

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

MINUTES OF MEETING
DECEMBER 11, 2013

At 9:06 a.m., Chairman Morales 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, Sharon Kalemkarian, Tomás Morales, Gary Strawn, and Stefanie Warren.

Staff Present: David Gibson, James Smith, Chris Blank, Jeremy Haas, Chiara Clemente, Rebecca Stewart, Carey Nagoda, Barry Pulver, Christina Arias, John Anderson, John Odermatt, Carol Tamaki, Beatrice Griffey, Laurie Walsh, Eric Becker, Wayne Chiu, Julie Chan, Christopher Means, Chad Loflen, Sean McLain, Alex Cali, Alan Monji, Brian Kelley, Brandi Outwin, Craig Carlisle, Jody Ebsen, Ben Neill, Joann Lim, Kelly Dorsey.

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

Public Attendance: Chris Haynes, U.S. Navy; Rob Hutsel, San Diego River Park Foundation; Jason Freshwater; Kathi Smith, Unitarian Universal Legislative Ministry; Greg Humora, City of La Mesa; David Witt, City of La Mesa; Glen Sabin, City of La Mesa; Joe Kuhn, City of La Mesa.

Item 2 – Public Forum

- Kathi Smith of the Unitarian Universal Legislative Ministry addressed the Governor's policy document regarding the human right to clean, accessible, affordable water.

Item 3 – Minutes of Board Meeting: November 13, 2013.

Dr. Abarbanel moved to adopt the minutes, and Ms. Warren seconded the motion. The minutes were approved by unanimous vote.

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 spoke briefly about the budget, including the priorities included in the California Water Action Plan, which is on the Governor's website. In addition, Ms. Spivy-Weber spoke about an upcoming feasibility study in relation to a recycled water bill signed by the Governor in September, in which San Diego County Water Authority and the San Diego Department of Sanitation have volunteered to participate. The study will also address issues related to storm water.
- Mr. Morales announced Carol Tamaki's retirement and thanked her for more than 30 years of service to the State.
- Mr. Gibson welcomed Brandi Outwin to the staff and welcomed Mayumi Okamoto from the Office of Enforcement. He then highlighted various items from the Executive Officer's report, including the California Aquatic Bioassessment Workgroup meeting, the North American Lake Management Society, and the publication of Chad Loflen's paper on the examination of spotted sand bass in San Diego Bay. He also provided an update on the Tijuana River Valley Recovery Team meeting that was held on December 6. Mr. Gibson stated that he had received information that the transition of the Drinking Water program into the Water Board is in progress and may include bringing staff into the SDRWQCB office.
- Mr. Strawn and Rob Hutsel, Executive Director of the San Diego River Park Foundation, provided some background information on the State of the River Report included in the Executive Officer's report.
- Craig Carlisle and Julie Chan of the SDRWQCB staff spoke about the fracking item in the Executive Officer's report and answered Board member questions.

Item 5 – Administrative Civil Liability: Proposed Settlement Agreement and Stipulation for Order, City of La Mesa (Order No. R9-2013-0137). Proposed settlement to resolve penalties for violation of the State Water Resources Control Board Order No. 206-0003-DWQ, Statewide General Waste Discharge Requirements for Sanitary Sewer Systems, and California Regional Water Quality Control Board, San Diego Region, Order No. R9-2007-0005, Waste Discharge Requirements for Sewage Collection Agencies in the San Diego Region, as set forth in Complaint No. R9-2012-0014. (*Beatrice Griffey*)

- Mr. Morales made opening remarks regarding procedure.
- Beatrice Griffey gave the Advisory Team's presentation.
- Rebecca Stewart made the prosecution team presentation and answered questions from Board members.
- Chiara Clemente provided a summary of the SEP and an overview of the project and answered Board member questions.

- Greg Humora, Director of Public Works for the City of La Mesa, gave the City of La Mesa's presentation.

Mr. Morales called a recess at 11:10 a.m. and reconvened the meeting at 11:26 a.m.

A motion to adopt the Order was made by Mr. Strawn and seconded by Mr. Anderson. All Board members present voted aye. Order No. R9-2013-0137 was approved.

Item 6 – CLOSED SESSION

The Board may meet in closed session to consider personnel matters [Authority: Government Code Section 11126(a)]; to deliberate on a decision to be reached based upon evidence introduced in a hearing [Authority: Government Code Section 11126(c)(3)]; or to discuss matters in litigation, including discussion of initiated litigation, significant exposure to litigation, or decisions to initiate litigation [Authority: Government Code Section 11126(3)]. Litigation items that may be discussed are listed below by the type of item:

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)*

Petitions for Review Pending Before State Water Resources Control Board¹

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

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 619-521-3012 for more information.

- j. Petition of Jack Eitzen (Administrative Assessment of Civil Liability Order Nos. R9-2011-0048 and R9-2011-0049 against Jack Eitzen for 38175 and 38155 Via Vista Grande, Murrieta, Riverside County), issued October 12, 2011), SWRCB/OCC File A-2193, filed November 2011. (*Rebecca Stewart*)
- k. Petitions for Review of San Diego Bay Shipyard Sediment Cleanup and Abatement Order No. R9-2012-0024 for National Steel and Shipbuilding Company (NASSCO), BAE Systems, San Diego Ship Repair (BAE Systems), 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, BAE Systems 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) – (e), filed April 2012. (*Frank Melbourne*)
- l. 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-XXXX, filed April 2012. (*Frank Melbourne*)
- m. 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*)
- n. Petition of City of San Diego for Review of Resolution No. R9-2012-0045, re NPDES Permit Notice of Enrollment Amendment for Kinder Morgan Energy Partners, June 13, 2012, SWRCB/OCC File A-XXXX, filed July 2012. (*Ben Neill*)
- o. 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, (16) City of Laguna Niguel, and (17) City of Lemon Grove, SWRCB/OCC File Nos. XXXX(a)-(l), filed June 2013. (*Wayne Chiu*)

- p. Petition of Foothill/Eastern Transportation Corridor Agency for Review of Action and Failure to Act, in Connection with Waste Discharge Requirements (Tentative Order No. R9-2013-0007) for the Tesoro Extension Project, Orange County, June 19, 2013, SWRCB/OCC File A-2259, filed July 2013.
(Darren Bradford)

The closed session was not held

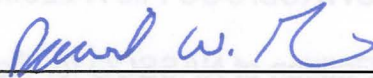
There being no further business, the meeting was adjourned at 11:34 a.m.

These minutes were prepared by:

Signed by:



Chris Blank
Executive Assistant



David Gibson
Executive Officer