

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

MINUTES OF MEETING
MAY 9, 2007

At 9:00 a.m. Chairwoman Ritschel 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: Susan Ritschel, Richard Wright, Eric Anderson, and Elizabeth Pearson Schneider.

Staff Present: John Robertus, Arthur Coe, Michael McCann, David Barker, Lori Costa, John Odermatt, Brian Kelley, Bob Morris, Mark Alpert, Chiara Clemente, Jeremy Haas, Chris Means, Amy Grove, Frank Melbourn, Mike Porter, Brian McDaniel, Michelle Mata, Joann Cofrancesco, Melissa Valdovinos, Victor Vasquez, Wayne Chiu. Others Present on behalf of the Regional Board: State Water Resources Control Board – John Richards & Frances Spivy-Weber. Jan White & Associates Reporting: Mary Anne Young.

Public Attendance: Richard Opper, Mike Mercerean – City of San Marcos; Doug Simpson, James O'Day, Barry Pulver, Veryl Wittig, Melissa Porter, Anthony Torres, Hew Munter, Rebecca Cafreniere – County of San Diego; Matt Tebbetts – Kennedy/Jenks Consultants; Ted Griswold, Tom Chapman, Jim McKenzie, Race Paddock, Gary Anderson – Lake Cuyamaca; Mark Umphries – Helix Water District; Bob Stuart – Julian Chamber of Commerce; Ed Kimura – Sierra Club; John Lormon, Jim Simmons, Gary Sirota, Al Rechany – Bajagua Project LLC; Eddie Meyer – Assembly Member Lori Saldaña; Humberto Peraza – U.S. Congressman Bob Filner; Marco Gonzalez – Surfrider Foundation; Ben McCue – Wildcoast; Dick Runge – SCWD; Ronda Chickaki – CDM; Richard Erikson – Vector Engineering; Dave Seymour – SMWD; Lisa Coburn-Boyd – Otay Water District; Jennifer Duffy, Rosanna LaCarra – PBS&J; Stephen Kelley, Darvin Bensford – La Jolla Indian Reservation; John Flores – La Jolla Board of Indians; Tom Sacksteder – Cuyamaca Sponsor Group; Rob Chichester – U.S. Navy; Chris Zirkle – City of San Diego.

Item 2 – Public Forum

There were no requests to speak during the public forum.

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.

Ms. Fran Spivy-Weber, State Board liaison, briefly spoke about the Strategic Planning meeting that was being held later in the meeting.

Board Member King arrived at 9:05 p.m.

Mr. Robertus reported that Mr. Wright was the Regional Board's representative on the Wetlands Recovery Project and was also the Border Liaison. He said that a Regional Board representative needed to be assigned to the San Diego River Conservancy (*non-voting position*).

Chairwoman Ritschel reported that Mr. King would fill the position on the Conservancy and Mr. Wright would remain in the Wetlands Recovery Project and Border Liaison positions. Chairwoman Ritschel said she would serve as the alternate on the Conservancy and Mr. Anderson volunteered as the alternate Border Liaison.

Mr. Wright said he felt it was important that Board Members be involved in outreach opportunities and serve on committees as time permitted.

Item 3 – Minutes of Board Meeting of April 25, 2007

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.

Chairwoman Ritschel noted that there was an errata to the minutes for Item 8.

Mr. Wright moved approval of the April 25, 2007 minutes with errata. The motion was seconded by Ms. Pearson Schneider and approved by unanimous vote.

Item 4a – Recognition: Resolution of Appreciation for Jennifer Kraus (tentative Order No. R9-2007-0075) and Alan Barrett (tentative Order No. R9-2007-0080) (*John Robertus*)

Chairwoman Ritschel presented the Resolution of Appreciation to former Board Member, Jennifer Kraus. Board Members thanked Ms. Kraus for her service on the Board.

Chairwoman Ritschel read the Resolution of Appreciation for former Board Member, Alan Barrett. Mr. Barrett could not present at the meeting.

Consent Calendar: Items 5 through 7 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 5 – Update of Waste Discharge Requirements and Master Reclamation Permit: Otay Water District – Ralph W. Chapman Water Reclamation Facility, San Diego County (tentative Order No. R9-2007-0038) (*Melissa Valdovinos*)

Item 6 – Amendment of Waste Discharge Requirements: United States Marine Corps, Las Pulgas Landfill, Marine Corps Base, Camp Pendleton: Tentative Addendum No. 1 to Order No. 2000-54 (*Amy Grove*)

Item 7 – Settlement of Administrative Assessment of Civil Liability: South Orange County Wastewater Authority (SOCWA), San Juan Creek Ocean Outfall: The Regional Board will consider adoption of an order accepting settlement of a \$36,000 Mandatory Minimum Penalty against the SOCWA for violations of effluent limitations established by Order No. R9-2000-0013, Waste Discharge Requirements for the South Orange County Wastewater Authority, Orange County, Discharge to the Pacific Ocean through the South Orange County Wastewater Authority San Juan Creek Ocean Outfall. If the Regional Board rejects the settlement, the matter will be rescheduled to a future public hearing at which time the Regional Board will consider assessment of civil liability. (Tentative Order No. R9-2007-0070) (*Rebecca Stewart*)

Ms. Pearson Schneider disclosed that she was an alternate member of SOCWA but felt her participation in voting on Item 7 would not pose a conflict of interest.

Mr. Wright made a motion to approve Consent Items 5 through 7. The motion was seconded by Mr. King and approved by unanimous vote.

Item 8. – PUBLIC HEARING: Appeal of Water Quality Investigation Order No. R9-2006-0044, City of San Marcos Bradley Park/Old Linda Vista Landfill, San Diego County. The Regional Board will hear public testimony and comments regarding the City of San Marcos' appeal of Order R9-2006-0044. The Regional Board will be asked to affirm the Order as amended by tentative Addendum No. 3. (Tentative Addendum 3 to Order No. R9-2006-0044) (*Amy Grove*)

Mr. King recused himself from participating in the item due to the City of San Marcos being a client of his. Mr. Richards said since there was no longer a quorum, no action could be taken.

Chairwoman Ritschel designated the four remaining members, Mr. Anderson, Ms. Pearson Schneider, Mr. Wright, and herself, to serve as a panel of the Board to hear public testimony. At a future meeting, with a quorum of the Board, the Order would be brought back for approval.

Mr. Robertus introduced the item and staff member Amy Grove gave the presentation.

Other speakers:

Richard Opper – represented the City of San Marcos
Doug Simpson – represented the County of San Diego
James O'Day – represented the County of San Diego

Mr. Opper made closing comments.

Ms. Grove and senior staff member, John Odermatt, also made closing comments.

A motion was made by Mr. Wright for the panel to recommend to a quorum of the Board at a future meeting, approval of tentative Addendum 3 to Order No. R9-2006-0044. The motion was seconded by Ms. Pearson Schneider and approved by unanimous vote.

Item 9 – Rescission of Waste Discharge Requirements – The Regional Board will consider rescinding Order No. R9-2004-0015, Lake Cuyamaca Recreation and Park District, Lake Cuyamaca Public Recreation Area Southeast of Julian, San Diego County, and allowing commencement of a proposed discharge of sewage waste to groundwater through a subsurface disposal system at the Lake Cuyamaca Public Recreation Area under a waiver of waste discharge requirements. (Tentative Order No. R9-2007-0067) (*Michelle Mata*)

Senior staff member Brian Kelley gave the presentation.

Other speakers:

Matt Tebbetts – Kennedy/Jenks Consultants
Ted Griswold – Procopio, Cory, Hargreaves & Savitch
Race Paddock – Cuyamaca Lake Board
Mark Umphries – Helix Water District
Tom Chapman – Cuyamaca Lake Board
Bob Stuart – Julian Chamber of Commerce
Ed Kimura – Sierra Club

Mr. Kelley responded to concerns raised by Mr. Kimura and made closing comments.

Mr. Robertus said the Waste Discharge Requirements could be rescinded or left in place. He said if rescinded, a waiver could be adopted.

Mr. Richards made comments and suggestions.

Mr. Wright made a motion to approve Order No. R9-2007-0067 and defer regulation of the Lake Cuyamaca public recreation area to the County of San Diego, Department of Environmental Health. Mr. King seconded the motion.

Mr. Anderson asked questions of Mr. Kelley and Mr. Richards.

Mr. Wright amended his motion to require the County of San Diego to conduct water quality monitoring to the satisfaction of the Board.

Mr. Richards said the Board should direct the discharger to do the monitoring, not the County. He said the Regional Board staff could make recommendations to the County on how to exercise their authority.

After discussion, Mr. Wright said his original motion stood with direction to the Executive Officer to require the discharger to conduct a water quality investigation and monitoring program.

Mr. Robertus said if the order was rescinded, he would proceed to regulate the discharge using the waiver policy and require a technical report under a 13267 Investigative Order. He would also investigate the potential consideration for mass loading rather than concentration based compliance.

After further discussion, Mr. Wright's original motion was approved by unanimous vote.

Item 10 – Status Report on Provision of Secondary Treatment for Effluent from the International Wastewater Treatment Plant. (*Art Coe*)

Mr. Robertus introduced the item and indicated that Mr. Art Coe would give the staff presentation.

Mr. Coe reported that the IBWC representatives declined to appear before the Board.

Other speakers:

Eddie Meyer – represented Assembly Member Lori Saldaña

Jim Simmons – Bajagua Project, LLC

Humberto Peraza – represented Congressman Bob Filner

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

Item 12 – *Closed Session* - Discussion of Ongoing Litigation

The Regional Board may meet in closed session to discuss ongoing litigation for the following cases:

Schutte & Koerting, Inc. and Ametek, Inc. v. California State Water Resources Control Board and Regional Water Quality Control Board, San Diego Region. San Diego Superior Court, Case No. GIC 822750. Verified Petition for Writ of Mandate for Breach of Contract.

Schutte & Koerting, Inc. and Ametek, Inc. v. California State Water Resources Control Board and Regional Water Quality Control Board, San Diego Region. San Diego Superior Court, Case No. GIC 824706. Verified Petition for Writ of Mandate for Breach of Contract.

People of the State of California Ex Rel. the Regional Water Quality Control Board, San Diego Region v. Robert Ortega, an individual in his capacity as Acting Commissioner of the International Boundary and Water Commission, United States Section, et al. United States District Court, Southern District of California, Case No. 01-CV-027BTM(JFS); violation of effluent limits in waste discharge requirements for the International Wastewater Treatment Plant contained in Order No. 96-50 (NPDES

No. CA0108928) and of Cease and Desist Order No. 96-52; Referral Order No. 99-61.

The Executive Session was held and the IBWC case was discussed.

The meeting reconvened at 1:05 p.m.

Item 11 – Strategic Plan Regional Outreach: To engage the public's perspectives on a Regional basis about input received during the statewide stakeholder Strategic Plan Summit held in Sacramento in March 2007. (*John Robertus*)

The outreach workshop was held from 1 – 4:00 p.m. Approximately 85 participants were in attendance.

Item 10 – Continued

Other speakers:

John Lormon – Procopio, Cory, Hargreaves & Savitch

Gary Sirota – Coast Law Group

Albert Rechany – Bajagua Project, LLC

Ben McCue – Wildcoast

Item 13 – *Closed Session* - Consideration of Initiation of Litigation (*John Robertus*)

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.

Item 14 – *Closed Session* - Discussion of Pending Litigation

The Regional Board may meet in closed session to discuss pending litigation:

Item 15 – *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 Executive Sessions, Items 13-15, were not held.

Item 16 – Arrangements for Next Meeting and Adjournment

Wednesday, June 13, 2007 - 9:00 a.m.

Water Quality Control Board

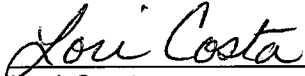
Regional Water Quality Control Board

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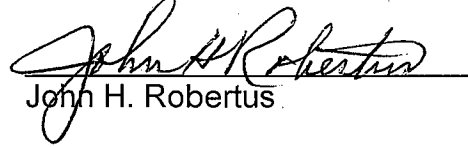
With there being no further business, the meeting was adjourned at 4:35 p.m.

These minutes were prepared by:



Lori Costa
Executive Assistant

Executive Officer:



John H. Robertus