

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

MINUTES OF MEETING
NOVEMBER 18, 2015

At 9:00 a.m., Chairman Abarbanel called to order the meeting of the California Regional Water Quality Control Board, San Diego Region (SDRWQCB) 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, Tomás Morales, Gary Strawn, Betty Olson, and Stefanie Warren.

Staff Present: David Gibson, James Smith, Lori Costa, Julie Chan, David Barker, Jeremy Haas, Craig Carlisle, John Odermatt, Cynthia Gorham, Chiara Clemente, Barry Pulver, Tony Felix, Chad Loflen, Jody Ebsen, Frank Melbourn, Sarah Mearon, Alan Monji, Kimberly McMurray-Cathcart, Lalitha Thotakura, Laurie Walsh, Erica Ryan, Wayne Chiu, Deborah Jayne, Eric Becker, Chris Means, Ben Neill, Dat Quach, Brandi Outwin-Beals, Christina Arias, Lucas Lima, Sheila Christine McQuaid-Moran, Kelly Dorsey, Alex Cali, Kristin Schwall, Joann Lim, and Tino Gamboa.

Others present on behalf of the San Diego Water Board: State Water Resources Control Board – Catherine Hagan and Adriana Nuñez.

Public Attendance: David Renfrew, Ghina Yamout, Lisa Kay – Alta Environmental; Kimberly O’Connell – UC San Diego; Rebecca Andrews – Airport Authority; Wayne Rosenbaum – Coalition; Tracy Ingebrigtsen, David Shissler – City of Laguna Beach; David Garcia, Stuart McKibbin, Scott Bruckner – Riverside County Flood Control District; Jeremy Jungreis – Rutan & Tucker, LLP; Joe Ames – City of Mission Viejo; Boushia Salem – City of Chula Vista; Michelle Mattson, Andrea Crumpacker – Weston Solutions; Ry Rivard – Voice of San Diego; Scott Gravos – Citizen; Kathryn Kriozere – San Diego City Attorney; Sean Torres, Sumer Hasenin, Clem Brown, Emir Williams, Ruth Kolb, Greg Hopkins – City of San Diego; Brad Fowler, Mayor Carlos Olvera – City of Dana Point; Bill Green – South Coast Water District; Steve Horn – County of Riverside; Edward Corwin – Lewis Brisbois Bisgaard & Smith LLP; Billy Walker – Citizen; Laura Hunter – Escondido Neighbors United; Jerome Pendzick, Julia Chunn-Heer, Summer Strutt, Mark West, Mandy Sackett, Jennifer Olim – Surfrider Foundation; Kathryn Horning – Allen Matkins; Nick Doenges, Jim Whalen – J. Whalen Associates; Jeff O’Connor – Homefed; Jim Kilgore – Latitude 33; Michael McSweeney – BIA; Jeff Waldman – US Navy Region SW; Sam Blick – Law Offices of C. Samuel Blick; Malik Tamimi – City of Lemon Grove; Jessica Palmer – NAVFAC SW; Mark Baker – Coutech; Debby Reece – Project Design Consultants; Shelby Hull – Contech; Aaron Lund – Hanson Aggregates; Matt O’Malley, Catherine Ferguson – SD Coastkeeper; Venkat Gummadi – Geosyntec; Tory Walker – Tory R. Walker Engineering, Inc.; Michael Welch

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– Citizen; Ben **Carrier** – San Diego City Attorney; Ryan Wann, Jo Ann Weber, Todd Snyder, Thomas Deak, Jon Van Rhyn – County of San Diego; Tom Stinson – ASM Marie Waldron; J. Harry Jones – San Diego Union Tribune; Adrienne Cibor – Nautilus; Jason Golumbfskie, Romeo Hacinas, Ryan Anson, John Crow – US Navy; Edward Modiano – de maximis; Christian Braun – City of Del Mar; Devin Slaven – City of Lake Forest; Matt Rich – Amel Foster Wheeler; Mary Anne Skorpanich, Richard Boon, Ryan Baron, Chris Crompton – County of Orange; Jamie Richards – City of Menifee; Scott Taylor – M. Baker International; Steve Strapac – City of Poway; Rosanna Lacarra – City of Coronado; Cheryl Filar – City of Vista; John Quenzer – City of National City; Jayne Janda-Timba – Rick Engineering; James Wood – City of Carlsbad; Marco Gonzalez – CERF.

Item 2 – Public Forum

Jim Whalen-Whalen Associates, Tory Walker-TRWE, Nick Doenges-Whalen Associates, Jeff O’Connor-HomeFed, all requested that a public hearing be held before the Board to discuss unresolved issues on the San Diego Bay Water Quality Improvement Plan.

Laura Hunter, Escondido Neighbors United, requested that a public hearing be held at a future Board meeting to discuss the 401 water quality certification for the Oak Creek Development Project.

Item 3 – Minutes of Board Meeting: September 9, 2015

Mr. Anderson moved to approve the minutes, and Mr. Strawn seconded the motion. A roll call vote was taken, and Board Members Abarbanel, Anderson, Morales, Olson, Strawn, and Warren voted “aye.” The motion passed.

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.

Board Member Warren asked for more details regarding the public meeting held at the Magnolia Elementary School in El Cajon (*EO Report, Part A, number 2*). Staff member Julie Chan responded. Ms. Warren asked for another update after the January meeting.

Board Member Strawn reported that at a recent San Diego River Conservancy meeting he attended they began to allocate Prop 1 money to various projects along the San Diego River and gave details.

Executive Officer Gibson reported that the State Water Board approved the Basin Plan Amendment for the onsite waste treatment system and ground water nitrate concentration of water quality objectives. He introduced new staff members Erica Ryan, Anayeli Picasso, and Faith Moore. Mr. Gibson also reported that he would be attending a meeting later in the afternoon with U.S. Commissioner Drusina and Mexican

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Commissioner Salmon and the Minute 320 Binational Core Group to discuss managing water quality, sediment, and trash.

Item 5 – Future Agenda Items: Board members may discuss items for possible inclusion on future agendas. (*David Gibson*)

Chairman Abarbanel suggested making visits to the water districts again in 2016. He said it had been three years since Mr. Gibson and Mr. Strawn visited them.

Item 6 – Approval of 2016 Meeting Schedule. (*David Gibson*)

Mr. Morales moved to approve the 2016 meeting schedule, and Ms. Olson seconded the motion. A roll call vote was taken, and Board Members Abarbanel, Anderson, Morales, Olson, Strawn, and Warren voted “aye.” The motion passed.

Consent Calendar: Items 7 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.)

Item 7 – Rescission of WDRs: An Order Rescinding Order Nos. 88-65, 94-06, 94-34, and 94-63, Individual Waste Discharge Requirements for Hanson Aggregates Sand and Gravel Operations in Escondido, Lakeside, and San Diego (Tentative Order No. R9-2015-0105). (*Roger Mitchell*)

Item 8 – NPDES Permit Reissuance: University of California, San Diego - Scripps Institution of Oceanography Discharge to the Pacific Ocean (Tentative Order No. R9-2015-0070, NPDES No. CA0107239). (*Joann Lim*)

Item 9 – U.S. Department of the Navy, Naval Base Coronado. (*Kristin Schwall*)

- a. NPDES Permit Reissuance: Discharge to the Pacific Ocean, San Diego Bay and the Tijuana River Estuary (Tentative Order No. R9-2015-0117, NPDES No. CA0109185).
- b. Time Schedule Order: A Time Schedule Order Requiring the US Department of the Navy to Comply with Requirements Prescribed in Tentative Order No. R9-2015-0117, NPDES No. CA0109185 (Tentative Order No. R9-2015-0118).

Chairman Abarbanel recused himself from voting on Item 8 because of his relationship with the Discharger and stepped away from the dais. Chairman Abarbanel did not participate in the vote on items 7 and 9.

Mr. Morales moved to approve consent items 7-9, and Mr. Anderson seconded the motion. A roll call vote was taken, and Board Members Anderson, Morales, Olson, Strawn, and Warren voted “aye.” The motion passed.

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Item 10 – Information Item: Presentation on the San Ysidro Land Port of Entry Wastewater Treatment and Reuse Facility as a Model Facility for Sustainability. *(Alex Cali)*

Item 10 was postponed.

Item 11 – NPDES Permit Amendment: An Order to amend Order R9-2013-0001, as amended by Order No. R9-2015-0001, NPDES No. CAS0109266, National Pollutant Discharge Elimination System (NPDES) Permit and Waste Discharge Requirements for Discharges from the Municipal Separate Storm Sewer Systems (MS4s) Draining the Watersheds within the San Diego Region. The amendment includes, but is not limited to, incorporation of the County of Riverside, the Cities of Murrieta, Temecula, and Wildomar, and the Riverside County Flood Control and Water Conservation District as Copermittees (Tentative Order No. R9-2015-0100). *(Wayne Chiu and Christina Arias)*

Chairman Abarbanel read the order of proceedings.

Board Member Warren recused herself from participating in the item due to her law firm's unrelated work with Orange County and Orange County Flood Control District. Board Member Warren left the room during consideration of Item 11.

Staff member Wayne Chiu began the presentation. Board Members asked questions of staff.

Speakers – Elected Officials:

- Mayor Carlos Olvera, City of Dana Point
- Bill Green, South Coast Water District

Staff member Christina Arias continued the presentation.

Speakers – Orange County Copermittees:

- Stuart McKibbin, Riverside County Flood Control & Water Conservation District
- Mary Anne Skorpanich, County of Orange

The Board Members asked questions of Ms. Skorpanich and Mr. Chiu.

- Ryan Baron, County of Orange
- Richard Boone, County of Orange
- Jeremy Jungreis, Rutan & Tucker, LLP representing the County of Orange

Board Member Morales asked questions of Mr. Jungreis.

The meeting was recessed for lunch and closed sessions at 12:25 pm.

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.

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During the closed session, the following item was discussed:

F. Coastal Environmental Rights Foundation, a CA non-profit public benefit corporation 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) (Challenging NPDES General Permit for Residual Firework Pollutant Waste Discharges to Waters of the United States, San Diego Region, Order No R9-2011-0022). (*Ben Neill*)

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)].

Item 15 was discussed.

The meeting reconvened at 1:25 pm. Executive Officer Gibson excused himself from the meeting.

Item 11 – Continued

Speakers – Orange County Copermittees:

- Dave Shissler, City of Laguna Beach
- Brad Fowler, City of Dana Point
- Bill Green, South Coast Water District
- Jeremy Jungreis, representing the Cities of Dana Point and Laguna Beach

Speakers – San Diego County Copermittees:

- Jon Van Rhyn, County of San Diego
- Jo Ann Weber, County of San Diego
- Clem Brown, City of San Diego

Additional Speakers:

- Michael McSweeney, Building Industry Association
- Matt O'Malley, San Diego Coastkeeper
- Marco Gonzalez, CERF
- Laura Hunter, Escondido Neighbors United
- Mandy Sackett, Surfrider Foundation, spoke on behalf of herself and Mark West.
- Julia Chunn-Heer, Surfrider Foundation, spoke on behalf Jennifer Olim
- Sam Blick, Law Offices of C. Samuel Blick
- Scott Graves, resident
- Rebecca Andrews – representing the Airport Authority
- Jerome Pendzick, Surfrider Foundation and resident
- Julia Chunn-Heer, Surfrider Foundation

Mary Anne Skorpanich and Michael McSweeney made closing remarks.

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Wayne Chiu made closing remarks. Board Members asked questions of Mr. Chiu.

Chairman Abarbanel closed the public hearing.

Assistant Executive Officer, James Smith, recommended that the Board adopt the permit with errata as proposed by staff.

After Board Member discussion, Mr. Morales moved to approve Tentative Order No. R9-2015-0100 with errata, and Mr. Anderson seconded the motion. A roll call vote was taken, and Board Members Anderson, Morales, Olson and Strawn voted "aye." Chairman Abarbanel voted "no." The motion passed.

Item 16 – Arrangements for Next Meeting and Adjournment:

Wednesday, December 16, 2015 - 9:00 a.m.
Padre Dam Municipal Water District
Advanced Water Purification Visitor's Center
12001 Fanita Parkway
Santee, California

There being no further business, the meeting adjourned at 4:39 p.m.

These minutes were prepared by:

Signed by:

Lori Costa
Administrative Officer

David Gibson
Executive Officer