Outdoor Outreach; Scott Sheperd, Outdoor Outreach; Ben McCue, Outdoor Outreach; Sean Sterchi, SWRCB-DDW; Brennan Flahive, SOCWA.

Item 2 – Public Forum

Len Sinfield of the U.S. Navy introduced himself to the Board.

Brad Fowler, Director of Public Works for the City of Dana Point, addressed concerns expressed by Roger Butow at a previous meeting regarding water quality practices of the South Shores Church in Dana Point.

Item 3 – Minutes of Board Meeting: November 11, 2014

Mr. Anderson moved to accept the minutes, and Mr. Strawn seconded the motion. The minutes were approved by unanimous vote. Ms. Warren abstained, as she did not attend the November 12 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.

Ms. Spivy-Weber summarized upcoming State Board activities. She stated that the annual Chairs' meeting is currently scheduled for Monday, April 20, 2015, and the Water Quality Coordinating Committee (WQCC) is scheduled for October 12-13, 2015.

Mr. Morales and Mr. Strawn reported on the BAE Systems shipyard tour, which occurred on December 2, 2014. Mr. Morales also indicated that he would be traveling to Tijuana in the coming week for the signing of the treaty minute.

Mr. Anderson recounted the Wetlands Recovery Project meeting on November 20, 2014.

Dr. Abarbanel provided a briefing on the statewide Regional Boards' plans regarding wetlands recovery in each of the Regions.

Mr. Smith summarized staff activities that had taken place since the distribution of the Executive Officer's Report and would take place before the next meeting of the Board. He also indicated that the signing of the treaty minute had been delayed, and stated that he would provide the new information to Mr. Morales as soon as it was available. Mr. Smith then introduced Ben McCue, Executive Director of Outdoor Outreach.

Mr. McCue, along with alumni and instructors from Outdoor Outreach, provided an overview of the organization's mission and activities.

Item 5 – Future Agenda Items: Board Members may discuss items for possible inclusion on future agendas. No action will be taken. (*David Gibson*)

The Board members did not identify any future agenda items.

Consent Calendar: Items 6 through 8 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.)

Item 6 – NPDES Permit Amendment: An order to amend Order No. R9-2012-0006, NPDES No. CA0109258, *Waste Discharge Requirements for Liquid Stone Holdings*,

LLC, Koochenvagner's Brewing Company dba Stone Brewing Co., Discharge to the Pacific Ocean via the San Elijo Ocean Outfall (Tentative Order No. R9-2014-0097). (Vicente Rodriguez)

Item 7 – NPDES Permit Amendment: An order to amend Order No. R9-2010-0012, NPDES Permit No. CA0108952, *Waste Discharge Requirements for the Sweetwater Authority Richard A. Reynolds Desalination Facility Discharge to the Lower Sweetwater River Basin, San Diego County* (Tentative Order No. R9-2014-0109). (Ben Neill)

Item 8 – NPDES Permit Amendment: An order to amend Order No. R9-2011-0016, NPDES Permit No. CA0107433, *Waste Discharge Requirements for the City of Oceanside San Luis Rey Water Reclamation Facility, La Salina Wastewater Treatment Plant, and Mission Basin Desalting Facility Discharges to the Pacific Ocean via the Oceanside Ocean Outfall* (Tentative Order No. R9-2014-0108). (Kristin Schwall)

Mr. Morales moved to adopt the Consent Calendar, and Mr. Anderson seconded the motion. A vote was taken, and the Consent Calendar was approved by unanimous vote.

Chairman Abarbanel called a recess at 10:28 a.m. and reconvened the meeting at 10:43 a.m.

Remainder of the Agenda (Non-Consent Items):

Item 9 – Information Item: Introduction of the Division of Drinking Water. (David Gibson)

Mr. Smith introduced the item and the Drinking Water Program staff who were to address the Board.

Sean Sterchi provided an overview of the Drinking Water Program and responded to Board Member questions.

Steve Williams also responded to Board Member questions.

Peter Martin of the City of San Diego Public Utilities Department spoke in support of the mere of the Division of Drinking Water into the State Water Resources Control Board.

Item 10 – NPDES Permit Amendment: An order to amend Order No. R9-2012-0012, NPDES Permit No. CA0107417, *Waste Discharge Requirements for the South Orange County Wastewater Authority Discharge to the Pacific Ocean through the San Juan Creek Ocean Outfall to Incorporate Revised Beach Water Quality Monitoring* (Tentative Order No. R9-2014-0105). (Joann Lim and Bruce Posthumus)

Items 10 & 11 were presented together. Dr. Olson recused herself and stepped away from the dais for these two items.

Joann Lim gave the staff presentation and answered Board Member questions. Brandi Outwin-Beals and Bruce Posthumus also responded to Board Member questions.

Brennan Flahive, Director of Compliance for the South Orange County Wastewater Authority, spoke in support of the Tentative Orders.

Mr. Morales moved to approve Tentative Order No. R9-2014-0105 with oral errata, and Ms. Kalemkiarian seconded the motion. A vote of participating Board Members was taken, and Order No. R9-2014-0105 was adopted by unanimous vote.

Item 11 - NPDES Permit Amendment: An order to amend Order No. R9-2012-0013, NPDES Permit No. CA0107611, *Waste Discharge Requirements for the South Orange County Wastewater Authority Discharge to the Pacific Ocean through the Aliso Creek Ocean Outfall* to Incorporate Revised Beach Water Quality Monitoring (Tentative Order No. R9-2014-0098). (*Joann Lim and Bruce Posthumus*)

Mr. Morales moved to approve Tentative Order No. R9-2014-0098 with oral errata, and Mr. Strawn seconded the motion. A vote of participating Board Members was taken, and Order No. R9-2014-0098 was adopted by unanimous vote.

Chairman Abarbanel recessed for lunch and Closed Session at 11:24 a.m. Ms. Hagan stated that the Board would discuss Item 12(g). The public meeting was reconvened at 12:30 p.m.

Item 12 – *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)

- a. *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)*
- b. *State of California Department of Finance, State Water Resources Control Board, And California Regional Water Quality Control Board, San Diego Region v. Commission on State Mandates. Petition for Writ of Administrative Mandamus. Sacramento County Superior Court, Case No. 34-2010-80000604 (filed July 2010). (Catherine George Hagan)*

- c. *In re: Citizens Development Corporation, Debtor and Debtor in Possession, Case No. 10-15142-LT11. United States Bankruptcy Court, Southern District of California. (San Diego Water Board Claim in Bankruptcy) (filed June 2011). (Catherine George Hagan)*
- d. *Test Claim on California Regional Water Quality Control Board, San Diego Region, Order No. R9-2009-0002, (NPDES No. CAS0108740) Waste Discharge Requirements for Discharges of Urban Runoff from the Municipal Separate Storm Sewer Systems (MS4s) Draining the Watersheds of the County of Orange, the Incorporated Cities of the County of Orange, and the Orange County Flood Control District adopted on December 16, 2009. Test Claim filed by County of Orange, et al., with Commission on State Mandates, No. 10-TC-11 (filed June 2011). (Catherine George Hagan)*
- e. *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)*
- f. *City of San Diego v. California Regional Water Quality Control Board, San Diego Division, SFPP, L.P., A Delaware Limited Partnership, and Kinder Morgan Energy Partners, L.P., A Delaware Limited Partnership, Real Parties-in-Interest. Petition for Writ of Administrative Mandamus. San Diego County Superior Court, Case No. 37-2013-00047614-CU-WM-CTL (filed May 2013). (Ben Neill)*
- g. *Coastal Environmental Rights Foundation v. California Regional Water Quality Control Board, San Diego Region. Petition for Writ of Administrative Mandamus. San Diego County Superior Court, Case No. 37-2014-00038672-CU-WM-CTL (filed November 2014). (Ben Neill)*

Petitions for Review Pending Before State Water Resources Control Board¹

- h. *Petition of Citizens Development Corporation (Water Code Section 13267 Investigative Order No. R9-2011-0033 dated September 14, 2011, Requiring Submission of Technical Reports Pertaining to Investigation of Lake San Marcos Nutrient Impairment, San Diego County), SWRCB/OCC File A-2185, filed October 2011. (Laurie Walsh)*
- i. *Petition of City of San Diego (Time Schedule Order No. R9-2011-0052 dated September 14, 2011, for the Kinder Morgan Energy Partners, Mission Valley*

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 generally not listed in the agenda. The titles of these matters are available at the San Diego Water Board. Please contact Catherine George Hagan at catherine.hagan@waterboards.ca.gov or 619-521-3012 for more information.

Terminal Remediation Dewatering Discharge to Murphy Canyon Creek, San Diego County), SWRCB/OCC File A-2186, filed October 2011. (*Ben Neill*)

- j.* Petitions for Review of San Diego Bay Shipyard Sediment Cleanup and Abatement Order No. R9-2012-0024 for National Steel and Shipbuilding Company (NASSCO), Campbell Industries, City of San Diego, San Diego Gas & Electric (SDG&E) and San Diego Unified Port District (Port District) issued March 14, 2012. Petitions for Review and Requests for Stay filed by NASSCO, and City of San Diego. Petitions for Review w/o requests for stay filed by SDG&E, Star & Crescent Boat Company and Port District. SWRCB/OCC File A-2205(a), (c), (d), and (e), filed April 2012. (*Frank Melbourne*)
- k.* Petition of NASSCO for Review of Resolution No. R9-2012-0025 (Certifying Final Environmental Impact Report for San Diego Bay Shipyard Sediment Cleanup and Abatement Order No. R9-2012-0024), adopted March 14, 2012, SWRCB/OCC File A-2205(a), filed April 2012. (*Frank Melbourne*)
- l.* 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-2211, filed May 2012. (*Joann Lim*)
- m.* Petition of City of San Diego for Review of Resolution No. R9-2012-0045, re Authorizing Executive Officer to Increase Daily Average Discharge Flow Rate Limitation under Order No. R9-2008-0002 [NPDES No. CAG919002] for the Kinder Morgan Energy Partner's Mission Valley Terminal Remediation Dewatering Discharge to Murphy Canyon Creek, June 13, 2012, SWRCB/OCC File A-2222, filed July 2012. (*Ben Neill*)
- n.* Petitions for Review of Regional Municipal Separate Storm Sewer System Order No. R9-2013-0001 (NPDES No. CAS0109266), adopted May 8, 2013, filed by (1) San Diego County Regional Airport Authority (stay requested), (2) City of Lake Forest (abeyance request), (3) City of Aliso Viejo (abeyance request), (4) City of Laguna Hills (abeyance request), (5) City of Rancho Santa Margarita (abeyance request), (6) City of Chula Vista, (7) City of National City, (8) Riverside County Flood Control and Water Conservation District, the County of Riverside, and the Cities of Murrieta, Temecula, and Wildomar (abeyance request), (9) City of Dana Point (abeyance request), (10) City of Mission Viejo (abeyance request), (11) City of San Clemente (abeyance request), (12) County of Orange and Orange County Flood Control District (abeyance request), (13) San Diego Unified Port District, (14) City of San Diego (abeyance request), (15) County of San Diego, and (16) City of Laguna Niguel. SWRCB/OCC File A-2254(a)-(p), filed June 2013. (*Wayne Chiu*)

- o. Petition of San Diego United Port District, Waste Discharge Requirements Order No. R9-2013-0093 for San Diego Shipyard Sediment Remediation Project, San Diego Bay, San Diego County, July 10, 2013, SWRCB/OCC File A-2263, filed August 2013 (stay requested). (*Alan Monji*)
- p. Petition of Donan Environmental Services, Inc., Cleanup and Abatement Order No. R9-2013-0022 at the Site of the Former Santa Ysabel Chevron Station, 30350 Highway 78, Santa Ysabel, San Diego County, September 18, 2013, SWRCB/OCC File A-2277, filed October 2013. (*Sean McClain*)

This Closed Session was held, and the Board discussed Item 12(g).

Item 13 – *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)].

This Closed Session was not held.

Item 14 – *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 15 – *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.

There being no further business, the meeting was adjourned at 12:30 p.m.

These minutes were prepared by:

Signed by:

Chris Blank
Executive Assistant

James G. Smith
Assistant Executive Officer